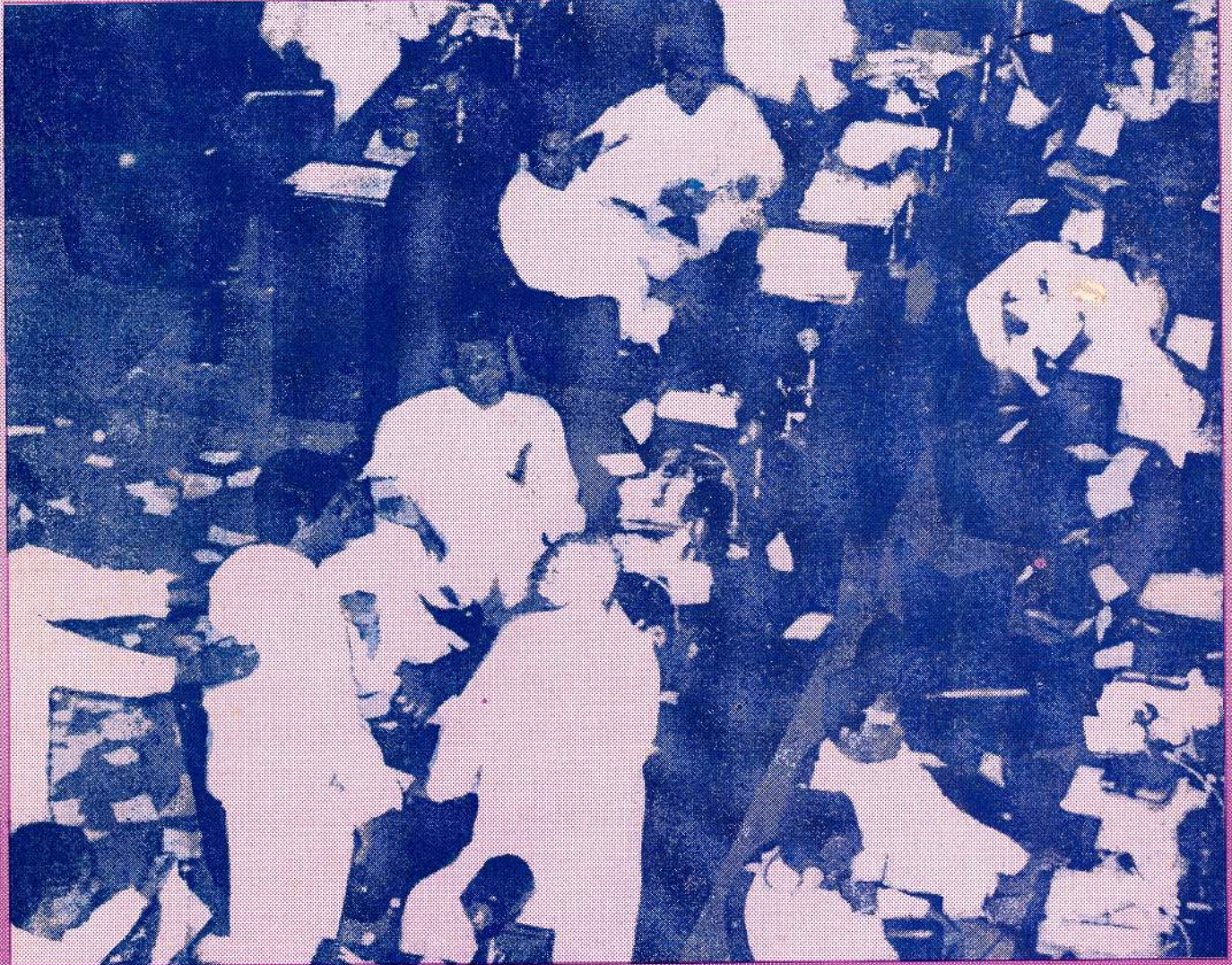


# CHRISTIAN WORKER

Quarterly in the interests of the working people

*N. C. M. Iqbal*



## SETBACK TO CONSTITUTIONAL REFORM

**UNP Torpedoes Constitutional Reform**

*- Batty Weerakoon*

**The Beginnings of The Ethnic Problem**

*- M.C.M Iqbal*

**Human Development Report 2000**

*- Dr. Lloyd Fernando*

**Neo-Liberalism and Opportunities for  
Structural Change**

*Dr. Susan George*

**Trade Unions & Globalisation**

*- T.M.R.Rasseedin*

**Caste: Refusal of Social Equality**

*- Asian Human Rights Commission*

**More on "Disappearances"**

# Alert!

## Third World in danger in the new millennium !

*Patented food and medicinal plants and animals are sent to Third World countries, their original habitats, to replace their parent species. In consequence, the parent species vanish from the earth as has happened to our indigenous rice, cereals, vegetables and some of our livestock.*

*Most of us are dazed by the spectacle of genetic engineering and biotechnological feats.....*

*Plants and animals, or genetic resources, are taken away free from Third World countries on the claim that they are the 'cultural heritage of mankind'. Along with them also go the traditional knowledge of farmers and healers of over thousands of years but they are all sent back to these very people with huge price tag. Bio diversity always remained the common property of communities, whereas it is now private property in the hands of corporations and sold to us as commodities.*

**Our movement works with the conviction that indigenous seeds constitutes the answer to the piracy of genetic resources and traditional knowledge and the brutal destruction of biodiversity. Use of them will lead to the creation of conditions for people to live contented lives in healthy environs.**

### **The Movement for the Protection of Indigenous Seeds**

50/10 Malkaduwawa Circular Road,

Kurunegala.

Tel : 037 - 23886

**SETBACK TO CONSTITUTIONAL REFORM** (See coloured pages)

2nd Qr. 2000 (October)

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Quarterly in the interests of the Working People

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**FROM OUR READERS**

**"Nothing is itself  
without every-  
thing else"!**

Dear Friends

We find your faithful friendship wonderful. Even after 41 letters, ever since our first in 1951, so many of you still follow us along with your caring thoughts and we are immensely grateful; we feel that No. 42 may be the last! Not the personal letter, but the last printed one

May we try to share what is happening to us now? We are convinced that we human beings, indeed all created beings are mainly

spirit housed for a time in physical bodies, and not mainly physical bodies infiltrated with a modicum of spirit After a life in three continents, with a marvellous variety of cultures and spiritual paths, the gift of wonder makes it so special to be alive. A period of 80 years is simply not long enough for wondering at the marvel that surrounds us - that is us: "Somewhere and every where life spoke the word - O for the time and silence to discover it!

Isn't it our western disease, shared with everyone now, to concentrate on our differences and separations, springing, we rather think from our monotheistic traditions? Our plague of dualities and disunities sprout into wars and our preparing always for the next one, into racism and cultural barriers which unconsciously, we push on one an-

other. Don't we in this way miss the main point, that nothing is itself without everything else?

Sometimes we can almost feel it coming, this radical change in human consciousness that moves beyond the ways our religions and nations and social groupings conceive themselves to be. As in Spring, there's a scent in the air. For us it begins and continues in Jesus, our Master; for other friends of ours, it springs from Lord Buddha, or the way inspired by Lord Krishna, or by Lao Tzu or Islam - a scent of common wisdom, that envelopes all genuine religious experience. The time of separation is past! That is a little bit of what's happening inside us, in these ageing and temporal bodies! How much we would like it to be true of us as it was of Martin of

Tours, when people said of him that he "neither feared to die, nor refused to live"!

We have spent some 16 months in this village of Burgh on Bain in Lincolnshire, enriched enormously by the friendship and kindness of Michael Taylor in whose house we have lived, and by other friends in the area. This is now drawing to an end. Mary's and Murray's "children" - now all three over 50! - sweetly wish us to be nearer to them and we certainly agree, the one village-cum post office closed on 1 January, and the stairs begin to be a challenge! So, marvellously enough, echoing Albert Einstein's conviction that all life is, a succession of miracles, we are now being welcomed to a bungalow in Oxford, in the grounds of All Saints Convent. Yet another of these wonders that leaves us spontaneously saying "Wow!" So by mid-May the three of us, with help of family and friends, will hope to be in Oxford. Do please at once note our new address!

Would you like to share an ecumenical prayer for the new Millennium which Murray was asked to write and which was released into the winds from the summit of Mt. Aucanquilcha, in Chile, on Earth Peace Day, 1 January, by a team of young people "Climbing for Tibet", a team including a Tibetan and a Chinese?

*"May the pull of Shangri-La grow ,stronger, within and without, and may every single day bring a new beginning for the children of the earth. "*

Pray it with us if you will, and if the Kingdom of God or Nirvana or the Tao 'fits' you better than Shangri-La, don't hesitate to change it. For Murray they all resonate with the longings of humanity and the gift of the Sacred.

Remember with us, would you, "Nothing is itself without everything else!"

With love gratitude,

**Mary and Murray Rogers, and Heather Sandeman**

*Jyotiniketan*

St. Andrew's Lodge

All Saints Convent

St. Mary's Road

Oxford OX4 1RV

Tel. No : 01865 243659

15<sup>th</sup> May 2000.

P.S.

Greetings, friends. I hope so much that you and the work are thriving, O, for more justice and peace in all our countries.

May Christ easter in us.

**Murray**

(Fr. Murray Rogers)

## Cry from the North

### I am a refugee like Mary

Mary, the Mother of Jesus,  
You fled to Egypt with your family<sup>1</sup>,  
to save yourself and your family,  
where you could be named 'refugee'.

Mary, the Mother of Jesus,  
like you, I too had to flee,  
When the monsters war and poverty,  
persecuted me and my family.  
I fled from Chavakachcheri<sup>2</sup> to Vanni in 1996.  
I fled from Vanni to Vavuniya in 1997.  
I fled from Vavuniya to my own place Chavakachcheri in 1999.  
I fled again from Chavakachcheri to Vanni in 2000.  
Here I am called 'Displaced person' by my own people.  
Here I am a refugee in my own country Sri Lanka.

1. Matthew 2:13

2. Chavakachcheri, Vanni and Vavuniya - important places in the northern province of Sri Lanka.

### Will you provide something ..... O God

God of protection,  
You led your people from Egypt to Canaan.  
You provided the pillar of cloud and pillar of fire<sup>1</sup>,  
to protect them from warmth of day and darkness of night.  
Will you provide some thing,  
to protect us from guns and shells?

God of compassion,  
You led your people from slavery to Freedom.  
You provided the water<sup>2</sup> and food<sup>3</sup>,  
to fulfill their basic needs.  
Will you provide some thing,  
to prevent us from the death of poverty?

God of guidance,  
You led your people from Darkness to Light.  
You provide the life guiding law<sup>4</sup>,  
to protest against evil.  
Will you provided something,  
to prepare us to protest against evil?

1. Exodus 13:22.

2. Exodus 15:25, 17:7

3. Exodus 16:12,31.

4. Torah - First five books of the Hebrew scripture.

**Contributed by Fr. S.D.P. Selvan,**

Church of the Holy Spirit, Vavuniya.

09.08.2000

## Three Poems from the East Coast

### 1. Last Evening and This Afternoon

Last evening  
 With empty pocket  
 And two  
 Locally made grenades in hand  
 You fought, valiantly, those  
 That treated me as second class citizen  
 Then I called you, affectionately,  
 "Younger brother"  
 And you, humbly, sat on my mat  
 Sharing my roasted meat

This afternoon  
 With your bullet-proof jacket  
 And pistol  
 With imported grenades tucked in waist  
 You order me to serve your interest  
 Treating me as slave in my own land  
 Calling yourself, arrogantly,  
 "Liberation movement"  
 Making me stand at your gate  
 Like a frightened rat

### 2, Keep Me Awake

Keep me awake, oh Mazdah  
 In this world of tranquilized sleep  
 And narcotic slumber  
 Which are viewed as natural and even noble  
 Considering those who lack such passivity  
 To be unready and unfit  
 For the reception of greater gift of perfection

Keep me awake, oh Mazdah  
 By stinging me continuously  
 With true and human message  
 Demanding entrance through narrow and thorny street  
 Providing always stimulating vision  
 Freeing me and my age  
 From every kind of superstition

Keep me awake, oh Mazdah  
 To battle evil, injustice and untruth  
 Carefully, with mind, to detect and dissect,  
 Particularly, when those powers of darkness  
 Are dressed in forms of light,  
 No matter, even if my heart is filled with hate  
 And my reports are nothing but gloom and lamentation

### 3. Crow and Water-Crow

Perched together on a dead branch, -  
 Submerged, partially, in the lagoon  
 Placed by the winding long high way,  
 Marched, frequently, by the triumphant army,  
 Journeyed, less, by the unarmed civilian -  
 Were the black crow, who finds her food in the air,  
 And the darker 'water-crow', alias cormorant,  
 Who picks her's from under the water  
 Testifying eloquently, but silently, and in unison, -  
 Despite their different outward  
 Physical shape, and the chemistry that is inward, -  
 To the transcendent unity  
 Confirmed, surely, by their shared 'blackness',  
 Putting men, women, and also children  
 To eternal shame, caused continuously  
 By their constant prejudices and frequent bickerings  
 Which have clouded the vision  
 And concealed the underlying common stream of 'redness'

Contributed by Dr. Henry Victor

Eastern University, Cherkaladi

### The Great Escape from Justice

Pinochet the butcher  
 President Allende's murderer  
 Has been released by Jack Straw  
 In terms of British Law

Chile's former Dictator  
 A Human rights Violator  
 A defender of global capitalism  
 Against the spread of communism

Thousands of Chile's citizens he did murder  
 To permit rapacious capitalists to plunder  
 In an ambience of political stability  
 To protect the western concept of democracy

The western democrats turned a blind eye  
 To the atrocities committed by this guy  
 As he allowed multinational corporations to exploit  
 Disregarding Chile's people's plight

This international brute  
 Was allowed to scoot  
 From British soil  
 Despite human rights activists toil

As mentally and physically he was supposed to be unfit,  
 To come within the scope of Spain's extradition writ  
 He was set free  
 To Margaret Thatcher's glee

Thus human rights violation  
 Seems to be a selective 1st world weapon  
 Used for hitting  
 Dictators who refuse to do things at their bidding -

L. Wimalasena

15 Joseph Lane, Colombo 4

## Sounding a Bell ?

The unfair discrimination shown to the pioneer teachers in the Institute of Aesthetic Studies by the University authorities since their absorption to the University service in 1974 still continues.

The most recent expert to be brought into this picture by the authorities is Ms. Sharon Bell from Australia who is a professor in Olonga University. During her visit to the Island in January this year that eminent lady herself expressed surprise that this unfair discrimination had continued all these years despite the several commission reports on this subject, the last of which was that of the eminent administrator Mr. Lionel Fernando whose committee included two Deans and two Senior University Registrars. This committee report clearly held that the unfair treatment meted out to these pioneer teachers should be remedied.

Now that this Institute of Aesthetic Studies has as its Acting Director Professor Carlo Fonseka who is known to be sympathetic to Art & Culture, it is hoped that this

issue will be finally resolved even at this late stage through his good offices.

It is strange that a blatant injustice which should strike anyone at first sight should have escaped the attention of so many learned folk in the UGC for so long.

We can only surmise that they have been badly misled and their eyes blinded by the jaundiced views and distorted facts presented to them by an Additional Secretary of that body who now even functions without any connection to Indigenous Medicine as the Director of the Institute of Indigenous Medicine in the University of Colombo!

Is it strange that such a functionary should be insensitive to aesthetic pursuits or to manifest injustice in this field? The tragedy is that he has successfully prejudiced academics who trusted his judgement on these matters all this time. It is now time that those in the UGC studied the Lionel Fernando Committee Report carefully with a mind free of such prejudice. They will then see the true position and be moved to remedy the injustice.

— A Victimised Pioneer Teacher

## Ragging

Ragging, the most devastating, the most Islandwide and the most ineradicable passion that has afflicted the minds of the senior students of the Universities, has made education a mockery in that they indulge in the most degrading acts causing the freshers and their parents to think twice before making their children enter the universities. The fear that their intelligent children who had striven hard to enter the universities will become useless because the ragging could cause great harm to their constitution, maiming them for life and even death, never before heard of in pre-independence times.

It is a pity that the University Authorities have become helpless because their authority is challenged. Such challenges could be nipped in the bud only if Authorities take drastic action to suppress such activities indulged by the seniors, deserving the respect of law abiding citizens.

"If we believe a thing to be bad and if we have a right to prevent it, it is our duty to try to prevent it and damn the consequences." -Lord Alfred Milner. Hence in this instance it is right for the Authorities and Parents to invade the University premises and take action with the help of the

Police, the Law Enforcing Authorities arrest those who break the laws of decency and take the law into their own hands. It is a well known fact that Universities are being maintained by public funds and the public have the right to take drastic action to stop this nonsense. Senior Students should know better how to behave and set an example to freshers entering the universities. What right have they to maim and even cause death to innocent freshers who enter with the hope of completing their education? Have the senior students lost their sense of decency, educated as they are? A sense of discipline and sense of respect towards authorities and for other students are the essential pre-requisite of a University Student.

Said George Bernard Shaw, "If I had the power I would raze the Universities of Oxford and Cambridge to the ground and sprinkle salt over their foundations". So I would, with apologies to George Bernard Shaw, say, "If I had the power I would raze the Universities of Sri Lanka, that indulge in indecent ragging, to the ground and sprinkle salt over their foundations." What is the use of Universities that bring disgrace to the country? As some bard said, "Education is not to go to learn what you do not know, but to learn how to behave". That is the essence of education.

R. Gurusingham

Colombo 4.

# UNP Torpedoes Constitutional Reform

by Batty Weerakoon

The attempt at constitutional reform by the People's Alliance has been effectively torpedoed by the United National Party. This was despite the very large contribution the UNP made, in substance and formulation, to the final draft of the reform bill. The volte face of the UNP confirmed the fears of the UNP's own Parliamentary members voiced as was done by its "Alternate Group". It was made known to the country in advance when Ronnie de Mel, a member of the UNP's chosen team to negotiate with the PA on constitutional reform, quit the UNP and joined the PA. Despite this setback it is encouraging to note that the Constitution that was placed before Parliament on the 3rd August 2000 for the purpose of repealing and replacing the existing Constitution has won for itself the credit of being the most successful attempt made so far to reach consensual agreement for the restoration of ethnic peace in Sri Lanka. It is the end result of a process which commenced in 1995 with President Kumaratunga presenting to the country what came to be known as the "Peace Package". It was discussed thereafter for well nigh 3 full years in a Parliamentary Select Committee for Constitutional Reform. The outcome of this exercise was the Draft Constitution of October 1997 which was a document presented by the PA in the light of the long drawn out and deliberately obstructed proceedings in the Select Committee.

In early 2000 discussions commenced with the Tamil and Muslim political parties for reaching consensus on this Draft Constitution. As the next step this Draft with the changes made by the minority parties was discussed with the UNP. These rounds of discussions had to the Tamil people the significance of being the first successful attempt at consensual agreement for making real the

peaceful alternative they had been reaching for in the face of the LTTE's unending armed struggle. The Tamil democratic stream fully came into the process. What startled the Tamil constituency is that its pledged friend in whom they placed trust on several occasions - the UNP - should precipitately betray their trust. It was indeed for them a stab in the back.

## UNP ploy & consensual politics

Ranil Wickremesinghe's long time ploy for keeping in abeyance the 1997 October draft was his declaration that for him to go with it there should be the possibility of it being able to draw in the LTTE too. To the Tamil constituency this was a plausible and even commendable position. The Tamils had no doubt of President Kumaratunga's willingness to walk the extra mile to reach agreement with the LTTE. And here was the readiness of the UNP to make the accommodation of the LTTE a precondition for any attempt at reaching consensus. What better situation than

this for lasting peace! Here were the two Sinhala parties - the SLFP within the PA and the UNP - that always vied with each other for the laurel of Sinhala communalism ready at last to shed it. Perhaps Ranil Wickremesinghe expected the SLFP within the PA to back track. If such did happen that should have been his victory. Hence the meaning of his first move when he was finally forced to come to talks with the PA in February 2000.

In the PA-UNP talks minutes were maintained each day and confirmed on the next day of discussions. Ranil Wickremesinghe's position in regard to the LTTE is recorded thus in the confirmed minutes of 16th of March 2000. It states, "Hon. Ranil Wickremesinghe stated that it was

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**These rounds of discussions had to the Tamil people the significance of being the first successful attempt at consensual agreement for making real the peaceful alternative they had been reaching for in the face of the LTTE's unending armed struggle. The Tamil democratic stream fully came into the process. What startled the Tamil constituency is that its pledged friend in whom they placed trust on several occasions - the UNP - should precipitately betray their trust. It was indeed for them a stab in the back.**

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important that the LTTE also participate in the talks." But on the very day that this was stated the UNP went on to alter the draft in such manner as to deprive it of the slightest semblance of what the LTTE might have shown a willingness to consider if pressed to the wall militarily.

The UNP had publicly expressed its objection to the 1997 Draft dropping article 2 of the existing Constitution, "The Republic of Sri Lanka is a Unitary State." Even its proposals sent to the PA preceding the discussions contained this objection. Ordinarily it should have been cause for surprise that a party that was seriously considering talks with the LTTE on drafting a Constitution should allow a wholly legal concept that has no relevance today to be the stumbling block to even paving the way no such talks. The UNP saw its anomalous situation and its decision at the talks is given in the minutes of the 16th of March 2000. It states. 'The UNP delegation stated that they were not insisting on the retention of the word 'unitary' in the Constitution as stated in its proposals. We have to accept a common position acceptable to all sections of the people. The phrase 'Union of Regions' may be difficult to sell [sic] the people.'

Thus the UNP concentrated on what it had attacked as the 'federal' content of the PA draft. In making its 1997 draft of the Constitution the PA had viewed the semi legal concept "unitary" only in its relevance to the country's legislative process. The presence of this concept would hinder the interpretation of the Constitution as one that did permit the making of law both at the centre and the periphery in mutually exclusive spheres. To the PA draftsmen it apparently had no significant relation to territorial unity or integrity.

At the time these basic formulations were first made this writer too had made known in print his observation that the "Union of Regions" was wholly a legal fiction that may not be satisfactorily worked out without creating other complications too. This same misgiving was expressed by K.N.Choksy P.C., of the UNP team when he made the initial observation that "the phrase 'Union of Regions' may give the impression that the regions have come together to form a single State as in the United States of America.

**What then was the meaning of the UNP's constant references to "talks with the LTTE"? It was clearly a ploy for protracting these talks with the PA to such extent as to make it impossible for the PA to keep its pledge to have its political solution made law by the present Parliament. As it became clear that the PA was willing to accommodate the UNP even at the cost of the consensus reached with the Tamil parties the UNP team started adopting a strategy of deliberate delay.**

This issue was fully discussed as between the PA and the UNP and the trend of the discussion can be seen from the minutes of that day which, given verbatim, is as follows:

- Hon. Prof. G.L.Peiris explained that the Tamil parties had in fact asked for a federal constitution and that the union of regions was a compromise agreed to after lengthy discussions in the Select Committee.
- Hon. Karu Jayasuriya and Hon. K.N. Choksy stated that 'province' would be a better word than the region.
- Having considered the views expressed by Hon. Prof. G.L.Peiris and the UNP delegation Her Excellency suggested the words

'comprising of union of provinces as a composite [sic] formulation in order to avoid misinterpretation. The UNP requested more time to consider this (Article 1) and come back to the Committee. If necessary it could then be discussed with the Tamil parties.

As to how the UNP could modify these positions in talks with the LTTE or the Tamil parties was not indicated. Indeed what transpired thereafter in regard to State land, Inter-regional irrigation and land settlement brought out UNP positions that could not be reconciled with what the Tamil parties have come to accept as the just aspirations of the Tamil people. The gulf was so wide that the UNP carefully dodged all suggestions by the PA that these issues be jointly discussed with the Tamil parties.

What then was the meaning of the UNP's constant references to "talks with the LTTE"? It was clearly a ploy for protracting these talks with the PA to such extent as to make it impossible for the PA to keep its pledge to have its political solution made law by the present Parliament. As it became clear that the PA was willing to accommodate the UNP even at the cost of the consensus reached with the Tamil parties the UNP team started adopting a strategy of deliberate delay. This strategy became so transparent that as recorded in the minutes of 9th June this writer intervened to object. The record says that "Hon. Batty Weerakoon objected to matters other than those directly related to Constitutional Reform being taken for discussion. He further stated that the two delegations should have



serious commitment to finalise the draft constitution without delay."

The same minutes records the President's own observation on the matter. It says, Her Excellency stated that several deadlines set by the two delegations have passed. It is quite important to see that there would be no further delay. The Government was very keen on expediting the process. Frequent meetings need to be held. The President also stated that she was prepared to meet the delegations even on a daily basis."

By 30th June, as shown in the relevant minute, there remained only the following as matters on which the on going discussions by the parties had to be concluded: Composition of the Constitutional Council, Public Service Commission and Judicial Service Commission, and Chapters 21, 22 and 23 of the 1997 Draft, these being Finance, Law and Order, and Public Security. It is minuted that these were being attended to by a Sub-Committee of the delegations. The minute also states that the parties will meet on the 7th of July 2000 to discuss the following matters: Transitional provisions relating to the Presidency, outstanding items in the Reserved and Regional Lists, and the (manner of ) dissolution of a Regional Council.

**Transitional provisions**

Of all these matters what had as yet to be discussed as at the end of July 2000 were the transitional provisions relating to the Presidency. These provisions were in draft form before the delegations. But although the item came up on four separate occasions the UNP avoided discussing it. The reason for this was clear. The UNP could not deny the need for transitional provisions. The 1978 Constitution had these provided for extensively. And this was after the main transition had been made by establishing the Executive Presidency by the 2nd Amendment to the 1972 Constitution. The UNP knew that the 6 year period of transition mentioned in the Draft could certainly be brought forward and thereby be shortened. This was clearly indicated to the UNP delegation.

It can well be said that the talks between the PA and the UNP ended with complete agreement on the matters discussed. Both parties understood the Government's need to bring to Parliament the Bill for the Replacement of the Constitution in the first week of August in order to ensure its disposal before the

dissolution of Parliament. It was also understood that the Bill was open to amendment even at the stage of debate in Parliament. It is in this situation that the UNP when it finally showed its hand said that it is unable to support the Bill unless it receives the approval of the Maha Sangha. That is a story that had not been related before and it puts in grave doubt the UNP's initial position that any consensus reached by the PA and the UNP should be discussed with the LTTE. How could one even dream of reconciling an LTTE agenda, however minimal, with the well known positions of the Maha Sangha! The UNP could seek no such reconciliation but its demand that the Bill be placed for approval by the Maha Sanga achieved the LTTE's objective. It was principally the LTTE that wanted the Bill sabotaged and the Maha Sangha was skilfully used by the UNP as the blind for this purpose.

The UNP has been heard to say that the Bill before Parliament had amended certain provisions agreed to in its talks with the PA. This relates to the extension of the maximum period allowed for the holding of the needed referendum in the Eastern Province to 10 years, and the composition of the Constitutional Council. It is not correct to say that the Bill has made any change in respect of the Constitutional Council. Cabinet decided to add as members of the Council the President and Leader of the House too. But the Bill has not been amended to this effect. In any event such amendment even if made will not affect the concept of power sharing at the centre which is what is provided for by establishing the Council.

As regards the extension of the maximum time limit for the holding of the Referendum in the Eastern Province there is no change in principle or in devolution strategy or logistics. The amendment was made at the request of the Tamil parties which the PA met after the conclusion of the PA-UNP discussions. These parties urged that it may be necessary to go beyond the life time of the Interim Council appointed by the President before conditions are created

that are conducive to the holding of a free and fair referendum. This is a justifiable position. In fact it was this writer that urged in the PA-UNP talks and in the talks with the Tamil Parties that before a merger of the Eastern Province or any part of it is effected the people concerned should have a free and fair opportunity to decide on the matter. It should not be forgotten that despite the fact that there was a relatively stable administration for over an year of the Provincial Council established for the merged North-

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**The UNP knew that the 6 year period of transition mentioned in the Draft could certainly be brought forward and thereby be shortened. This was clearly indicated to the UNP delegation.**

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East Province under the 13th Amendment to the Constitution the Referendum that was due to be held in a year's time was never held. The Tamil parties furnished evidence to show that the brief time limit was mentioned in that instance because that Referendum was never meant to be held. In the present instance the two provinces will maintain their present separate identities up to the time the Referendum is held. Two separate Regional Councils will be established for the two provinces if the Referendum is not held in the given time period.

- 1(1) The Republic of Sri Lanka is one free sovereign and independent State consisting of the institutions of the Centre and the Regions which shall exercise power as laid down in the Constitution.
- (2) The State shall safeguard the independence, sovereignty, unity and the territorial integrity of the Republic and shall preserve and advance a Sri Lankan identity, recognizing the multi-ethnic, multi-lingual and multi-religious character of Sri Lankan society.

**These are formulations made in keeping with the consensus reached with the UNP on the subject, and in consultation with the Tamil parties.**

The charge that the provisions made in the Bill for the transition from Executive Presidency to an executive that is responsible to Parliament are designed to enable President Kumaratunga to exercise the unlimited powers of both President and Prime Minister is baseless. It is an undeniable fact that with the promulgation of the new Constitution the Executive Presidency as an institution is abolished. President Kumaratunga who was elected as Executive President for a period of six years commencing from November 2000 is transformed into a wholly ceremonial President. Executive power is transferred to a Cabinet of Ministers headed by the Prime Minister. Unlike the Executive President who is responsible to no body the Cabinet of Ministers and the Prime Minister are, under the restored Parliamentary system, directly responsible to Parliament. The transitional provisions enable President Kumaratunga (and none thereafter) as ceremonial President to also exercise the limited powers of the Prime Minister during the period of the transition. The period of transition as agreed with the Tamil (and Muslim) parties goes on for a period of six years in order to enable President Kumaratunga with her commitment to devolution to ensure that the devolution provided for in the new Constitution is implemented with the necessary political will. These parties did not want a repeat performance of a Premadasa demolishing what a Jayawardene had projected. Had the UNP discussed these transitional provisions too there was always the possibility of reaching consensus on ways and

means of shortening the period of transition. Nor did the UNP show any readiness to meet with the Tamil parties together with the PA. All this appears to have been part of the UNP's strategy to sabotage the peace process initiated by President Kumaratunga.

**Federal features**

It may be added that the UNP's agitation about federal features of the Constitution is also baseless. The formulations in the Bill before Parliament on the relevant issues are as follows:

- 1(1) The Republic of Sri Lanka is one free sovereign and independent State consisting of the institutions of the Centre and the Regions which shall exercise power as laid down in the Constitution.
- (2) The State shall safeguard the independence, sovereignty, unity and the territorial integrity of the Republic and shall preserve and advance a Sri Lankan identity, recognizing the multi-ethnic, multi-lingual and multi-religious character of Sri Lankan society.

These are formulations made in keeping with the consensus reached with the UNP on the subject, and in consultation with the Tamil parties. The UNP must recognize and respect the fact that the concepts of unitary and federal are no longer relevant to constitution drafting today. "Unitary" is the description Dicey offered on the nature of the constitution of Great Britain. But this has not prevented the full scale devolution of powers that has gone together with the constitutional arrangements made for Scotland and Wales. It was perhaps in anticipation of this that in the early 1920s Lloyd George made reference to the "large dose" of federalism that Britain needed. Certainly Lloyd George could not have been thinking of robbing his country of its unique unitariness.

**About the writer:** *Batty Weerakoon is General Secretary of the Lanka Samsamaja Party and Minister of Science and Technology in the People's Front Government*

# The beginnings of the ethnic problem in Sri Lanka - violation of language rights

by M.C.M Iqbal

At a time, when the government and other political parties are involved in making attempts to solve the ethnic problem in this country, it would be appropriate to take a look at the beginnings of this problem in this Country.

## Roots of the Problem

Until 1956 English was the official language of Sri Lanka. The medium of instruction in all secondary and tertiary level educational institutions was English while all official correspondence had been in English until then. With the enactment of the Official Language Act No: 33 of 1956 a sudden change was brought about in the country. Sinhala was made the official language and all official correspondence had to be in Sinhala. All those employed in the State services had to learn Sinhala. The language by itself was not the only matter at issue. It is an important aspect of one's ethnic identity. Relegating Tamil to a lower status offended the Tamils and inflamed their feelings.

This led to the seeds of discord being sown in the country. The events that led to the infamous race riots of 1958, 1977 and 1983 were all the consequences of this discord. These riots proved that all efforts made to bridge the breach of the harmony that existed between the Tamil speaking and Sinhala speaking people had been fruitless. The upshot of all this was the steady growth of militancy among the Tamil youth which received an impetus with the happenings of July, 1983. Following these happening there was a mass exodus of Tamils from the South to the North of Sri Lanka and to other parts of the world both as refugees and as persons seeking better pastures. The nett result of all these was the loss of the lives of a large

number of citizens on both sides of divide the which changed Sri Lanka from a peaceful country to a land ridden with militancy. All this was partly due to infringement of the basic right of the Tamil speaking people to use their mother tongue in their day to day affairs with the State.

This was followed by employment under the State being denied to those who did not know Sinhala or agree to learn Sinhala after joining the Government Service. Changes in the rules of admission to the universities and the colonisation policies of successive governments were among the other reasons, that added fuel to the ethnic problem.

The Muslims of the East and North who do not speak Sinhala also faced the same plight. Following the enactment of the Tamil Language (Special) Provisions Act of 1958 the use of Tamil in the North and the East for administrative purposes and in the courts was made possible. But the Sinhala people living in those parts had difficulties in using their mother tongue when dealing with the courts and the local bodies in those areas.

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The large percentage of Tamils lived outside the North and East. They continued to have problems caused by alleged discrimination in various spheres such as education and employment. Many steps were taken towards promoting the policy of providing equal opportunities and bilingualism in public administration, legislation, language of the Courts and even in promoting one community to study the language of the other in Schools. In 1965

Tamil was made a regional language, in 1978 a national language. Since 1987 the Constitution grants Sinhala and Tamil an equal status as the official languages of Sri Lanka. That made it possible for some to say that the language problem of the Tamils had been solved once and for all.

However, these steps failed to heal the cleavages that had occurred. The Government could not succeed in bringing about the required change in attitudes among State officials and others concerned. There was a problem of the dearth of persons competent in Tamil to work in Government Departments. No meaningful steps had been taken to recruit an adequate number of Tamil speaking officers. Equipment such as Tamil typewriters and even translators were not readily available. Once again the Government had to take recourse to the law in an effort to remove the remaining obstacles.

### Official Languages Commission

In 1991 the Official Languages Commission (OLC) was established to monitor and supervise compliance with the provisions in the Constitution which had been enacted and to ensure that the language rights of the Tamil speaking people are not violated. The right of any person to communicate with the Government in the official language of his or her choice is enshrined in the Constitution. Yet many State institutions such as local authorities and even some departments continued to ignore these provisions with impunity. OLC's principal function is to inquire into and report on any violation of these provisions which are brought to its notice and to make an effort to get the department or official concerned to fall in line with the provisions of the Constitution. Further the OLC can institute legal action against those State officers who wilfully neglected and failed to comply with the language rights of any citizen.

However, it appears that the OLC has received only a few complaints and even in respect of such complaints they have not taken appropriate action as the OLC is unable to ensure compliance due to obstacles in the law. Section 28(1) of the Official Languages Commission Act No 18 of 1991 enables the Commission take legal action against State officers who "wilfully fail or neglects to transact busi-

ness, receive or make such communication" in Tamil and shall be guilty an offence for which a fine or term of imprisonment could be imposed by a Magistrate, if such officer was found guilty of the charge. Section 28(2) however states that no such prosecution shall be initiated except with the prior sanction of the Attorney General. The Attorney General had been understandably averse to prosecuting an officer of State whose "wilful neglect" could be difficult to prove. He could always say that he does not have the resources to use Tamil in his official work. Consequently, Tamils continue to receive replies to official correspondence in a language they do not understand. Often name boards in Government or Semi-Government institutions and departmental circulars or event street names are not in the Tamil language also. This is in total disregard of the specific provisions of the Constitution which requires the use of both official languages. The fact that only a few complaints had been received by the OLC is no indicator of the magnitude of the indignation of the non Sinhala speaking persons on this issue. Perhaps most persons who are affected or inconvenienced believe there is no use complaining to the OLC which, in their eyes, is another agent of the State rendered impotent by legal provisions knowingly or unknowingly enacted by the State. It could also be because they may be unaware that there are institutions to which they could complain. This is more so because enough had been said about this in Parliament and elsewhere. Even the Police who are enforcers of the law are seen putting up traffic signs blatantly violating the language rights of the Tamils. Often notices to viewers on TV are not in Tamil. None of these institutions can claim to

be ignorant of the fact that Tamil is also an official language and that those who do not know Sinhala would not be able to understand these signs and notices. At times such notices are only in English. And even some Government institutions have name boards in English only. These are violations of the Language rights not only of the Tamils but also of the Sinhala citizens. Hardly do they realize that a little effort on their part in these matters could go a long way to earn goodwill and spare a lot of heart burn to those affected.

### Lapses with Serious Consequences

The institutions created for this purpose such as the Official Language Department, the Official

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Languages Commission, the Ministry of Ethnic Affairs etc. should be empowered to play a dynamic role in this regard. It appears that the Official Languages Commission had drawn the attention of the State to Article 22 of the Constitution which requires the President to gazette the areas outside the North and East where there are a considerable number of Tamils living, to enable the Government institutions in such areas to equip themselves to deal with the Tamils in those areas in their mother tongue. 52 such divisions had been identified but only 12 such divisions in the Nuwara Eliya and Badulla districts had been so declared, due to the pressure of the CWC, just prior to the last Predeshiya Sabha elections. This helped the CWC candidates to get some additional votes but no Tamil Officers had been appointed to these Divisional Officers yet. Consequently even in those areas one cannot have a death or a birth registered in Tamil. Such dubious actions are the cause of continued discontent and disillusionment among the Tamils.

In the absence of meaningful steps to heal the festering wounds caused by the denial of language rights, one could not expect cordiality amongst the people of Sri Lanka. Violation of constitutional rights of citizens should be made a penal offence and those responsible should be dealt with swiftly and effectively. The failure to enforce available provisions of the law could lead to undesirable consequences.

While the Government is making every effort to solve the problem of militancy to prevent a division of the Country, it is the duty of all concerned to ensure that the people in a United Sri Lanka do not have cause even to think of separation. Ensuring that the language rights enshrined in the Constitution which we all accept, are implemented diligently and honestly could certainly deprive those seeking to justify the call for a separation of one of the means they use to espouse their cause. It is hoped the proposed peace package or rather devolution package has taken this matter into serious consideration.

While the efforts to stop the war continue, there is an urgent need to commit ourselves to devise ways and means to overcome the obstacles that stand in the way of the resolution of the ethnic conflict raging in our country.

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Ultimately when the protagonists sit down to sign a truce let there be no room for any one to stress the need to ensure the language rights of citizens. It should then be possible to say that, in fact, such a problem no longer exists. The performance of the Government in this regard should be judged not just by its success in enacting legal provisions, but by the efforts that were made, the commitment with which it was done, and the good will it earned with its ability to compromise. These would contribute towards bringing a lasting solution to the ethnic problem, in this land and banish the need for anyone to even toy with the idea of separation.

In the circumstances Non Governmental Organisations which are committed to improving the awareness of the public of their civic rights and means of access to justice, are trying to do what they could to make the State and its officials to see reason. The support of such Organisations could be sought by those whose rights are so infringed. They could assist the Government in bringing to its notice violations of its officials to enable it to take remedial action with a view to promoting goodwill and a sense of recognition among the people of the country.

Organisations such as the Law & Trust Society, The Law Society of Sri Lanka, The Forum for Human Dignity, Mirje, Movement for the Defence of Democratic Rights, etc., should study the issues and bring to light the problems and constraints existing in Government organisations with the intent of helping them to solve these problems. Some of these organisations even provide legal assistance to vindicate the rights of those affected. It is also hoped they would bring about awareness amongst the citizens of the remedies available and the institutions to which they could complain to, in the event of any infringement.

**About the writer**

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# Disappearances: UN Working Group Tells Sri Lankan Government "Speed up Justice"

- Asian Human Rights Commission

The Working Group on Enforced or Involuntary Disappearances submitted its report on Sri Lanka to the UN Commission on Human Rights 56th Session on April 5, 2000. The report on Sri Lanka by a member of the Working Group is an addendum to the Working Group's main report on disappearances. The UN press release on April 5 proceedings observed: "The report concludes, among other things, that Sri Lanka remains the country with the second largest number of non-clarified cases of disappearances. Many of the missing persons allegedly traced by the authorities seem not to correspond to the disappeared persons submitted by the Working Group. Although a considerable number of criminal investigations had been initiated in relation to disappearances which occurred some 10 years ago, only very few of the suspected perpetrators have actually been convicted."

Among its recommendations, the Working Group proposed that the Government set up an independent authority to investigate and act on disappearances and amend laws to make enforced disappearance a criminal act against which citizens are protected under the Constitution. These recommendations serve as severe condemnation of the government for its neglect of international obligations to investigate and bring to justice the perpetrators of the massive number of extra-judicial killings (or "disappearances") since 1988 to present.

The second recommendation, calling on the government to "speed up its efforts to bring the perpetrators of enforced disappearances, whether committed under the former or the present government, to justice" is the most damning. Though the government came into power in 1993 with a victory very much influenced by its promise to bring to justice perpetrators of these grave crimes, it has not shown very much of an enthusiasm to carry out its promises. The Working Group call to **SPEED UP** is addressed to a government that has dragged its feet on this issue for over seven years. Will it listen? Though the recommendations were made in **OCTOBER 1999**, nothing has yet been done by way of response, whether for this recommendation or others such as those calling for amendments to the Constitution and to the penal code of the country.

The Asian Human Rights Commission has repeatedly pointed out that the business of dealing with disappearances has come to a dead end. The truth is quite well known to Sri Lankans—nothing more of significance will happen on this issue. The ball is now back with the international community. Will it take appropriate measures to back the recommendations of the UN Working Group? An even more important issue is whether the UN and the internal committee respond to the call for the setting up of an international tribunal to prosecute offenders on the basis of a crime against humanity. The legal basis for this position has been established by the Asian Human Rights Commission given the facts established by the 4 Sri Lankan Commissions to investigate Involuntary Removal or Disappearance of Persons. A heavy responsibility is now cast on the government as well as UN agencies. The societal collapse that followed the political programme instigating these disappearances cannot be reversed without dealing with this issue. The country's law and order situation is at an all time low. What will happen next is difficult to predict. Dealing with disappearances is not just a matter of dealing with past injustices and cruelties but also of dealing with present day disorder and anarchy.

The following are extracts from the "Report on the visit to Sri Lanka by a member of the Working Group on Enforced or Involuntary Disappearances (25-29 October 1999" (E/CN.4/2000/64/Add.1) issued on 21 September 1999 and presented to this year's UN Commission on Human Rights Session in April.

"In spite of these efforts to investigate cases of enforced disappearances and to bring the perpetrators to justice, family members of disappeared persons and representatives of non-governmental organisations complained that many of the persons who were identified as suspected perpetrators by the three Presidential Commissions of Inquiry continued to serve in their posts or have even been promoted. A person quite often named in this respect is the former Deputy Inspector General of Police, Premadasa Udugampola.

## Conclusions and Recommendations

"[The] Working Group wishes to stress that Sri Lanka remains the country with the second largest number of non-clarified cases of disappearances on its list. Many of the missing persons allegedly traced by the Human Rights Commission or other authorities seem not to correspond to the disappeared persons submitted by the Working Group. Although a considerable number of criminal investigations have been initiated in relation to disappearances which occurred some ten years ago, only very few of the suspected perpetrators have actually been convicted, and some of them have even been promoted. Many families, therefore, rightly feel that justice has not yet been done to them.

"Non-governmental organisations also rightly claim that the present Government has not done enough to investigate disappearances which occurred after it took office and to prevent disappearances in the future. Whereas disappearances under the former Government were investigated by four independent Presidential Commissions of Inquiry whose findings were in principle made available to the public, the more recent cases were only investigated by a non-independent and confidential Board within the Ministry of Defence. The Human Rights Commission, which in principle could play an important role in investigating and preventing disappearances, seems to lack the necessary authority, political and financial support to carry out this task in an efficient manner.

"As far as prevention is concerned, many of the earlier recommendations of the Working Group have not been implemented. First of all, the Prevention of Terrorism Act and the Emergency Regulations, which are rightly considered as the main reason for the continuation, albeit on a much less severe level, of enforced disappearances, have not been abolished or brought into line with internationally accepted standards of human rights. Secondly, no central register of detainees was set up. Thirdly, the safeguards for the prevention of arbitrary arrests, and in particular the legal obligation to immediately inform the Human Rights Commission of arrests and detentions, seem not to be widely known by the law enforcement bodies and are often disregarded in practice.

"In conclusion, the Working Group addresses the following recommendations to the Government of Sri Lanka:

- (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 com-

mitted 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;

- (c) The act of enforced disappearance should be made an independent offence under the criminal law of Sri Lanka punishable by appropriate penalties as stipulated in article 4 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance;
- (d) The Prevention of Terrorism Act and the Emergency Regulations currently in force should be abolished or otherwise brought into line with internationally accepted standards of personal liberty, due process of law and humane treatment of prisoners;
- (e) Any person deprived of liberty should be held only in an officially recognised place of detention as stipulated in article 10 (1) of the Declaration. All unofficial places of detention, in particular those established by paramilitary organisations fighting alongside the Security Forces, such as PLOTE and TELO, should immediately be dissolved;
- (f) The Government should set up a central register of detainees as provided for in article 10 (3) of the Declaration. Since the Human Rights Commission needs to be informed immediately of every arrest and detention under the Prevention of Terrorism Act and the Emergency Regulations, such a central computerised register of detainees might be established at its headquarters. Such a solution would, however, require a substantial increase in the powers and resources of the Commission;
- (g) All families of disappeared persons should receive the same amount of compensation. The differentiation between public civil servants and others seems discriminatory and should, therefore, be abolished. Compensation should not be made dependent on the confirmation as "proven" by a Commission of Inquiry. In addition to these compensations, the families of disappeared persons should be supported, according to their needs, by other means, such as low interest loan schemes or scholarships for the children;
- (h) The procedure for issuing death certificates in cases of disappearances should be applied in an equal and non-discriminatory manner to all families;
- (i) The prohibition of enforced disappearance should be included as a fundamental right in the Constitution of Sri Lanka to which the remedy of a direct human rights complaint to the Supreme Court under article 13 of the Constitution is applied irrespective of the fact whether the disappeared person is presumed to be alive or dead;
- (j) The Government should instruct the special unit in REPPA to respond to the cases submitted by the Working Group on a case-by-case basis, in order to enable the Working Group to solve the cases which were reportedly clarified."

# Futher Action on Disappearances?

by A Special Correspondent

## Arrest of Major General

It was reported in the newspapers recently that Major General Ananda Weerasekera and three staff sergeants had been produced before the Anuradhapura Magistrate and remanded before being granted bail by the Anuradhapura High Court on August 2, for their involvement in the disappearances of persons in the North Central Province during 1988/89. It was also reported that this was done on the revelations made before the Presidential Commission that inquired into disappearances in the Central Zone of Sri Lanka. (Vide *Daily News* of July 18th, 2000.)

Looking at this news item one gets the impression that the Government has begun taking stern action even against Senior Military and police officers for causing disappearances and violating human rights. The Presidential Commissions concerned handed over their Report in 1997 with the names of over 1000 members of the Police and Armed Forces against whom there is credible material indicating their responsibility for the disappearances of certain persons. The Disappearances Investigating Unit (DIU) of the CID had been given the task of recording the statements, of the relevant witnesses to enable the Missing Persons Unit (MPU) of the Attorney General's Department to study the evidence and frame appropriate charges against these persons who were responsible for causing the disappearances. These Units were established on the recommendations of the Disappearances Commissions. However the DIU is understaffed and ill-equipped. Since this Unit is investigating into misconduct of police officers, the Police Department is itself not very happy with this Unit. Experienced officers who were originally in this Unit have left in disgust. Its work slowed down due to the indirect pressure brought on it by the denial of staff and equipment.

Though the MPU has instituted several cases both before the Magistrates Courts and the High Courts, these cases are not pursued in all earnest. Ironically, the police or army officers charged continue to be in service while their cases are proceeding. This is in contravention of the provisions of the Establishments Code which specifically require that any State Officer charged for a criminal offence in a Court of Law should be interdicted. In spite of the AG's Department repeatedly pointing this out the accused police or Army officers attend Court is uniform.

There had been several instances of the witnesses in such cases being threatened by these accused officers. At least in one case, Amnesty International had intervened and an inquiry into the threatening of some witnesses in a case before the High Court of Colombo had been initiated. Consequently further proceedings in that case had been stayed until the inquiry was over.

In the light of these facts one could see that the arrest of Major General Weerasekera has more than meets the eye. This news report on Weerasekera's arrest does not mention that he is a retired Military Officer who is now actively involved with the Right-wing Sinhala Veera Vidhana which is planning to sabotage the Government's Constitutional Reform designed to settle the ethnic issue. Ironically after the torture, disappearances and attempted murder of Sinhala youth during the 1989 JVP insurrection that he is now charged with, this officer was entrusted with their 'rehabilitation' by then government. After his being charged in Court and remanded, Major General Weerasekera has been described by Sihala Urumaya as a Sinhala patriot victimised for political reasons. Perhaps the Report of the Presidential Commission did provide the Government an opportunity to file action against him in Court, taking into account also his present political activities against the government. Otherwise, how could one explain why no action has still not been taken against several other top police officers who served in the North Central Province then, and against whom there is plenty of evidence for causing disappearances? Such police officers are now in very high positions and show themselves as being very much with the government, perhaps to escape being hauled up before a Court as happened to Major General Weerasekera!

Inaction or a lackadaisical attitude towards human rights violations has resulted in Sri Lanka being ranked No. 2 in the list of countries with non-clarified cases of disappearances. The present government appears only to provide lip service to the cause of Human Rights. Taking meaningful and swift action on the findings of the Presidential Commissions is one of the ways in which it could show its 'bona fides' in this regard.

It appears that the latest Presidential Commission on Disappearances (the all Island Commission) had finished



its work long ago and is waiting for the last several months to get a date to hand over its Report. That again is an indicator of the importance the Government attaches to Presidential Commissions in general and the Disappearances Commissions in particular. Even if the President in recent months was absorbed in Constitutional Reform, time could surely have been found for accepting this important Report. No wonder disappearances are beginning to occur once again in various parts of the country. Lets us hope it would not reach the levels of the late 80s and the early 90s as the elections draw near as happened then!

## Another Arrest: SSP. Douglas Peiris of Batalanda

The newspapers reported the arrest on August 3 night at the Bandaranaike International Airport of Senior Superintendent of Police Douglas Peiris whose name was associated with the Batalanda torture chambers but who had slipped out of the country while the proceedings of the Batalanda Commission were in progress. A police officer who had so 'distinguished' himself in activity during the terror period as to be promoted rapidly by-passing 130 more senior officers in the service, Douglas Peiris was said to be directly responsible for running a torture chamber at Batalanda where anti-UNP youth were subject to inhuman torture and elimination.

The name of the UNP leader Ranil Wickremesinghe too had come up in connection with the Batalanda torture chamber, focusing attention on the need also urged by as in the interests of justice to proceed against the political patrons of such atrocities. Persons like Douglas Peiris would be in a position to give us a lot of information on this subject if they are only prepared to talk and according to more recent newspaper reports' Douglas Peiris has not been unwilling to do so!.



Douglas Peiris being taken to Gampaha Magistrate's Court by CID officials

## A Startling Disclosure!

**An important fact disclosed by the Chairman of the Batalanda Commission, Appeal Court Judge Dharmasiri Jayawickreme to the Sunday Island of 20 August was that the government has omitted some important sections in Chapter 9 of the Batalanda Commission Report in publishing the report.**

This section of the report mentioning the people who are directly and indirectly responsible for maintaining a torture chamber at a housing scheme in Batalanda have not been published along with the summary which gives recommendations on measures that could be adopted against those involved. According to Justice Jayawickreme, the summary is important since otherwise a reader has to go through the whole chapter to understand its matter.

"According to him the Report has not passed judgement on the persons involved but gives recommendations as to what measures could be taken against the suspects involved.

"For instance, Mr Ranil Wickremesinghe, who was the Minister of Industries in the UNP Government during that period under question is described in the Report as 'indirectly involved' he explained."

"Justice Jayawickreme said that the unpublished parts of chapter nine of the Report contained some comments made by the Commission on the new trends in local politics.

"It was said in these unpublished pages that the country's politics were run by the elite 'Super world' which was made up of politicians and the underworld he said"

"The political culture in which politicians made use of gangsters, had given rise to torture chambers such as Batalanda according to him.

"Suggestions in the report, which stress the need to correct and change the role of the "super world and underworld" in local politics has also been omitted, Justice Jayawickrema further said".

This is startling disclosure and a very serious matter. We do not know who is responsible for these omissions but these reports have to be published as sessional papers and presented to Parliament. It behoves the President to look into this matter and take remedial action immediately. And what is true of the Batalanda Commission Report is also true we understand of several other such reports.

# Caste: Refusal of Social Equality

## The problems of Dalits in India

The problems of Dalits (once known as Sudhras, Untouchables, and Harijans) remains little different as it existed 2000 or more years before. This draconian system of discrimination, justified on the basis of Hindu religious teaching, keeps 20% percent of India's population under semi-human conditions. They still do the most menial jobs, like manual scavenging and most of them are landless. Though the Constitution of India gave them a few concessions these have achieved only limited results. Upper castes are trying even to take away these. Indian democracy is only a formal political democracy and it refuses to deal with the social equality issue.

The achievement of Dalits have been a result of their own organisations. The upper castes have always opposed the independent organisations of the Dalits. Under pressure from upper castes, Gandhi, in 1932, went back on his own undertaking to allow granting of separate seats to Dalits ( then known as untouchables) and went on fast unto death, thus putting in danger the lives of hundreds of thousands of Dalits in retaliation if he were to die.

In modern times vast psychological and physical violence is organised against the Dalits to prevent them from forming their organisations and to keep them at the very bottom of society as they have been since the Hindu religious texts introduced the theory of four castes - Chaturwarna. The violence against the Dalits is constant and most brutal. The murders, burning of houses, rape of women, abuse of children, use of children for child labour remain, and use of abusive and humiliating language is most common. The deprivation of basic food and drinking water is also common.

The history in India is re-written today by upper castes and introduced into schools. Those who were most caste minded are introduced as heroes and those who fought for social equality are removed from the texts. Dr. B.R. Ambedkar, the undisputed leader of the Dalits who was also the chief of the drafting committee of India's Constitution is among those who have been removed. At district

and village level the youth groups are militarised to use violence against all opponents.

The international community has by and large ignored this problem, though the type of inhuman discrimination is much worse than that of South African apartheid or even slavery. The international community's inaction is due partly to ignorance about the issue. As Dalits were deprived of education till the middle of this century, the story of India, that the world knows is the story as told by the upper castes. Naturally, these upper caste spokespersons did not tell the most shameful part of their society and history. When questioned about the caste issue, they replied, "Oh, it is only a matter of division of labour".

However, it is time for the international community to educate itself on the real depth of this problem and educate the world on one of the worst aspects of human experience that has lasted till today. The international media owe a great debt to about two million people who are discriminated in this manner. On the other hand, the international community's inaction may also be due to the fact that India is a big power. It is time for the United Nations and the international community to learn to deal with this issue, irrespective of the fact that the violator of the rights of 20% of its population is a big power.

Further, with the heavy, religious discrimination going on in the country, seeking assistance for the poor, the under-privileged and sick has become crimes). Dr Graham Staines a Christian missionary who was helping the deprived community lepers in Orissa was killed with his two little sons and the inquiring commission did not reveal the forces behind such senseless killing.

The World Conference against Racism, Racial Discrimination, Xenophobic and Related Intolerance to be held in 2001 must in this situation take a firm position to ban caste discrimination of any kind.

Courtesy: *Human Rights Solidarity* (AHRG Hong Kong)

## Caste in Sri Lanka : The Buddhist Sangha

There is a caste problem in Sri Lanka too which is much less open. Caste could be an important factor in contracting a marriage or for political parties even of the Left in selecting candidates to contest elections.

That there is generally no open caste conflict may be due to the Buddha's teaching that one becomes a Brahmin not by birth but by deed and that his community of monks originally was open to all castes sharing a common life together as mendicants. Thus Chandra Richard de Silva in his book "*Sri Lanka - A History*" (Vicas publishing house,) India notes:

"By the ninth century there was also a reaction against life in the large monasteries, which was held to be in contrast to the asceticism of early Buddhism. At that time, the Pansakulikas, who broke away from the Abhayagiri, insisted on making their robes from rags cast off by others. By the end of the Anuradhapura period there was thus a variety of opinion within the Sangha itself."

In a hierarchically organised society where dress indicated one's social status, wearing a dress made of rags cast off by others clearly indicated a dis-identification with high social classes and castes. Low caste, in such a society meant a position socially shameful. These monks thought that the discipleship of Buddha involved such an option. Other scholars have shown, that the yellow robes worn by the Buddhist monks during the time of Buddha were in fact the clothes in which the dead bodies were covered when left in the forest for dispose. What remained of these pieces of cloth were later collected, sewn together and dipped in saffron (disinfectant) for use of the monks. Even now the Buddhist monk's saffron robe consists of strips of cloth sewn together. During a Buddhist funeral service today such a robe is placed symbolically on the coffin and offered to the sangha (community of monks) at the end of the ceremony.

In India by the time of Buddha's life, Brahminism had been well established and caste had become the principle of social organisation. The Buddha broke away from his own upper caste origins and identified himself with those considered to be the lowest- the Sudras.

In Sri Lanka which claims to have the purest form of Theravada Buddhism, even the Sangha today is divided on caste lines and in the main Siam Nikaya (sect or order), higher ordination is denied to those who are not entirely (on paternal as well as maternal sides) of the goigama (farmer) caste.

## The Buraku Problem in Japan

In the terminology of Japanese administration the problem of discrimination against Buraku people is referred to as the "Dowa problem".

The Cabinet Dowa Policy Council made proposals in 1965 with the following statement; "The so-called Dowa problem is a most serious and important social problem of Japan deriving from the fact that a segment of the Japanese people, owing to discrimination based on a class system formed in the process of the historical development of Japanese society, is placed in such an inferior position economically, socially and culturally that their fundamental human rights are grossly violated even in present-day society and that, in particular, their civil rights and liberties, which are ensured to all people as a principle of modern society, are not fully guaranteed in reality."

Since July 1969 when the Law on Special Measures for Dowa Projects was enacted, there has been a series of projects and programmes implemented under the Law, contributing to the continued improvement of the Dowa problem to a certain extent. Yet, it has still remained as a serious social problem of Japan. This fact was also confirmed in the proposals made by the Regional Improvement Measures Council in 1996. It was pointed out that, "The Dowa problem, as a specific human rights problem of our society, is the most serious and gravest problem violating the fundamental rights guaranteed by the Japanese constitution. It has been more than a quarter century since measures to put an end to the Dowa problem have been actively implemented. While the Dowa problem has been on the way towards a solution with efforts of many people, we have to admit with regret that it is still a very important issue of the today's Japan. In this sense, it is fair to say that the post-war democracy of Japan has been challenged. Also, considering the role that Japan should play in the international society, it is an international responsibility of Japan to make the best efforts to solve the Dowa problem and other human rights problems of the country as early as possible."

### Employment

1) Every year, several cases are disclosed that Buraku people were discriminated against in employment. One of the most shocking incidents was the so-called "Buraku Lists Scandal" disclosed in 1975. It was revealed that more than 200 companies including many leading companies had purchased the Buraku List for discriminatory purposes. In the process of investigating the case, we found it important that Japan ratifies the ILO No. 111 Convention

and enacts a domestic law in accordance with the Convention.

2) It has been 25 years since the scandal was revealed. Yet, ratification of No. 111 Convention and enactment of the domestic law has not yet been realized in Japan. During the past quarter century, discrimination against Buraku people in employment has kept going on. For instances, in June 1998, the "Discriminatory Background Investigation Scandal" was found. This incident was as serious and grave as the "Buraku Lists Scandal." Approximately 1,400 companies registered membership with an investigative agency which identified itself as a business consultant firm. To date, it has been found that about 430 out of 1,400 member companies requested the agency to make personal background investigations in relation to their employment affairs. The personal background investigation was secretly conducted to find if job applicants were Buraku people, Korean residents in Japan, followers of Sokagakkai, a religious sect, or trade union activists.

3) If the government had ratified the ILO No. 111 Convention and enacted a domestic law to prohibit any type of discriminatory practices in employment at the time of the "Buraku Lists Scandal," we should not have faced this incident today.

### Marriage

Among discriminatory practices against Buraku people, those in marriage engagement are most serious and deeply-rooted into people's minds. Even today, several young people from Buraku communities are still driven into killing themselves due to severe discriminatory practices in their marriage engagement. Even if they finally choose the option not to commit suicide, they hardly recover from the serious damage inflicted by such practices.

To exterminate such practices that bring about very serious results, it is required to take different approaches including educational programmes and awareness-raising activities. Among others, it is vital and significant to prohibit discriminatory investigations conducted by private detective agencies on commercial basis under some legal controls. (Buraku discrimination is usually practiced on the basis of a person's family background. As it only matters the family origin, nobody can tell

who are Buraku people unless one's origin is detected through discriminatory investigations into his/her residence, place of birth, etc.)

3) At present, only five prefectural governments out of all 47 prefectures in Japan have ordinances restricting discriminatory investigations into family backgrounds. There is no national law prohibiting such practices.

### Education

For the elimination of discrimination against Buraku people, it is vital to guarantee equal educational opportunities for Buraku children.

However, it is crystal-clear that there remains a gap between Buraku children and non-Buraku children in the school education. This fact is clearly indicated in the results of the '93 Government Survey.

Meanwhile, it is true that some improvement in the academic career has been achieved among Buraku children through a series of programmes under the "Law on Special Measures" first enacted in 1969, especially the introduction of the scholarship programme for Buraku children.

Yet, a gap is still there. For instance, at the secondary school level, there still exists a gap between the two by several points. Among Buraku children, many have quit school before graduation. Consequently, at the time of graduation, the gap increases to ten points. At the higher education level, less Buraku children go to college than non-Buraku children, as indicated with the comparison of 60 (Buraku children) to 100 (national average).

Consequently, the Government is required to continue aggressive measures to guarantee equal educational opportunities for Buraku children. However, with the scheduled expiry of the current "Law on Special Measures" by the end of March 2002, the special scholarship programme for Buraku children will be scrapped. People from different sectors are becoming more concerned about this matter in a fear that it would adversely affect the educational standards of Buraku people.

Courtesy: *Buraku Liberation News*  
(May 2000)

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# Human Development Report 2000 Lessons for Sri Lanka

by Dr. Lloyd Fernando

Human Development Reports which are being published annually since 1990 by the UNDP look beyond per capita GDP as a measure of human progress, by incorporating such factors as longevity, knowledge and a decent standard of living. The Report for the year 2000 focusses on the nexus between human rights and human development. The overall conclusion is that the relationship is a harmonious, mutually reinforcing one. Thus, it argues that human rights are not a reward of development but a critical factor for its achievement.

## Human Rights and Development: The Relationship

Human rights embodies seven freedoms:

- Freedom from discrimination - by gender, race, ethnicity, national origin or religion.
- Freedom from want - to enjoy a decent standard of living.
- Freedom to develop and realize one's human potential.
- Freedom from fear - of threats to personal security, from torture, arbitrary arrest and other violent acts.
- Freedom from injustice and violations of the rule of law.
- Freedom of thought and speech and to participate in decision-making and form associations.
- Freedom for decent work- without exploitation."

Human development, in turn, is a process of enhancing human capabilities, so that people could expand

choices and opportunities in order to lead a life of respect and value. Choices are enlarged through expansion of human functionings and capabilities. The functionings of a person refer to the valuable things that the person can do or be (such as being well nourished, living long and taking part in community life.) The capability of a person stands for the different combinations of functionings one can achieve, reflecting freedom to achieve functionings. Human development, therefore reflects human outcomes in these functionings and capabilities. It represents a process as well as an end.

The UNDP has been using in recent years a composite index of human development based on three indicators: longevity, as measured by life expectancy at birth; educational attainment, as measured by a combination of adult literacy and the combined gross primary, secondary and tertiary enrolment ratio; and standard of living, as measured by GDP per capita in "purchasing power parity" US dollars. No attempt has been made so far to develop a similar composite index of human rights, which indeed is extremely difficult to do, given the variety of freedoms involved and the qualitative aspects which cannot be captured in numbers.

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**"Only with political freedoms - the right for all men and women to participate equally in society - can people genuinely take advantage of economic freedoms". But it is not enough to simply grant economic and social rights in theory alone. It is not possible to legislate good health and jobs. What is needed is an economy strong enough to provide people the opportunity to be economically engaged.**

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Mark Malloch Brown, the UNDP Administrator sums up the link between human rights and human development in the Foreword to the Report when he says that "only with political freedoms - the right for all men and women to participate equally in society - can people genuinely take advantage of economic freedoms". But it is not enough to simply grant economic and social rights in theory alone. It is not possible to legislate good health and jobs. What is needed is an economy strong enough to provide people the op-

portunity to be economically engaged. They " will work because they enjoy the fruits of their labour; fair pay, education and health care for their families and so forth. They will build the wealth that allows them to be compensated. But if the rewards of their labour are denied, then again, they will lose their motivation. So economic and social rights are both the incentive for, and the reward of, a strong economy."

### Poverty and Human Rights

Many countries have made enormous strides in human rights in recent years. Yet the legal advances do not seem to reflect equal progress with regard to the marginalisation of a substantial segment of the people in many countries. The existence of poverty is rarely recognized as a denial of human rights. In this regard the Report poses a rather graphic question: "the torture of a single individual rightly raises public outrage. Yet the deaths of more than 30,000 children every day from mainly preventable causes go unnoticed. Why? Because these children are invisible in poverty".

Poverty is often seen solely as an economic phenomenon. The standard method of poverty assessment is to refer to income levels that are necessary to provide a basic minimum basket of goods required for sustenance of life. Now it is clearly recognized that this refers purely to income poverty. Work of people such as the Nobel Laureate Amartya Sen has drawn attention to the other side of the coin to what is called "capability poverty". He refers to that aspect of poverty seen as the lack of capability to live a minimally decent life. For this reason, Human Development Reports take the view that "poverty is broader than lack of income - that it is deprivation across many dimensions."

The weak economic situation of the poor is often accompanied by a lack of assets and social marginalisation, geographical isolation, powerlessness and an inability to access resources controlled by the State and the private sector. Thus it is necessary, while expanding opportunities for the poor to participate in economic activity, to enhance their capacity to do so by providing education and training,

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access to information and resources and equally important, by removing institutional and bureaucratic barriers.

### Link with Democracy

The Report also draws attention to the link between human rights, human development and democracy. It says "democracy is the only form of political regime compatible with respecting all five categories of rights - economic, social, political civil and cultural." However, democracy is not achieved by merely providing for periodic elections. "Several policy interventions are required to realize a range of rights under democratic government. Some rights require mechanisms that ensure protection from the State. Others need active promotion by the State".

Four defining features of a democracy are identified in the Report. They are based on human rights, which are mutually reinforcing, with progress in one typically linked with advances in others. The four are:

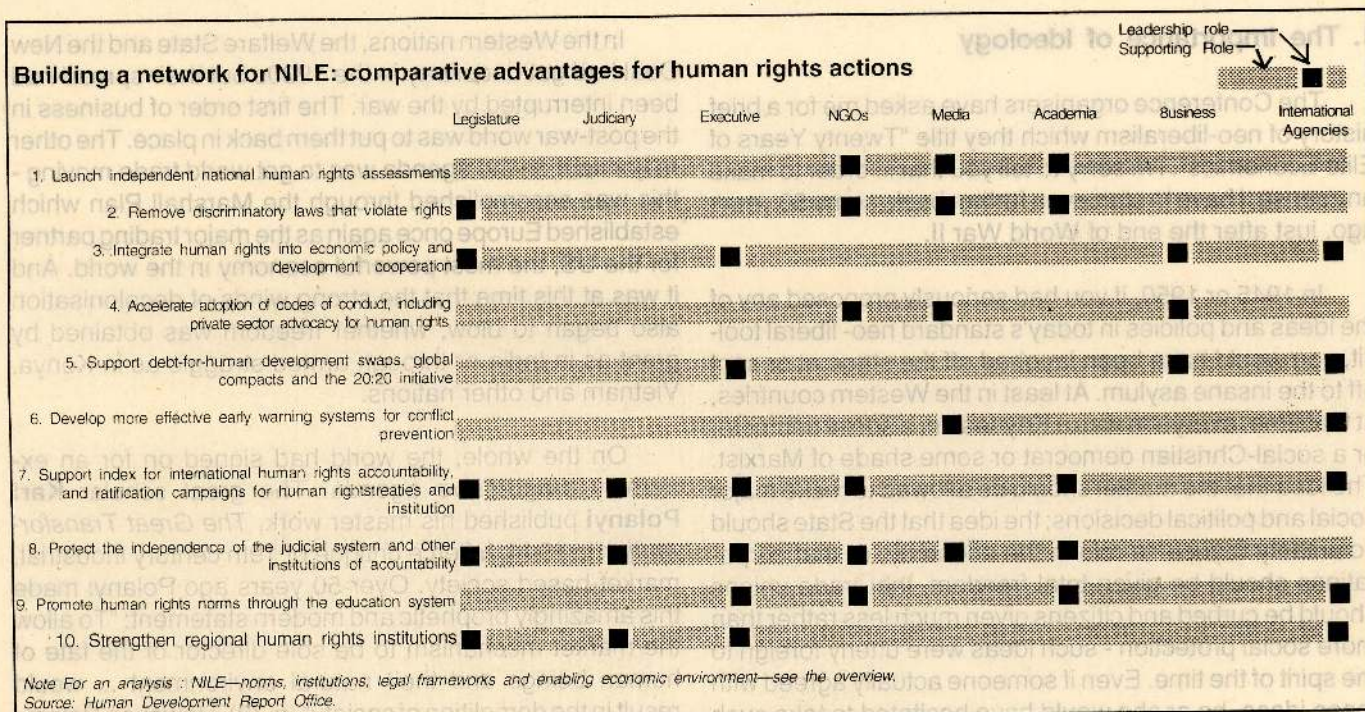
- holding free and fair elections;
- allowing free and independent media;
- separating powers among branches of government;
- and encouraging an open civil society.

Democracy, however is not homogeneous, in the way it is practised. The Report divides the democracies into two broad categories - majoritarian and inclusive. "In a majoritarian democracy government is by the majority, and the role of minorities is to oppose". As a result, there is a danger that many minorities in a plural society may become permanently excluded. They may get discriminated against and marginalised, because this would not affect the electoral prospects of the majority - based political parties. In contrast, in an inclusive democracy, political power is dispersed and shared in a variety of ways, providing for the protection of minorities and ensuring their participation. A good example of an effort to promote an inclusive democracy is Nelson Mandela's invitation to H W Botha representing the opposition to join the Cabinet, even though the African National Congress had a comfortable majority.

## Actors and Actions Identified

A good proportion of the Report is devoted to identifying principles and actions required to bring about the symbiosis of democracy, human rights and human development. Finally it tries to identify the principal actors that must perform in concert to achieve such symbiosis. They are: the three arms of the government - the legislative, judiciary and the executive; NGOs, Media, Academia, Business and international agencies. The actions required are arranged under four categories (NILE): norms, institutions, laws and an enabling economic environment. The following matrix, which appears in the Report indicates the institutions that must play the lead role and the supporting role in respect of each action under NILE.

law. The most important, however, is the platform of violence and human rights violations associated with the ethnic conflict. Over 60,000 people have lost their lives in the war. About 35,000 have been maimed; approximately 300,000 have been displaced, 5 - 6 percent of domestic resources are being spent currently to defend the country against separatist violence and terrorism. The loss to national income growth as a result of pre-emption of resources for development as well as loss of prospective investment from abroad amounts to about 2 percent of GDP - denying a rate of growth of the economy, which would have helped Sri Lanka to reduce unemployment and poverty to socially tolerable levels, to keep inflation within levels advantageous to us vis a vis competitor countries and double per capita incomes within a period of ten years.



## Lessons for Sri Lanka

What are the lessons contained in the Report for Sri Lanka? The extensive discussion on the nexus of democracy, human rights and human development provide us with a lot of food for thought. Sri Lanka is one of the oldest democracies in the third world. Universal adult franchise was introduced in 1931 just two years after it was adopted in the metropole - England. Since then Sri Lanka has enjoyed a long tradition of democracy and respect for human rights. But there have been many aberrations along the way, since independence. The incidents are too numerous and complex to be given adequate treatment in this paper. The best known examples are elections related violence, instances of arbitrary arrest and detention under emergency regulations, and the breakdown of the rule of

The ethnic conflict has manifested itself largely as a problem of terrorism. But its root causes are the disillusionment and despondency of the Tamil Community with the inability of successive governments in Sri Lanka to cater to their aspirations as a significant ethnic minority. Inclusive democracy would have not only prevented all the social and economic losses associated with the continuing conflict but also promoted more enthusiastic and productive participation by the Tamil community in Sri Lanka's development.

**About the writer:**  
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# Twenty Years of Neo-Liberalism and Emerging Opportunities for Structural Change

By Dr. Susan George

(Presentation made at the Conference on Economic Sovereignty in a Globalising World, Bangkok. 24-26 March 1999)

## 1. The Importance of Ideology

The Conference organisers have asked me for a brief history of neo-liberalism which they title "Twenty Years of Elite Economics". I'm sorry to tell you that in order to make any sense, I have to start even further back, some 50 years ago, just after the end of World War II.

In 1945 or 1950, if you had seriously proposed any of the ideas and policies in today's standard neo-liberal toolkit, you would have been laughed off the stage at or sent off to the insane asylum. At least in the Western countries, at that time, everyone was a Keynesian, a social democrat or a social-Christian democrat or some shade of Marxist. The idea that the market should be allowed to make major social and political decisions; the idea that the State should voluntarily reduce its role in the economy, or that corporations should be given total freedom, that trade unions should be curbed and citizens given much less rather than more social protection - such ideas were utterly foreign to the spirit of the time. Even if someone actually agreed with these ideas, he or she would have hesitated to take such a position in public and would have had a hard time finding an audience.

However incredible it may sound today, particularly to the younger members of the audience, the IMF and the World Bank were seen as progressive institutions. They were sometimes called Keynes twins because they were the brain children of **Keynes** and Harry Dexter **White**, one of Franklin **Roosevelt's** closest advisors. When these institutions were created at Bretton Woods in 1944, their mandate was to help prevent future conflicts by lending for reconstruction and development and by smoothing out temporary balance of payments problems. They had no control over individual government's reonomic decisions nor did their mandate include a licence to intervene in national policy.

In the Western nations, the Welfare State and the New Deal had got underway in the 1930s but their spread had been interrupted by the war. The first order of business in the post-war world was to put them back in place. The other major item on the agenda was to get world trade moving - this was accomplished through the Marshall Plan which established Europe once again as the major trading partner for the US, the most powerful economy in the world. And it was at this time that the strong winds of decolonisation also began to blow, whether freedom was obtained by grant as in India or through armed struggle as in Kenya, Vietnam and other nations.

On the whole, the world had signed on for an extremely progressive agenda. The great scholar **Karl Polanyi** published his master work, *The Great Transformation* in 1944, a fierce critique of 19th century industrial, market-based society. Over 50 years ago Polanyi made this amazingly prophetic and modern statement: "To allow the market mechanism to be sole director of the fate of human beings and their natural environment ... would result in the demolition of society" (p.73). However, Polanyi was convinced that such a demolition could no longer happen in the post-war world because, as he said (p.251), "Within the nations we are witnessing a development under which the economic system ceases to lay down the law to society and the primacy of society over that system is secured".

Alas, Polanyi's optimism was misplaced - the whole point of neo-liberalism is that the market mechanism should be allowed to direct the fate of human beings. The economy should dictate its rules to society, not the other way around. And just as Polanyi foresaw, this doctrine is leading us directly towards the "demolition of society".

So what happened? Why have we reached this point half a century after the end of the Second World War? Or,



as the organisers ask, "Why are we having this conference right now?" The short answer is "Because of the series of recent financial crises, especially in Asia". But this begs the question - the question they are really asking is "How did neo-liberalism ever emerge from its ultra-minoritarian ghetto to become the dominant doctrine in the world today?" Why can the IMF and the Bank intervene at will and force countries to participate in the world economy on basically unfavourable terms? Why is the Welfare State under threat in all the countries where it was established? Why is the environment on the edge of collapse and why are there so many poor people in both the rich and the poor countries at a time when there has never existed such great wealth? Those are the questions that need to be answered from an historical perspective.

As I've argued in detail in the US quarterly journal *Dissent*, one "explanation for this triumph of neo-liberalism and the economic, political, social and ecological disasters that go with it is that neo-liberals have bought and paid for their own vicious and regressive "Great transformation". **They have understood, as progressives have not, that ideas have consequences.** Starting from a tiny embryo at the University of Chicago with the philosopher-economist **Friedrich Von Hayek** and his students like **Milton Friedman** at its nucleus, the neo-liberals and their funders have created a huge international network of foundations, institutes, research centres, publications, scholars, writers, and public relations hacks to develop, package and push their ideas and doctrine relentlessly.

They have built this highly efficient ideological cadre because they understand what the Italian Marxist thinker **Antonio Gramsci** was talking about when he developed the concept of **cultural hegemony**. If you can occupy peoples' heads, their hearts and their hands will follow. I do not have time to give you details here, but believe me, the ideological and promotional work of the right has been absolutely brilliant. **They have spent hundreds of millions of dollars**, but the result has been worth every penny to them because they have made neo-liberalism seem as if it were the natural and normal condition of humankind. No matter how many disasters of all kinds the neo-liberal system has visibly created, no matter what financial crises it may en-

gender no matter how many losers and outcasts it may create, it is still made to seem inevitable, like an act of God, the only possible economic and social order available to us.

Let me stress how important it is to understand that this vast neo-liberal experiment we are all being forced to live under has been created by people with a purpose. Once you grasp this, once you understand that **neo-liberalism** is not a force like gravity but a **totally artificial construct**, you can also understand that what some people have created, other people can change. But they cannot change it without recognising the importance of ideas. **I'm all for grassroots projects, but I also warn that these will collapse if the overall ideological climate is hostile to their goals.**

So, from a small, unpopular sect with virtually no influence, neo-liberalism has become the major world religion with its dogmatic doctrine, its priesthood, its law-giving institutions and perhaps most important of all, its hell for heathen and sinners who dare to contest the revealed truth. Oskar Lafontaine, the ex-German Finance Minister who the *Financial Times* called an "unreconstructed Keynesian" has just been consigned to that hell because he dared to propose higher taxes on corporations and tax cuts for ordinary and less well-off families.

## 2. Changes in Great Britain and the US

Having set the ideological stage and the context, now let me fast-forward so that we are back in the twenty year

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time frame. That means 1979, the year **Margaret Thatcher** came to power and undertook the neo-liberal revolution in Britain. The Iron Lady was herself a disciple of Friedrich von Hayek, she was a social Darwinist and had no qualms about expressing her convictions. She was well known for justifying her programme with the single word TINA, short for **There Is No Alternative**. The central value of Thatcher's doctrine and of neo-liberalism itself is the notion of competition - competition between nations, regions, firms and of course between individuals. Competition is central because it separates the sheep from the goats, the men from the boys, the fit from the unfit. It is supposed to allocate all re-

sources, whether physical, natural, human or financial with the greatest possible efficiency. In sharp contrast, the great Chinese philosopher **Lao Tzu** ended his *Tao-te Ching* with these words: "**Above all, do not compete**". The only actors in the neo-liberal world who seem to have taken his advice are the largest actors of all, the **Transnational Corporations**. **The principle of competition scarcely applies to them**; they prefer to practise what we could call Alliance Capitalism. It is no accident that, depending on the year, two-thirds to three-quarters of all the money labelled "Foreign Direct Investment" is not devoted to new, job-creating investment but to Mergers and Acquisitions which almost invariably result in job losses.

Because competition is always a virtue, its results cannot be bad. For the neo-liberal, the market is so wise and so good that like God, the Invisible Hand can bring good out of apparent evil. Thus Thatcher once said in a speech, "It is our job to glory in inequality and see that talents and abilities are given vent and expression for the benefit of us all". In other words, don't worry about those who might be left behind in the competitive struggle. People are unequal by nature, but this is good because the contributions of the well-born, the best-educated the toughest, will eventually benefit everyone. Nothing in particular is owed to the weak, the poorly educated, what happens to them is their own fault, never the fault of the society. If the competitive system is "given vent" as Margaret says, society will be the better for it. Unfortunately, the history of the past twenty years teaches us that exactly the opposite is the case.

In pre-Thatcher Britain, about one person in ten was classed as living below the poverty line, not a brilliant result but honourable as nations go and a lot better than in the pre-War period. Now one person in four, and one child in three is officially poor. This is the meaning of survival of the fittest: people who cannot heat their houses in winter, who must put a coin in the meter before they can have electricity or water, who do not own a warm waterproof coat, etc... I am taking these examples from the 1996 report of the British Child Poverty Action Group. I will illustrate the result of the Thatcher-Major "tax reforms" with a single example: During the 1980s, 1 percent of taxpayers received 29 percent of all the tax reduction benefits, such that a single person earning half the average sal-

ary found his or her taxes had gone up by 7 percent, whereas a single person earning 10 times the average salary got a reduction of 21%.

Another implication of competition as the central value of neo-liberalism is that the public sector must be brutally down-sized because it does not and cannot obey the basic law of competing for profits or for market share. **Privatisation** is one of the major economic transformations of the past twenty years. The trend began in Britain and has spread throughout the world.

Let me start by asking why capitalist countries, particularly in Europe, had public services to begin with, and why many still do. In reality, nearly all public services constitute what economists call "natural monopolies". A natural monopoly exists when the minimum size to guarantee maximum economic efficiency is equal to the actual size of the market. In other words, a company has to be a certain size to realise economies of scale and thus provide the best possible service at the lowest possible cost to the consumer. Public services also require very large investment outlays at the beginning - like railroad tracks or power grids - which does not encourage competition either. That's why public monopolies were the obvious optimum solution. But neo-liberals define anything public as *ipso facto* "inefficient".

So what happens when a natural monopoly is privatised? Quite normally and naturally, the new capitalist owners tend to impose monopoly prices on the public, while richly remunerating themselves. Classical economists call this outcome "structural market failure" because prices are higher than they ought to be and service to the consumer is not necessarily good. In order to prevent structural market failures, up to the mid-1980s, the capitalist countries of Europe almost universally entrusted the post office, telecoms, electricity, gas, railways, metros, air transport and usually other services like water, rubbish collection, etc... to State-owned monopolies. The USA is the big exception, perhaps because it is too huge geographically to favour natural monopolies.

In any event, Margaret Thatcher set out to change all that. As an added bonus, she could also use privatisation to break the power of

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**the trade unions.** By destroying the public sector where unions were strongest, she was able to weaken them drastically. Thus between 1979 and 1994 the number of jobs in the public sector in Britain was reduced from over 7 million to 5 million, a drop of 29 percent. Virtually all the jobs eliminated were unionised jobs. Since private sector employment was stagnant during those fifteen years, the overall reduction in the number of British jobs came to 1.7 million, a drop of 7% compared to 1979. To neo-liberals, fewer workers is always better than more because workers impinge on shareholder value.

As for other effects of privatisation, they were predictable and predicted. The managers of the newly privatised enterprises, often exactly the same people as before, doubled or tripled their own salaries. The government used taxpayer money to wipe out debts and recapitalise firms before putting them on the market - for example, the water authority got 5 billion pounds of debt relief plus 1.6 billion pounds called the "green dowry" to make the bride more attractive to prospective buyers. A lot of Public Relations fuss was made about how small stockholders would have a stake in these companies - and in fact 9 million Brits did buy shares - but half of them invested less than a thousand pounds and most of them sold their share rather quickly, as soon as they could cash in on the instant profits.

From the results, one can easily see that the whole point of privatisation is neither economic efficiency or improved services to the consumer but simply to transfer wealth from the public purse - which could redistribute it to even out social inequalities - to private hands. In Britain and elsewhere, the overwhelming majority of privatised company shares are now in the hands of financial institutions and very large investors. The employees of British Telecom bought only 1 percent of the shares, those of British Aerospace 1.3 percent, etc... Prior to Ms Thatcher's onslaught, a lot of the public sector in Britain was profitable. Consequently, in 1984, public companies contributed over 7 billion pounds to the treasury. All that money is now going to private shareholders. Service in the privatised industries is now often disastrous - the *Financial Times* reported an invasion of rats in the Yorkshire Water system and anyone who has survived taking Thames

**Another structural feature of neo-liberalism consists in remunerating capital to the detriment of labour and thus moving wealth from the bottom of society to the top. If you are, roughly, in the top 20 percent of the income scale, you are likely to gain something from neo-liberalism and the higher you are up the ladder, the more you gain. Conversely, the bottom 80 percent all lose and the lower they are to begin with, the more they lose proportionally.**

investors. This is one of the greatest hold-ups of ours or any generation.

Another structural feature of neo-liberalism consists in **remunerating capital to the detriment of labour** and thus moving wealth from the bottom of society to the top. If you are, roughly, in the top 20 percent of the income scale, you are likely to gain something from neo-liberalism and the higher you are up the ladder, the more you gain. Conversely, the bottom 80 percent all lose and the lower they are to begin with, the more they lose proportionally.

Lest you thought I had forgotten **Ronald Reagan**, let me illustrate this point with the observations of Kevin Phillips, a Republican analyst and former aide to President Nixon, who published a book in 1990 called *The Politics of Rich and Poor*. He charted the way. Reagan's neo-liberal doctrine and policies had changed US income distribution between 1997 and 1998. These policies were largely elaborated by the conservative Heritage Foundation, the principal think-tank of the Reagan administration and still an important force in US politics. Over the decade of the 1980s, the top 10 percent of US families increased their average family income by 16 percent, the top 5 percent increased theirs by 23 percent, but the extremely lucky top 1 percent of US families could thank Reagan for a 50 percent increase. Their revenues went from an affluent \$270,000 to a heady \$405,000. As for poorer people, the bottom 80 percent all lost something; true to the rule, the

trains in Britain deserves a medal.

Exactly the same mechanisms have been at work throughout the world. In Britain, the Adam Smith Institute was the intellectual partner for creating the privatisation ideology. USAID and the World Bank have also used Adam Smith experts and have pushed the privatisation doctrine in the South. By 1991 the Bank had already made 114 loans to speed the process, and every year its Global Development Finance report lists hundreds of privatisations carried out in the Bank's borrowing and countries.

I submit that **we should stop talking about privatisation and use words that tell the truth:** we are talking about alienation and surrender of the product of decades of work by thousands of people to a tiny minority of large in-

lower they were on the scale, the more they lost. The bottom 10 percent reached the nadir: according to Phillip's figures, they lost 15% of their already meagre incomes: from an already rock-bottom average of \$4.113 annually, they dropped to an inhuman \$3.504. In 1977, the top 1 percent of US families had average incomes 65 times as great as those of the bottom 10 percent. A decade later, the top 1 percent was 115 times as well off as the bottom decile.

The US is one of the most unequal societies on earth, but virtually all countries have seen inequalities increase over the past twenty years because of neo-liberal policies. UNCTAD published some damning evidence to this effect in its 1997 **Trade and Development Report** based on some 2600 separate studies of income inequalities, impoverishment and the hollowing out of the middle classes. The UNCTAD team documents these trends in dozens of widely differing societies, including China, Russia and the other former Socialist countries.

There is nothing mysterious about this trend towards greater inequality. Policies are specifically designed to give the already rich more disposable income, particularly through tax cuts and by pushing down wages. The theory and ideological justification for such measures is that higher incomes for the rich and higher profits will lead to more investment, better allocation of resources and therefore more jobs and welfare for everyone. In reality, as was perfectly predictable, moving money up the economic ladder has led to stock market bubbles, untold paper wealth for the few, and the kind of financial crises we shall be hearing a lot about in the course of this conference. If income is redistributed towards the bottom 80 percent of society, it will be used for consumption and consequently benefit employment. If wealth is redistributed towards the top, where people already have most of the things they need, it will go not into the local or national economy but to international stock markets.

### 3. The South and the East

As you are all aware, the same policies have been carried out throughout the South and East under the guise of **structural ad-**

**justment**, which is merely **another name for neo-liberalism**. I've used Thatcher and Reagan to illustrate the policies at the national level. At the international level, neo-liberals have concentrated all their efforts on three- fundamental points:

- free trade in goods and services
- free circulation of capital
- freedom of investment.

Over the past twenty years, **the IMF** has been strengthened enormously. Thanks to the debt crisis and the mechanism of conditionality, it has moved from balance of payments support to being quasi- universal **dictator of so-called "sound" economic policies**, meaning of course neo-liberal ones. The World Trade Organisation was finally put in place in January 1995 after long and laborious negotiations, often rammed through parliaments which had little idea what they were ratifying. Thankfully, the most recent effort to make binding and universal neo- liberal rules, the **Multilateral Agreement on Investment**, has failed, at least temporarily. It would have given all rights to corporations, all obligations to governments and no rights at all to citizens.

**The common denominator of these institutions is their lack of transparency and democratic accountability.** This is the essence of neo-liberalism. It claims that **the economy should dictate its rules to society, not the other way around. Democracy is an encumbrance**, neo-liberalism is designed for winners, not for voters who, necessarily encompass the categories of both winners and losers.

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I'd like to conclude by asking you to take very seriously indeed the neo-liberal definition of the loser, to whom nothing in particular is owed. Anyone can be ejected from the system at any time - because of illness, age, pregnancy, perceived failure, or simply because economic circumstances and the relentless transfer of wealth from top to bottom demand it. Shareholder value is all. Recently the *International Herald Tribune* reported that foreign investors are "snapping up" Thai and Korean companies and Banks. Not surprisingly, these purchases are expected to result in "heavy layoffs". (1)

In other words, the results of years of work by thousands of Thais and Koreans is being transferred into foreign corporate hands. Many of those who laboured to create that wealth have already been, or soon will be left on the pavement. Under the principles of competition and maximising shareholder value, such behaviour is seen not as criminally unjust but as normal and indeed virtuous.

I submit that **neo-liberalism has changed the fundamental nature of politics**. Politics used to be primarily about who ruled whom and who got what share of the pie. Aspects of both these central questions remain, of course, but the great new central question of politics is, in my view, **"Who has a right to live and who does not?"**. Radical exclusion is now the order of the day, I mean this deadly seriously.

#### 4. Ways towards an alternative

I've given you rather a lot of bad news because the history of the past 20 years is full of it. But I don't want to end on such a depressing and pessimistic note. A lot is already happening to counter these life threatening trends and there is enormous scope for further action.

This conference is going to help define much of that action which I believe must include an ideological offensive. It's time we set the agenda instead of letting the Masters of the Universe set it at Davos. **I hope funders may also understand that they should not be funding just projects but also ideas**. We can't count on the neo-liberals to do it, so we need to design workable and equitable international taxation systems, including a Tobin Tax on all monetary and financial market transactions and taxes on Transnational Corporation sales on a pro-rata basis. I expect we will go into detail on such questions in the workshops here. The proceeds of an international tax system should go to closing the North-South gap and to redistribution to all the people who have been robbed over the past twenty years.

Let me repeat what I said earlier: neo-liberalism is not the natural human condition, it is not supernatural, it can be challenged and replaced because its own failures will require this. **We have to be ready with replacement policies which restore power to communities and democratic States** while working to institute democracy,

**Finally, please remember that neo-liberalism may be insatiable but it is not invulnerable.**

**..... We have the numbers on our side..... We have ideas, whereas theirs are finally coming into question because of repeated crisis. What we lack, so far, is the organisation and the unity which in this age of advanced technology we can overcome. The threat is clearly transnational so the response must also be transnational.**

the rule of law and fair distribution at the international level. Business and the market have their place, but this place cannot occupy the entire sphere of human existence.

Further good news is that there is plenty of money sloshing around out there and a tiny fraction, a ridiculous, infinitesimal proportion of it would be enough to provide a decent life to every person on earth, to supply universal health and education, to clean up the environment and prevent further destruction to the planet, to close the North-South gap - at least according to the UNDP which calls for a paltry \$40 billion a year. That, frankly, is peanuts.

Finally, please remember that neo-liberalism may be insatiable but it is not invulnerable. A coalition of international activists only yesterday obliged them to abandon, at least temporarily, their project to liberalise all investment through the MAI. The surprise victory of its opponents infuriated the supporters of corporate rule and demonstrates that well organised network guerillas can win battles. Now we have to re-group our forces and keep at them so that they cannot transfer the MAI to the WTO.

Look at it this way. We have the numbers on our side, because there are far more losers than winners in the neo-liberal game. We have ideas, whereas theirs are finally coming into question because of repeated crisis. What we lack, so far, is the organisation and the unity which in this age of advanced technology we can overcome. The threat is clearly transnational so the response must also be transnational. Solidarity no longer means aid, or not just aid, but finding the hidden synergies in each other's struggles so that our numerical force and the power of our ideas become overwhelming. I'm convinced this conference will contribute mightily to this goal and I thank you all for your kind attention.

Note:

1. Amid restructuring, Seoul predicts a surge in investment and foreigners buy record total of Thai assets, *International Herald Tribune*. 5 January 1999.

Courtesy: *Coelli* (Belgium)

**About the writer:** Dr. Susan George is a distinguished writer on social matters, especially on issues affecting the poor. Her best known work is titled *How the other half Dies*

# A new generation of Information Technology-what's in it for workers?

By Tam Chun Yim

## Workers in the Age of Information

Now that the crazy new millennium party is over, the trend for workers increasingly involves Information Technology (IT). The Hong Kong government is currently drafting its third successive annual budget deficit as its projects face steadily increasing costs. Most of these costs are used to develop IT. Recently Hong Kong's long term economic rival, Singapore, repeated the intention to apportion almost HK\$ 100 million to help low income families and ethnic minorities to understand IT. In addition, to prevent social polarisation through what is known as the 'digital divide', all Singapore's inhabitants over five years old will be given a personal internet bank account and Web site.

Without doubt IT offers us unprecedented convenience. Ten years ago we would never have imagined that without leaving the house we could buy anything we wanted through the Internet. As consumers we are fascinated by the wide variety of Web pages; as investors (or speculators) in the madness over buying shares in the Internet company tom.com, but as workers were we really 'working' for our families? What kind of society is IT turning us into?

Familiar to our parents' and grandparents' generations, typical of Charlie Chaplin's silent comedies, *Modern Times* is considered a classic. The film won public acclaim not just for Chaplin's hilarious performance, but rather for portraying the industrial age of mass production in which the division of labour carefully separated job functions to suit the production line, where day after day the workers repeatedly performed depressing, unvarying work as if they were parts of a machine. Our parents' and grandparents' generations depended on that kind of work to raise us all.

According to post-industrial sociological analysis, the age of mass production is long gone. With the arrival of the

age of IT, work shops portrayed in *Modern Times* have been replaced by skilled workers using laptop (also notebook) computers.

Because the effects of IT are so great, we should know its history.

### The 1960s

Modern technology arose largely from the explosive development of computer technology, but economic development actually popularised it, made possible by prevailing western socio-economics. In the late 1960s the US Defence Department began using the Internet as an information link for buying weapons from the defence industry and for research in US universities.

### The 1970s

Personal computers (PCs) were available by the mid to late 1970s, but not widely used or commercialised. The Internet and PCs had a wide range of commercial functions which were used from the late 1970s when the US was first in the west to suffer economically from the oil crisis. In order to reduce the constant rises in the costs of raw materials and workers' wages, major US industries began to seek ways at home and abroad to reduce costs. Removing the links between work and working practices, and separating labour from labour contracts became two main management strategies. IT was increasingly recommended to implement these tactics.

Before the 1980s industrial output focused on large scale rationalisation of production and precise division of labour, so automation became the theme of industrial production. The major function for state-of-the-art computer technology was to control data and production to enable industrial bureaucrats to effectively control and modify costs of production. By integrating and standardising databases and word processing, companies could

best use them for large scale operations such as insurance company policies or airline ticketing.

**The 1980s**

By the 1970s and 1980s, firms unable to find strategies to fully automate the office (the paperless office) began to concentrate computer applications on information mobility and records, as well as replacing paper records in the office. Office and personal computers also became common. But it is important to note that although office computers were becoming more popular, increases in efficiency did not compare with the previous phase. A report in the US finance magazine *Fortune* pointed out that productive power in 1986 compared unfavourably with the late 1960s.

But after sales of IBM PCs enjoyed worldwide popularity during the 1980s, Microsoft Office developed a completely integrated software application. After the user-friendly Apple Macintosh system appeared on the market, work allocation and integrated working practices were no longer problems. This was a new era when it was much easier for businesses to break down the barrier of distance.

To make computers more user friendly, in the mid 1980s a few US computer specialist groups like Computer-Human Interaction and Computer Support for Co-operative Work launched research to overcome user misunderstandings, to make computers easier for them to operate, and to make different computers more compatible. The results facilitated the flow of commercial information and enhanced the reorganisation of work stations. It also permitted project-based work to be processed by computers, thus simplifying the process of wage cost reductions at home and even abroad.

**The 1990s**

The 1990s have been marked by economic globalisation which was made easier by IT. Combining the functions of fax machine, mobile telephone, and E-mail which were crucial in helping to popularise the Internet, inconsistencies between commerce and trade were minimised. Workers' own living quarters began to be frequently used as work places

for flexible production through temporary employment agreements. This development provided top management with a unique opportunity to economise. It is typified by computer industry giant Microsoft which has few directly employed core staff members whose wages are not only low but also are partly composed of company shares. This core staff is supported by a vast number of temporary workers who are recruited in different places and paid according to different wage scales. This allows global (including the US) labour power to be hired for the Microsoft empire's production line.

**IT - a new tool for business interests?**

So far this analysis has outlined the history of IT to illustrate the socio-economic basis behind the emergence of IT and the interactivity between big businesses, and shown its impact on the working class. Needless to say, Hong Kong uses IT for production in exactly the same way as the West. The result is also the same - rising unemployment, lack of jobs, and businesses using loopholes in labour laws to economise on staff welfare by imposing temporary agreements. Recently at Hong Kong's third biggest shipping container terminal company, Maersk Sealand, almost the entire clerical staff (including the accountancy department) was transferred to the Philippines where wages are low. Data processing was transferred to the Internet thus making almost half the employees (about 500 people) redundant. This is one way big business uses IT to axe workers.



**No breaks**

IT is firmly controlled by corporations, which use it as a natural money making tool. Latest developments suggest that businesses are transferring the application of IT from reducing production costs to large financial transactions and business expansion. A few years ago a Hong Kong real estate tycoon, Li Ka Shing, invested (or speculated) in holding companies to become Asia's wealthiest businessman. Now he is deliberately restructuring to promote IT. The recent insane level of applications for the Cheung Kong group's tom.com serves as an example, and the SHK Properties group's well established real state dealer is another example of an intense publicity campaign to sell company shares through the Internet.

Established in only one year and with no previous achievements, the Pacific Century Cyber Works group's overblown hi-tech publicity recently beat Singapore Telecom (SingTel) in successfully purchasing Hong Kong Telecom, a giant business with almost 13,000 employees. The purchase made Pacific Century Cyber Works Hong Kong's third biggest corporation. This clearly demonstrates how Internet businesses can destabilise the commercial economy.

The US Internet server AOL bought amusement industry's Time Warner group to create a so-called virtual enterprise takeover. It is no surprise that on behalf of SingTel, the next day Singapore government's *Straits Times* editorial declared 'Internet share dealing is crazy', claiming Pacific Century CyberWorks success "is a reflection that investors and bankers are playing a new game where false market values are used to make a purchase."

The aim of the 'new game' is to bolster Internet shares, but these are bought up by syndicates with Internet shares whose key battleground is still in a few gigantic financial centres which comprise the stock market. Viewed from this perspective, the so-called 'new economy' prompted by the IT network, offers a new place for big finance centres to put surplus capital. This will cause mergers and take-overs in financial markets, where the bottom line is familiar - profit seeking. Workers must not forget that the economic crises of the 1920s, the end of the 1980s, and the ongoing Asian crisis, are all the results of capital concentrated by financial speculation, but the result for workers is a fierce attack on employment and wages.

## IT and the labour movement

Because IT is controlled by gigantic corporations, it is a tool for them to maximise profits. So because we spend several hours each day surfing the Net, this simply makes it easier to target us as consumers.

The result of IT being controlled by corporations simply deepens inequality for the classes at the bottom of capitalist society. The US government recently reported that because of IT developments, by 2008 there would be fewer mid-level jobs like clerical and banking. It also said that wages would decline for workers who understand high technology and that the number of low-paid jobs would increase, such as domestic workers and carers. Because of this the diverging income gap between rich and poor will increase even further, and once it reaches a certain point, the majority of the population will be outside the long-term labour market. In the UK the ruling Labour Party's think tank recently calculated that possibly 30 percent of the population would be long-term unemployed.

It could be that working class hopes have been dashed in the age of IT. But just as businesses can improve a production line by breaking it up across different regions and coordinating it through the Internet, the working class can also use the Internet to improve organisation.

Kim Moody, editor of US magazine *Labor Notes*, believes that in the world of *lean and mean* production, it is essential to improve socio-political support for the social/labour movement (such as environmental, consumer, and women's campaigns) by co-operating inter-

nationally. Using examples of struggles by Canadian Auto Workers, the US United Electrical Workers, and France's SUD telecoms union, Moody suggests that it is essential to emphasise trade union democracy from the lowest levels upwards, and improve international trade union communication and support for the international labour and social movements.

As corporations use IT to economise on labour power and reduce costs, the labour movement can use it to de-

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mand shorter working weeks with no loss of pay. The possibility to economise on labour and increase productive power through IT is emerging. However, increasing corporate profits by cutting workforces and wages is not as inevitable as it appears, and can be defeated through united trade union resistance successful examples of this are US electricians in the construction industry who successfully won a working week which does not exceed 30 hours, and two big dock unions that forced their bosses to provide a Guaranteed Annual Income irrespective of the amount of work.

**Even more important for workers is not to accept pay cuts when work time is reduced. This gives us more spare time for families, communities, education and voluntary work, thus enabling personal development.**

Charlie Chaplin's film *Modern Times* showed there is no turning back the clock; when workers leave repetitive, depressing, solitary and dehumanising work stations, they should walk through factory gates 'into a world of humanity crusading in the pursuit of happiness' (*Modern Times*)

Courtesy: *Asian Labour Update* (Hong Kong)

**About the writer:**

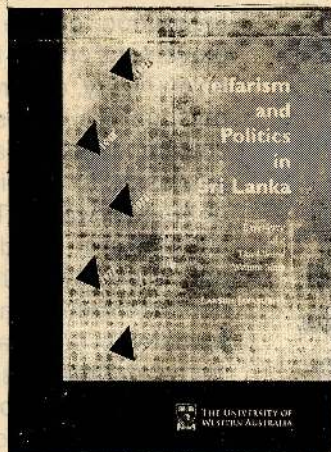
Tam Chun Yim, *Globalisation Monitor*, issue 4, March 2000. Translated by Ed Shepherd

**Welfarism and Politics in Sri Lanka**

*Experience of a Third World Welfare State*

by **Laksiri Jayasuriya**

Foreword by Dr. Gamani Corea (former Secretary General of UNCTAD)



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**IMF in Asia**

Even before the international Monetary Fund stepped in. East Asian governments responded to their economic crisis by announcing the mass expulsion of more than one million "guest workers" throughout the region. Malaysia announced plans to expel 900,000 or more foreign workers. Thailand vowed to deport 300,000 illegal immigrant labourers.

In Seoul, when the Justice Ministry announced plans to expel the 146,000 people working illegally in South Korea, the Labour Ministry asked that the expulsions be delayed until August to avoid a possible shortage in blue-collar labour. Yet Filipino officials told the Associated Press that 3,000 Filipinos already have lost their jobs in South Korea, and President Fidel Ramos suggested that the four million Filipinos working abroad—most of them in Asia and the Middle East—go to other parts of the world to find work.

The planned expulsions have spread as far as the Middle East, where the government of Oman has issued orders that the country's 489,000 foreign workers in the private sector legalize their status or face fines and prison. That enormous work force compares to just 33,000 Omani citizens working in the private sector, according to an *Arabic News* report.

This regionwide forced exodus makes political sense for floundering governments in need of scapegoats. Malaysia's Deputy Home Minister Ong Ka Ting said the expulsion of foreigners would give Malaysians priority for jobs. Thailand's labour minister said the 300,000 deportations would make more jobs available for unemployed Thais.

Absent throughout the region is any acknowledgment of the role foreign labour played in the creation of the 'Asian Tigers,' which have enjoyed a decade of prosperity and annual growth rates as high as 8 percent.

Yet if the presence of foreign workers, or their forced expulsion, is politically convenient, neither their presence nor their absence explains the economic cycles. The possibility that a country's most ill-paid, most easily dismissed, "throwaway" workers could be to blame for a regional economic crisis is simply not credible.

Robert Kahn, *Asia's Undocumented Workers* from *Znet* 9 May 2000

# Trade Unions and Globalisation

-by T.M.R.Rasseedin

The task facing our trade unions at present is how best to reconcile the traditional role of securing job security and economic advance for their members with that of meeting the demands of society especially from the weaker sections, the marginalised and the disadvantaged rendered helpless due to the globalisation process. Globalisation has sharpened the fissures already existing in our society resulting in greater polarisation of society.

In the field of labour there is emerging a real threat to secured employment with non-traditional or atypical employment on the increase, dwindling real wages and increased workplace pressure to be competitive. The deregulation and privatisation process has resulted in the steady erosion of the public sector resulting in job losses.

Outside, in the larger society, we find income inequality widening, poverty increasing, collapse of nascent industry and agriculture and a diminished role for the State. The Government is being reduced to the position of a supplier of services providing incentives, infrastructure facilities and other support services to private capitalists.

This changed situation demands a changed role for our trade unions. They need to develop ties with other strata and organisations and be concerned with rights and interests that are not only exclusive to them but also of interests and rights of other segments of society affected by the globalisation process. Trade unions should come forward to safeguard national assets from plunder by MNCs, defend the interests of consumers, protect interests of patients, fight for increased social welfare for the needy, combat communalism and chauvinism which are eating the vitals of our society, work towards ending the armed conflict through political dialogue and de-militarisation of the country, press for environmentally sound sustainable economic development that would gen-

erate jobs, defend and advance human and democratic rights including work-place democracy with genuine workers participation and sharing of profits. This wide-ranging role is now cast on our trade unions. Their continued survival would depend on how they size up to the situation.

On the Eppawala Phosphate issue some trade unions were seen active in a protest campaign launched by a coalition of public interest groups. The unions associated with the PA are campaigning for a peaceful resolution of the ethnic conflict. Though these developments are no doubt encouraging, they are conducted in isolation and do not seem to represent the entirety of our trade union movement. The time has now come for trade unions to assume a larger role in the interests of society and make themselves the voice of its weaker sections. This poses the important question as to how the trade unions could meet the demands of this new situation. By closing ranks, forging unity, putting up a common front with common approaches to problems besetting them. This is better said than done, one could say. But a start has to be made in the direction of achieving the desired unity. It is said a long

journey begins with the first few steps. To allow the continued fragmentation of the trade union movement on the basis of inter-union rivalry, empire building and personalities is irresponsible. The challenges of today cannot be successfully met without the unity of the movement. Temporary, issue-oriented united actions alone are not enough in this present period. Such actions need to be consolidated in an organised manner so that our responses to the challenges today will be more effective. Any organisational unity without taking into account the practical difficulties that we face may not be a lasting one. Therefore, it is necessary to have a proper under-

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**To allow the continued fragmentation of the trade union movement on the basis of inter-union rivalry, empire building and personalities is irresponsible. The challenges of today cannot be successfully met without the unity of the movement. Temporary, issue-oriented united actions alone are not enough in this present period.**

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# SETBACK TO CONSTITUTIONAL REFORM

The Constitution of the Republic of Sri Lanka Bill introduced in Parliament on August 3 this year was indefinitely postponed on the failure to obtain the requisite two-thirds majority for it because of the decision of the main Opposition United National Party (UNP) to oppose the Bill despite its having agreed to a major part of its provisions after 18 weeks of discussion with the People's Alliance (PA) Government and that too under political pressure after much prevarication earlier as reported in our past issues.

Be that as it may, for the first time in Sri Lanka's history a near total consensus had been reached between the PA Government, the UNP and the Tamil parties in Parliament. (The chief component of the PA - the Sri Lanka Freedom Party (SLFP) and the UNP are the major Sinhala parties in the land.) That itself was no mean achievement on which to build, and take the process to its conclusion. In fact even after the Bill was tabled in Parliament, Government speakers expressed willingness to accept any suitable amendments that were brought in by the Opposition or individual members. It was unfortunate therefore that the UNP and the Tamil United Liberation Front (TULF) should have backed out from supporting the Bill obviously influenced by the impending General Election with a vociferous Sinhala chauvinist minority in the south in the first case and the possibility of becoming targets of the Liberation Tigers of Tamil Eelam (LTTE) gunmen in the other.

## UNP Position

In fact as Opposition and UNP leader Ranil Wickremesinghe himself stated on August 7 in Parliament: "On 7th July the initial round of discussions were concluded with one key

item outstanding - the Transitional Provisions relating to the Executive Presidency. At the conclusion of the discussions, President Chandrika Kumaratunga stated, 'I dare say we have much more to do before we present to parliament what we have discussed. And we have even more to do once it is presented to Parliament?' We concurred.

"On that day we were all of the view that our achievement was to say the least substantial. We had reached an agreement on a wide range of constitutional issues, which were thought until then to be unreachable. We in the UNP also felt that we were taking the first step towards evolving a new political culture, which could be less confrontational and less partisan.

"It was also decided that the Government would inform the Tamil parties of the outcome of these discussions. Thereafter the Government, the UNP and the Tamil



July 7: after the initial round of PA - UNP discussions

Courtesy: Sunday Observer

parties would meet together. I also requested that the Maha Sangha be kept informed of these developments.

"On 20th July, we were informed by the Government of the matters raised by the Tamil parties. A joint meeting of the UNP parliamentary group and the UNP Working Committee was held on the 27th July to consider the Transitional Provisions to retain the Executive Presidency for a period of 6 years. At this meeting, it was decided that the UNP could not agree to these provisions since the Government and the UNP had already agreed on the abolition of the Executive Presidency in accordance with the Government's constitutional Draft of 1997. This was conveyed to the Government by the UNP delegation. Thereafter, the Government unilaterally decided to present this Bill to Parliament to repeal and replace the existing Constitution.

"This Bill retains only part of the agreements reached between the Government and the UNP. Some of the important areas of consensus have been changed unilaterally. Furthermore, several issues which have not been discussed during these meetings have been included in the Bill." (*The Island* 8 August)

According to the Opposition Leader's speech there were only four changes to which the UNP and PA did not agree. Two of these relate to the composition of the Constitutional Council and future amendments to constitutional provisions concerning devolution - both of which could easily have been resolved at that stage through discussion and / or proposed amendment. The other two relate to the proposed Interim Council for the North-East which the UNP and PA agreed to have for 5 years and the Transitional Provisions concerning the Executive Presidency. In regard to the North East Interim Council the Tamil parties took the view that more time should be given to the three communities to work together and if this was done they were willing to agree to a referendum being held in the 10th year in the entirety of the East. This was conveyed to the UNP which did not reject it but wanted time to consider it.

The fourth issue was that of the Executive Presidency, which Opposition Leader Ranil Wickremesinghe stated was "the one key issue outstanding." On this too a compromise was possible at that stage or a suitable amendment brought which the Government would have been willing to accept more so in view of its lack of a two-thirds majority to effect the Bill's passage through Parliament.

It is sad in this situation that the UNP was not prepared to discuss it but preferred to make it an excuse to reject the entirety of the Bill most of which had already been agreed to by it.

Making an appeal to the Opposition Leader to once again re-think his decision to withdraw support for the new Constitution, Foreign Affairs Minister Lakshman Kadirgamar on August 9 stated in Parliament. "I say this is the most discussed constitution to date. I appeal to the Leader of the Opposition to share in this historic occasion. There are other issues on which we can fight elections. Please lift this out of the area of party politics, because so much is at stake. Don't abandon something that has reached 95% agreement. All the people both here and abroad desire a restoration of peace to the country. The vast majority except for a small minority of Tamils does not wish to see a separate State in our land. The overwhelming majority wishes very much to see a negotiated settlement to the problem which has vexed us for so long.

"We are answerable to the people or the people will wonder what the legislators are doing. They will not forgive us. They expect both parties to put their heads together and hammer out a consensus. This is our last chance. Another like it may not come again. How long is this bloodshed to go on?" (*Daily News* of 9 August).

### The President in Parliament

President Chandrika Kumaratunga who appeared in Parliament and opened the debate on the Constitution Bill on August 3rd from the Front Benches of the Government,



Scene of UNP disorder in Parliament

Courtesy: The Sunday Leader

braved the catcalls and reprehensible conduct of the Opposition members who tore up the draft Constitution and even burnt it within the Chamber of the House- conduct so unbecoming of a responsible Opposition as to earn a strong condemnation of most sections of the press and public. President Kumaratunga spoke in Sinhala for over 90 minutes. Calmly and courageously surveying this unruly scene the President remarked: "If the UNP members howl here today like a pack of jackals, it is a big question to me Mr. Speaker as to how they can form a responsible Government in this country. I say that this is a historic moment not only because the Government has presented a new Constitution for our country, but also because we hope to take the first and permanent step to end this war in the North and East that was started during the UNP rule, that destroyed thousands of lives for 18 years from the Black July (anti-Tamil pogrom - Ed) of 1983 and which has been a curse to the forward march of this country."

Pointing out that the people of the country gave a mandate to the Government six years ago to put on end to the terror, destruction of life, destruction of democracy and violation of human rights and to usher in an era of peace based on a sharing of power during nine rounds of elections from the Provincial Council elections of 1993 onwards, President Kumaratunga said:

"The proposals on which this Constitution is based were presented to this country on a day like this, on 3rd August 1995, five years ago. It was to the leader of the UNP as the main Opposition party that I first extended an invitation to meet me before I did so. They met me on August 2nd. We discussed it before presenting it to the country. Now they are howling like jackals. I am ashamed at this behaviour. I wonder whether they are an Opposition..."

"... That was the initial draft. I then asked the LTTE whether to send the draft to them and discuss it. But they were not prepared to do so. It was thereafter that we presented it to the Parliamentary Select Committee. Discussions were held there under the Chairmanship of Professor G.L. Peiris." (This Select Committee had no less than 77 sittings and there was considerable delay and stalling mainly on account of the prevarication of the UNP as noted in the earlier issues of *Christian Worker* - Ed.) "We presented the document incorporating certain amendments to Parliament in October 1997. Then once



President Kumaratunga in Parliament

Courtesy: Daily News

again I invited the UNP, but their support was not forthcoming to ensure the two-thirds majority. Thereafter I invited 13 parties now in Parliament after the 1999 Presidential Election to discuss it again and incorporate any necessary amendments.

"The nine constituent parties of the People's Alliance discussed it for two weeks in depth and brought certain amendments and invited the Tamil parties next. It was discussed with them also for two weeks and then we invited the UNP. We must record our appreciation that the UNP acceded to that request and came for talks.

"Before the discussion, the UNP Leader wrote to me and proposed various things. He wrote to me asking me to give various things to the LTTE. We have his signed letter. He suggested a time frame for the discussions. We welcomed that and both the UNP and the Government Group decided to wind up in four weeks. However, the UNP dragged this discussion on for 18 weeks taking on even minor and irrelevant matters for discussion. We suspected this from the very beginning. We were working on the premise that we should discuss this document which had been approved by 12 of the 14 parties in Parliament, whatever the impediments. After 18 weeks of discussion I and a number of my Ministers agreed to all the clauses of the new Constitution except one. We accepted several amendments proposed by the UNP. Here Member of Parliament Choksy participated very fruitfully as those on our side. Others of the UNP team co-operated with us. I am very thankful to them for that. At the end of 16 months of discussions and deliberation on June 30th, we

had reached agreement on all the clauses except that on the Executive Presidency. We had included the subject of the Executive Presidency three times in the agenda, on June 30th and twice earlier. Everytime the UNP did not give us their decision. Finally this had to be completed on June 30th. They asked for one more day to give their decision. We gave them one more day on July 7. On that day too they said they cannot make a decision and say whether they are for or against. Then I told them that if my presence at the meeting was a problem for them, I would walk out allowing them to discuss it. Then the UNP group including their leader told me to stay on saying it was not a problem at all. Then I told them to inform us of their decision but they didn't do it either. They said they would inform their decision after discussing it in the sub-Committee. The date for the Sub-committee meeting was scheduled for July 19 which was after a lapse of 14 days. On that day too, a UNP MP who is present here today, came as the sole UNP representative and said he had not been empowered to take a decision on this and asked for a fresh date for a discussion. This then was the fifth discussion held on a single item. We did not discuss anything else.

"They said we should all hold another discussion on July 21st. I had planned to go abroad that night on a strictly personal and important matter but I cancelled the trip and all other work and agreed to that date. On that day too they came and said they had to discuss it in their Working Committee and inform us. Then I told them we can't wait any longer and that this was the fifth time we were discussing this problem. You are not telling us your views, kindly tell us whether you are for or against this or if you wish to propose an amendment tell us so. Again they said they would discuss it at the Working Committee and inform us. When I asked for the date on which they will inform us, they said they will discuss it in the Working Committee on the 27th and 28th and inform us soon ... Then on the 28th or 29th their party chairman Mr. Jayasuriya had telephoned our Minister of Constitutional Affairs ... and vaguely said they didn't like the idea very much and that they wanted another discussion with the President. At that moment we had given the Constitution for printing. I said that even if we have to remove a page, if we can reach a consensus on the matter, we would do it. This message of the UNP chairman given on the 29th reached me only on the 30th. I had a very busy schedule on the 31st. So I cancelled my first appointment on the 1st (August) and offered them the opportunity they sought. They said their leader wouldn't be able to come on the 1st. When I asked whether they could come on the 2nd they said that on that day too their leader would not be able to turn up. These people only ask for dates and then say their leader is unable to come. Then I spoke directly to the UNP Chairman.

"Due to our great desire and dedication to end the ugly confrontational political culture which had existed in the country all these years and create a new political culture which would go forward on the basis of consensus, the discussion the UNP promised to conclude in four weeks dragged on for 18 weeks. We were prepared to spend time. But if this is the kind of response we get, Mr. Speaker, I would like to ask you whether this is a party? Are these representatives of the people? Do they love their country? I ask you is this the way they act if they are people's representatives who have a concern for the interests of the people? I have told you the history."

We have quoted the President at length to show the efforts that were made to reach a consensus with the UNP on what its leader has described as "the one key issue outstanding". But even at the stage of parliamentary discussion, some compromise could have been had or an amendment moved as the President herself has pointed out which the Government itself would have been obliged to accept if it wished to obtain the requisite two-thirds majority for the passage of the Bill. It is abundantly clear from what has happened, that for narrow political reasons the UNP did not want to give the PA Government credit for the successful passing of the new constitution, even if they (the UNP) were forced by the prevailing political climate to participate in the discussions to achieve a consensus and make a substantial contribution to the final draft of the Constitutional Bill. The antics of the UNP and its leader in this regard including his professed concern for bringing the LTTE into the discussions together with his proposed amendments to the constitutional draft that would have prevented any further LTTE consideration of it and his final demand for the Bill to be placed for approval by the Maha Sangha have all been well discussed and shown up in Batty Weerakoon's article titled "UNP torpedoes Constitutional Reform" that appears inside under 'Comments', which will be of considerable interest to our readers.

The President in her speech also referred to the executive committee system which has been introduced into the Regional Councils which take the place of the present Provincial Councils under the new Constitution to promote government activities with the participation of all parties there. She drew attention also to the strengthening of human rights and freedoms under it (eg. Right to life, right to safe conditions of work, right to health care including emergency medical treatment, sufficient food and water and appropriate social assistance) including the Rights of children and commitment to protect environmental damage and prevent pollution.

Referring to the need to regain the confidence of the minorities and especially the Tamils after the manner they

were killed and burnt in 1983 which led some of them to demand a separate State, the President asserted that the injustice caused could be remedied by power-sharing through the devolution proposals of the new constitution. "The day we build that confidence" she said "those Tamils will not need Prabhakaran's terrorism." The LTTE have shown during the past six years that they are not prepared for peace she said.

Recalling the peace movement after the presentation of the draft on August 3rd 1995, when intellectuals, university students, lecturers, teachers, journalists, a large number from non-government organisations, a large number of Maha Sangha and dignitaries of other religions went throughout the country taking the message which was also staged through street dramas and publicised through the media, the President said "After all this if anyone says that we are rushing through the Constitution it is a brazen lie .... This rushing through took five years ... it took five years to present this and pass it into law ... We admit that shortcoming. We can't help it. Even when we had won 80% of the electorates in the Parliamentary elections, we have only a single vote majority in Parliament because of the UNP Government's Constitution that is now in force ... It is only because we did not have the two-thirds majority that we were unable to pass it". (*Daily News* August 7)

### Sinhala Chauvinists and Tamil Tigers

Sinhala chauvinist organisations of different hues generally take the position that there are no real Tamil grievances and what has in fact to be faced is a terrorist problem.

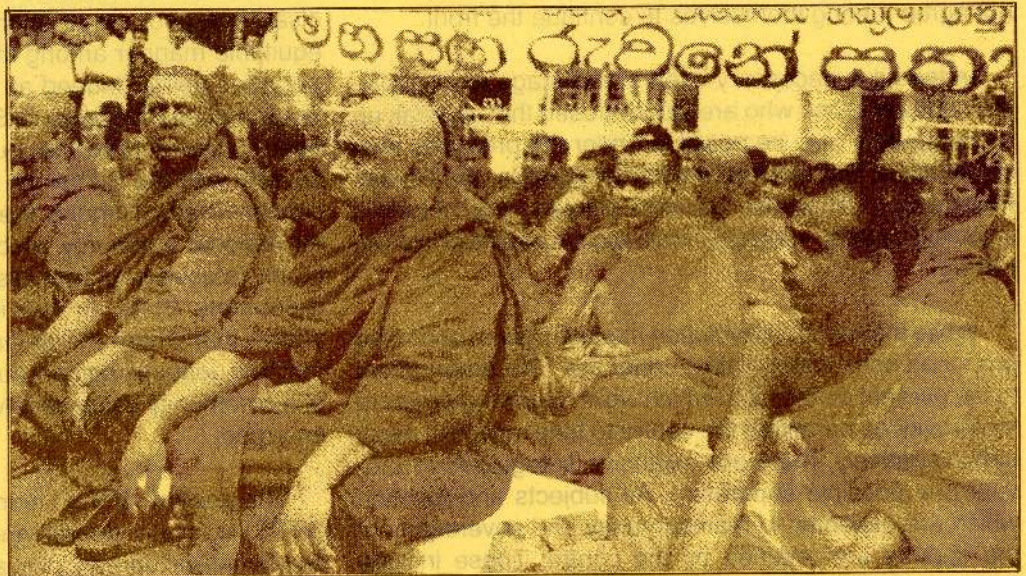
Such a position helps the LTTE propaganda that the Sinhala people are not prepared to give any political power to the Tamils and that the Sinhalese want to use their majority to rule the entire country from one centre of power and that the answer is a separate State of Tamil Eelam.

In this situation what has to be offered by way of a democratic and peaceful solution has necessarily to be a political challenge to the LTTE and one that would be acceptable to the

vast majority of moderate Tamils who like their Sinhala counterparts are yearning for peace and a political settlement.

A small but vociferous group of chauvinists should not be permitted to bamboozle the country with their lies, half-truths and distortions and mislead gullible Buddhist monks into taking to the streets and organising protests. It was obvious that none of these monks had made any real study of the proposed Constitution. Most had even been misled by the story that the place of Buddhism in the Constitution had been deleted when it had in fact been strengthened!

Actually, this whole process of getting the Sangha (Buddhist Monks) involved in protests against the constitution does them no good but rather tends to lessen public respect for them. This is all the more so when we see the role played in the past by the Sangha to rescind both the Bandaranaike-Chelvanayagam Pact of 1958 and the Dudley Senanayake-Chelvanayagam Pact of 1965 which could have led to a settlement of the ethnic issue. Premier Bandaranaike when tearing up the Agreement with Tamil leader S.J.V. Chelvanayagam in front of a crowd of Buddhist monks seated in protest at the entrance to his residence was reported as saying that they would have to bear responsibility for the repercussions and future generations for its consequences. The many years of terror and bloodshed, which have tarnished this land of the Dharma has been the result. Today some Sinhala groups and even the UNP leader say that the new constitution should be opposed because the Maha Sangha was not consulted. This is itself an untruth but if the new constitution is to be opposed it should be for good and substantial reason and not because the Maha Sangha was not consulted.



**Sangha protest**

Courtesy: *The Island*

The Sangha in Sri Lanka is not an organised body and nobody has the necessary authority to command them to toe one single line as has been the position of the Pope in the Roman Church. It should be appreciated that the Government could probably bring many more learned bhikkhus and put up a much bigger 'show' of Bhikkhus in support of the new constitution justifiably if they wished to do so. It is time that more mature and senior members of the Sangha of some calibre acted in keeping with their calling as 'Buddha putras' instead of assuming the role of tribal leaders at the instigation of others who have their own political agendas. One of these bhikkhus was even so foolish as to commence a "fast unto death" under the B-tree in Pettah stating that he preferred to sacrifice his life "rather than live in a divided country," when the very purpose of the new constitution was to prevent such separation which was inevitable if the ethnic conflict was not resolved!

The warning issued by the Mahanayaka Theras to all MPs not to vote for the PA Government's Constitutional Bill and the Malwatte Mahanayaka's statement that if this final warning was dishonoured and the new Constitution was passed, the next would be the sacrifice of his life (The Island of 9 August) sounded rather farcical in this context. And what are we to think of their threat to not administer Pansakula (Buddhist funeral rites) to MPs who dared to defy their order? The attempt of the Mahanayaka Theras however to mobilise all chauvinist Sinhala and Buddhist forces and the JVP who vociferously opposed constitutional reform into a single front to separately contest the General Election failed when the Mahajana Eksath Peramuna (MEP) settled its differences and joined the PA to contest the polls! The other parties - Sinhala Urumaya and Sinhalaye Maha Sammatha Bumi Puthra Party could not agree among themselves to continue the front.

Indeed it is necessary even at this stage to disabuse the minds of those who are still confused that a break up of the country may be possible under the proposed new constitution. This includes the former rebel Janata Vimukti Peramuna (JVP) whose 'socialist' ideology and rhetoric is coloured by deep-rooted Sinhala racism inherited from its history.

While meaningful devolution has been given under the proposed constitution unlike under the 13th Amendment to the present constitution which while devolving power to the provinces permitted the centre to take most of it away administratively, there are extensive safeguards to prevent any possible separation. All subjects and function which are essential to maintain unity and sovereignty of the country are retained by the centre. These include Defence, National Security, National Police, Foreign Af-

fairs, National Planning, Airports, Ports, Shipping and Navigation, Aviation, Administration of Justice etc. In several key areas the regions have to work within national plans. These include Health, Education, Forestry, the professions, use of State land etc. There are also emergency powers, which one hopes the centre will use only when absolutely necessary, i.e. Articles 219 and 220 and 223 which gives very wide powers to the centre in an extreme emergency subject to parliamentary approval only.

Sufficient attention has also not been drawn to the safeguard for Sinhalese and Muslims in the Interim Council for the North-East. There will be in that Council, Deputy Chief Ministers representing the Sinhalese and Muslims. The core subjects to be assigned to them are laid down in the constitution itself- e.g. Article 245 (2). Key decisions affecting the Sinhalese and Muslim minorities need to be supported by a majority of members of both communities. Appointments to the Public Service in the North-East should reflect the ethnic composition of the region - clause 247 (3). Each community will have a Cultural Committee (clause 251) and there will also be an Equality Commission (Clause 252). So it will be seen that there is no substance whatever to the fears raised in regard to any possible break-up of the country through the devolution of power to the provinces. The only objections that arise are only on the basis of ethnic or race prejudice and the desire of certain Sinhala chauvinist elements to maintain a Sinhalese hegemony over the other communities. It must be recognised that terrorism is a symptom and manifestation of a disease arising out of an imbalance in political power among the communities. If the distribution of political power in multi-ethnic societies is imbalanced, the result is that communities without political power become disadvantaged. So a sharing of political power in an equitable manner among the communities is a *sine qua non* for stability. Indeed as has been pointed out if the South Indian invasions of Sri Lanka in past history had been successful and the country became a Tamil majority country with the Sinhalese as a minority geographically concentrated in Ruhuna, the latter would undoubtedly ask for regional autonomy which if the Tamil majority stubbornly refused would necessarily evolve into a demand for a separate State. In fact international experience has shown that where the demand for separation has been met by a genuine regional autonomy, not a single example of a community using devolved power to break away has emerged.

The position of the Liberation Tigers of Tamil Eelam (LTTE) is much clearer and more purposeful than the emotional and unreasoning approach of the Sinhala chauvinists. Theirs has consistently been the struggle for a



separate State of Tamil Eelam. This is well reflected in the interview given by LTTE ideologue Anton Balasingham to the Tamil Guardian 1 July 2000 published from London. His position is clear and unambiguous. We give a few excerpts from that interview.

**Q:** Do you think that there is any prospect for cease-fire and peace talks in the future?

**A:** There is a prospect for a cease-fire and peace talks only if the troops occupying Jaffna are withdrawn. If the Government is determined to continue the military occupation of Jaffna, then the conditions of war will prevail. The LTTE has already liberated large territories in the peninsula. This liberation process will continue until our final goal is achieved."

**Q:** The fighting in Jaffna seems to have subsided. The government claims that the LTTE's offensive campaign has been stalemated by the armed forces using modern weapons. What is your comment?

**A:** "The Tiger's offensive is not stalemated by the army. Our combat formations are consolidating their newly formed positions in Jaffna. The offensive has been temporarily suspended to evacuate the civilians trapped in the battle zones of Chavakachcheri. The army has been using the Tamil civilians as human shields to protect themselves. They have been bombing and shelling recklessly in the LTTE controlled areas causing heavy casualties among the innocent people. The army is desperate and demoralised and taking vengeance on Tamil lives and property.

"(Operation) Unceasing Wave will never stop until our strategic objective is achieved. That is when the Jaffna peninsula is fully liberated from the alien military occupation.

**Q:** "Colombo has become a hive of political activity this week. The final stage of the devolution package is being worked out between the PA Government and the UNP. The Norwegian peace envoy Erik Solheim has been meeting the government leaders. But there seems to be a studied silence in the LTTE quarters. What is your position regarding the devolution package? Is the LTTE prepared to study and comment if the package is given to them?"

**A:** "The LTTE rejected the package when it was first presented to the public in 1995 as the Devolution Propos-

als. We rejected the package on the grounds that it had serious limitations and it failed to address the national aspirations of the Tamil people. Since then there were two more sets of proposals, the legal draft of 1996 and the proposals for constitutional reform of 1997. Several changes have been made from the original proposals and powers of devolution have been further whittled down in the draft constitution. The PA Government and the UNP in an attempt to reach a consensus engaged in deliberations for the last several months diluting further the constitutional reform proposals of 1997. Having sucked the blood and flesh out of the unjust package, a skeleton now remains as the final draft.

"The LTTE will not accept this package because it has nothing substantial to form the foundation for a permanent solution to the Tamil national question. It fails to address the key demands or national aspirations of the Tamil people as articulated in the cardinal principles of the Thimpu declaration. The LTTE will not study or comment on any package that tends to ignore the key issues of self-determination and nationhood of the Tamil people..."

The position of the Tamil Tigers could not be clearer. They have refused to be a party to any discussions on the present draft as well as to even the original P.A. package. What then of the concern seemingly shown by UNP leader Ranil Wickremesinghe to bring them into the discussions? And his final demand to have the new constitution accepted by the Maha Sangha? His avowed aim of having a Constitution acceptable to both the LTTE and Maha Sangha simply boggled the imagination! Does all this not show mala fides and a deliberate attempt to sabotage the efforts made to pass with the requisite two-third majority in Parliament the new Constitution Bill ninety five per cent of which was accepted earlier by the UNP itself?



**LTTE ideologue Anton Balasingham**

The LTTE's attitude to peace negotiations can perhaps be better understood in the light of a statement made by Anton Balasingham in an interview to the Deccan Herald and reproduced in the Daily News of 8 July where he commented on the relations the LTTE had with President R. Premadasa: "When we entered into negotiations with President Premadasa, we were on the brink of destruction. The IPKF (Indian Peace Keeping Force) had taken over the entire North and East and the LTTE and Prabhakaran were fighting for survival. So we entered into an understanding with Premadasa to escape from total annihilation."

In consequence of this understanding, the UNP Government of President Premadasa even armed the LTTE to fight the IPKF. He then had the IPKF sent out of the country and permitted the LTTE to take over the North and East of the country from which it was dislodged partially by the present PA Government, after the LTTE suddenly broke off peace negotiation with it.

A word needs to be said on the attitude of the other Tamil parties. While some of them were openly supportive of the Government's efforts to give whatever was possible despite the UNP's obstructions, to create the basis for a political resolution of the ethnic issue, the moderate Tamil United Liberation Front (TULF) which claims to lead the Tamil people but has hitherto trailed behind the LTTE through fear for their lives, ultimately backed out of supporting the Bill though several of its MPs were inclined to vote for it earlier. They subsequently appear to have got cold feet because they could become targets in the forthcoming election campaign at the hands of the LTTE.

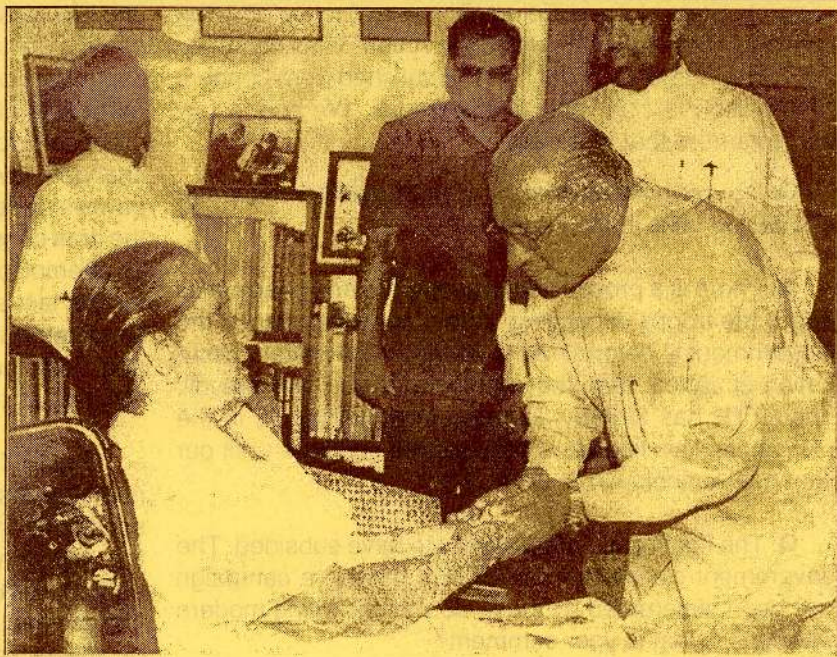
It seems necessary also to remind well-meaning Tamils, Liberals and even Samasamaja dissidents like Vasudeva Nanayakkara who perhaps await a model or near perfect constitution, to recognise that any constitution cannot transcend the existing relationship of social forces but must necessarily reflect it.

The same goes for the Nava Sama Samaja Party (NSSP) which at last November's Presidential Election, perhaps for opportunist reasons, thought it fit to even form a front with the JVP and back the latter's candidate.

The only realistic course is to accept this limitation regarding constitutions and make the best of whatever is possible in the given circumstances and seek to improve on it. The constraints faced by the PA Government in this regard have already been noted and it is for us to learn the lessons. As it stands those who rejected the constitution also rejected its positive aspects including genuine devolution, the abolition of the executive Presidency and the strengthening of democratic and human rights.

### The Outcome

In view of the difficulty in obtaining the requisite two-thirds majority in parliament with the UNP not only refusing to co-operate but even sending off a batch of around ten



**New Prime Minister receives Mrs. Sirima Bandaranaike's blessings**

*Courtesy: Sunday Observer*

of its MPs inclined to vote for the Bill on a free holiday to Singapore to prevent them from voting, the PA Government had no option but to adjourn the debate indefinitely. Thus sadly, a historic opportunity in reaching towards a political settlement of the ethnic issue and peace in our land was lost to the country. A further constitutional amendment, which sought to improve the electoral system, was also shelved in this situation.

The debate on the Constitution Bill however saw the cross-over in Parliament of at least 3 other well-known UNP MPs to the Government benches: Harindra Corea of Chilaw with Ronnie de Mel and Mervyn Silva from the South and one defection from the Government to the Opposition ranks. Ronnie de Mel who had earlier defied the UNP Whip by voting for the extension of the Emergency said in a press interview that "If the UNP which has been unable to win at least one of the six elections held after it was relegated to the Opposition, behaves in such a low manner in Parliament, challenging the decisions of the Speaker and threatening everybody, they will dance the merry hell all over the country should they ever come to power!"

Shortly after, on August 10th Mrs. Sirima Bandaranaike stepped down as Prime Minister and was replaced by Leader of the House Ratnasiri Wickramanayake. While this may be regarded as a shift to the right, the election of Minister S.B. Dissanayake as SLFP General Secretary on August 17 to replace Minister Dharmasiri Senanayake who died on July 25, may be seen as strengthening

President Kumaratunga's position within the party, however controversial this Minister may be to those outside it.

The dissolution of Parliament with effect from the midnight of August 18 and the fixing of the Election date on October 10 with nominations to be received by the Commissioner of Elections from August 28 to the noon of September 4 has now made the new Constitution a focal point in the forthcoming General Election.

Once the dust settles after the hustings and a new Government is elected, it would be possible to continue discussions from where they had been interrupted. Any new government has necessarily to face up to the wasteful and unnecessary war in the North-East and the need to have a negotiated political settlement on the basis of a devolution of power. So this issue will be of paramount importance the moment the general election is over. But to ensure this the PA will still need a two-thirds majority in Parliament if a Constitutional Amendment is to be passed.

In the alternative, the president with the PA if returned to power may have to rely on the mandate given by the people at the General Elections to introduce a new Constitution and have it passed by the elected members.

Meanwhile Chandrika Bandaranaike Kumaratunga has become the only Sinhala Buddhist head of Government in history who has dared to stand up for minority rights in face of fierce opposition from leaders of Buddhist Sangha and anti-devolution Sinhalese groups. Refusing to give into chauvinist and reactionary pressures, she has again decided to take this issue to the people at the forthcoming general election.

### The Continuing War

The country was mobilised on a 'war footing' with tough new measures taken on May 3rd by the Government following the fall of the key and strategic Elephant Pass army camp to the Tamil Tigers on April 21 as noted in our last issue and their almost seemingly unstoppable advance in the offensive styled "Alaigal Oivathllai" (Unceasing Waves) in the Jaffna peninsula.

After re-taking the greater part of the Vanni in northern mainland, the taking of the Elephant Pass camp came in the wake of a string of Tiger victories in the South, South-East and Eastern sectors of the peninsula. Then came another series of winning operations in the South-

Western zone known as Thenmaratchchy including Chavakachcheri the second largest town in the peninsula. The Tigers were even said to have entered certain areas in the Jaffna Municipality and established positions. Soon Tiger artillery began an intermittent shelling of the important Palaly Airport and Kankesanthurai harbour complex. Indeed rumours were rife fuelled by Tiger propaganda that the Sri Lankan forces were on the verge of a humiliating defeat leading to a 'Dunkirk' style evacuation of troops in the peninsula with international assistance. An LTTE ultimatum and 7 day deadline for soldiers to surrender however did not meet with any success and not a single soldier crossed over.

The ground realities proved contrary to these expectations. The 'Pause and Pounce' Tiger strategy of the past which has seen spells of calm followed by furious combat (the 'pauses' to enable consolidation and rest for the cadres) now seemed to have ended in a deeper pause than before. The Tigers even in June were seen to have withdrawn from certain areas they took only some weeks earlier faced reportedly with a lack of cadres after losing so many in the 'Unceasing Waves' operation.

The Army for its part seemed to have recovered its fighting spirit to hold on to their positions and even make some limited advances. Deputy Defence Minister Anuruddha Ratwatte who was silent during the reverses was now quick to claim that this change was because the government had made the correct decisions and given the proper leadership. In the meantime the overall Northern Provincial Commander to be also appointed Chief of Staff was Major General Janaka Perera and Jaffna Commander Major General Sarath Fonseka whose presence in Jaffna together with the induction of new weaponry, slowly restored their morale, enabling the Security forces to start fighting back. Later sharp disagreements and infighting between the two of them were said to result in their being shifted out and Major General Anton Wijendra appointed as Security Forces Commander in Jaffna in which capacity he was to be the senior-most military officer in the North. He was earlier Security Forces Commander in the Vanni. Security Forces Commander Major Sarath Fonseka now took over as SF Commander Vanni, with Major General Janaka Perera reverting to his substantive post as Chief of Staff of the Army and operating from the Army Headquarters. With the retirement of Army Commander, Srilal Weerasooriya, Major General Balagalle was appointed Army Commander with effect from August 24.



**Major General Balagalle**

The small advances of the army in the North has resulted in the LTTE's withdrawal and maintenance of a Jaffna Municipality presence only in the Eastern areas of Ariyalai and coastal sectors of Colombuthurai. The much awaited Tiger campaign to take Jaffna City has not taken place.

In the Thenmaratchchi sector the LTTE had not succeeded in taking Kilaly on the South West Coast despite repeated efforts. The 522 Brigade of the Army as well as a Naval detachment known as the "Boat Squad" were holding on to Kilaly in the face of sustained Tiger assaults. Kilaly was the western part of a well fortified defence line extending diagonally to Nagarkovil in the East through Elulltumattuvaal in the middle. The LTTE holds all territory to the South of this line in the peninsula. It was reported that thousands of people in Thenmaratchchi area caught up in areas where there was fighting between the LTTE and Army had fled behind the Army lines to escape their 'Liberators'! (More about this later).

In its latest Bulletin titled "The Ordeal of Civilians in Thenmaratchchi" (570. 24) The University Teachers for Human Rights - Jaffna (UTHR - J) sums up the position thus:

" Things had come to a pass where there was no love lost between the people and the LTTE and both knew it. For people in Jaffna in general, keeping away from the LTTE had become the main priority, while the compulsions of the LTTE were to impose themselves on the people."

"With the screws being progressively tightened in the Vanni, the fate of people who had been taken there (by the LTTE) is one of unmitigated misery. Several of them have said that they are barely managing with rice porridge and are badly in need of cash. They find it impossible to manage unless they join the (LTTE's) Border Force or the Auxiliary Force by going for military training, which will enable them to obtain provisions at a controlled price. If not they have to pay black market prices..."

" Given this reality, the LTTE's original plan to shift 50,000 to 100,000 people from Thenmaratchchi into the Vanni appears in its true light. The people who have gone to the Vanni are today virtual prisoners."



*Jaffna Security Commander visiting the troops in action*

*Courtesy: Daily News*

For their part the Security Forces have not yet embarked on any, large scale offensive to recover all their territory, overrun by, the Tigers. This does not mean however that the Tigers have abandoned their objective to take over the peninsula. More recruitment and preparation would be needed before making another Tiger 'Pounce' which the Security Forces have to anticipate in making their own plans to take back what they have lost also with more recruitment to the forces in addition to the new equipment F they have now received after so much delay. On May 10 Deputy Minister Ratwatte had requested each MP to give him 100 youth to help fight the war. The new fighter aircraft in fact was put to use on August 9 in a massive air attack on a major Sea Tiger base complex in Chalai Jaffna which offensive was reported to have destroyed the main LTTE base completely along with the adjoining Sea Tiger women's Training Camp, a Stores Complex and a fuel dump. Limited operations ahead of Army defence lines are also made to weaken the Tigers moving around with mortars and small arms in several parts of the North-East region. It is ironical in this situation that the Ven. Maduluwawe Sobitha and other Bhikkhus who had so vehemently opposed Indian intervention in 1987 were now vociferously calling for it to bring the Tigers to heel!

### **Plight of the Civilians**

Except in the affected areas, life in the peninsula would appear to go on as usual within the given constraints.

Apart from the damage caused to civilians and property which must necessarily occur during the shelling and

fighting on both sides, the position of the civilians of the North-East as a whole in the Army held areas and that in the LTTE controlled ones has been well reported in Bulletin No. 23 of the University Teachers for Human Rights (Jaffna) -(UTHR -J) titled " The Sun God's Children and the Big Lie" . The UTHR - J is known for its meticulous and balanced reporting so we reproduce below several excerpts from this document which will be of assistance in understanding the situation of civilians in the Tiger controlled areas especially.

"The people in Jaffna, the Vanni and the East, as well as the Sinhalese people, badly wanted peace. The Army too was weary. Yet, the war seemed destined to go on, beyond the control of the majority who want peace. Having gone through many years of destruction, it was the dream of the people in the North-East that a democratic political solution will be in place which would eventually remove any armed presence.

"A hint of what it is like in the Vanni came from the testimony of people who had a taste of it. 'It is true', they said, 'there are human rights violations under the Government of Sri Lanka. But here, there is not a shadow of human rights!' This is no more evident than in the manner in which children are recruited for military service.

"The plight of those living under the LTTE is the main subject of this bulletin. We will also touch on Government's failures to check violations by the security forces which helps the LTTE and its lobby to get away with it.

### *The Government: A Record of Callousness*

"We had pointed out in earlier reports that the Government's inability to effectively stop violations in the form of missing persons, torture of prisoners and indiscriminate killings of civilians, gives credibility to the LTTE propaganda, particularly among those outside the North. This results from the Government's own indiscipline and incompetence. It has left behind a trail of uninvestigated crimes that constantly reawaken doubts of the worst kind. On 12th April, Traditional New Year's eve, a Tamil musical show in Trincomalee was disrupted by a grenade explosion which killed several members of the audience. A few days later the Police ruled out the LTTE as being the cause of the explosion. This also indicated that they had received some information. But we understand that the case has been closed.

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"We have been told by well-placed civilian sources that elements in the security forces had been responsible for this communally motivated attack in what the Government has declared the 'City of Peace'. This view is also shared by well-informed Sinhalese residents committed to a plural Trincomalee. They felt that by covering up this incident the Government was opening the way to communal disharmony. They wanted the culprits punished. On Vesak Day, 17th May, there was tension in Trincomalee as Sinhalese residents anticipated a reprisal attack. Initially the news of the bomb explosion in Batticaloa on that day was thought to be such a reprisal.

"Under the prevailing press censorship the Government claimed that the 17 victims killed were victims of an LTTE outrage on a day sacred to the Buddhists and was intended to provoke a backlash. Except for the Tamil papers, the Press in this small country did not question this version. About 4.30 PM a bicycle had been found parked by a row of shops on Trincomalee Road near the office of DIG/Police. The Buddhist temple was a small distance inside on a by-road. The shop-keepers had suspected a bomb inside a box on the bicycle and informed the Police. The Police had been careless about it and had apparently meddled with the box. A loud explosion was heard and about 3 policemen were killed. Some shops were damaged.

"Police sergeant Perinpan Uthayanan, a respected figure and treasurer of the St.Michael's College OBA, was on the road keeping people away. He was speaking to Fr.Chandra who had accompanied a group of children from Aythiyamalai, who came to see the Vesak celebration. The children were in a van. About 10 minutes later a group of the Special Forces came from Brigade HQ on their motorbikes and fired many rounds indiscriminately.

"Despite Fr.Chandra's appeal, they fired at the van killing 9 children and injuring several others. They also killed Sergeant Uthayanan who was in police uniform and was well-known. Some persons were dragged out of shops and killed. The outrage was covered up.

"At Batticaloa Hospital the MSF recovered several bullets from dead and injured victims. However the JMO certified that the victims had died of a bomb explosion. The Police and the Magistrate did not go beyond this, although the van carrying the children even as shown in the TV news evinced neat lines of regularly spaced holes as one would expect from an automatic

weapon rather than a from a bomb. The first step of pulling up the Brigadier Zacky and asking him to identify the men who committed the massacre was evidently not taken. It was said in Colombo that the President had delayed the broadcast of the news ( the government version) to prevent a backlash against the Tamils.

"Responsible persons in Batticaloa do believe that the massacre was planned in advance. In earlier months there had been mine attacks by the LTTE on vehicles carrying troops within Batticaloa town limits. But the soldiers had generally behaved themselves. They associate the Vesak incident with a mood of impunity resulting from putting the country on a war-footing, where some group in the Army decided that the next time there was an incident they would act in this fashion. It must be noted that there was a gap of 10 minutes and the Police on the spot were calm and did not do any firing. We may also mention that throughout the crisis involving the fall of Elephant Pass, the behaviour of troops in Jaffna towards the civilians was commendable.

"Even so late in the day when the cost of justice faltering in incidents such as those above is well understood, the Government persists in cover-ups. More damagingly, the responsibility for covering up goes right up to the President when no action is taken on requests for an independent inquiry by Tamil parliamentarians. Where does it leave the credibility of devolution?

"We may say that after more than 4 years, the Government's attitude towards civilian casualties in the North-East has not changed. In July 1995 the covering up of the bombing of civilians near the Naval Church went right up to the President. In November 1995 a good GA in Jaffna was sacked for giving the accurate figure of 104 civilians killed by aerial bombing during the month of October 1995 when asked by agencies based in Colombo.

"During the post - Elephant Pass crisis this year, under a declaration of 'war-footing', the official Media Information Centre whenever referring to civilian deaths in Jaffna, blamed them all on the LTTE, although it is clear that a significant number died from aerial bombing and shelling by government forces. Sometimes the Government pointed the finger at itself through its own incompetence.

"On 20th May shells fell on the old people's home at Kaithady killing 15 elders and wounding 24. The 6.00 PM

SLBC Tamil radio news of 21st May did not mention the incident, but talked about the Army taking special measures in Jaffna to protect charitable institutions such as orphanages etc and charged that the LTTE was using civilians as shields. The 8.45 PM English SLBC news which followed, reported the incident and blamed it on the LTTE. It is only an impartial inquiry that could decide the truth.

"Using censorship to handle civilian deaths in this cavalier manner does little to enhance the people's trust in the Government. The Government's failures are part of the devastating success of the LTTE. We have mentioned three in a continuing succession of incidents (see AI releases). The Government that constantly talks about the LTTE's use of children at the UN, must ponder the future of those children who survived the massacre by the Special Forces, and of their friends.

### *For the Sun God's Alter*

"After the LTTE engineered the forced exodus from Jaffna in October 1995, there were many children from Jaffna idling in the Vanni. The areas where the 2,00,000 displaced from Jaffna settled in considerable numbers include Mallavi and Puthukkudiyiruppu. Those settled in Killinochchi were once more displaced in late 1996. From October 1995, the LTTE recruited intensively from this displaced population, until most of them progressively left the Vanni.

"In April last year on the Leader's orders intense propaganda activity and compulsory self-defence training in schools and villages had commenced. A variety of pressures were applied to ensure co-operation, including the withholding of government rations. A certificate was issued at the end of the training lasting 3 months. People were then checked on the roads, and those (both men and women) who could not show the certificate were turned back. Life was so made difficult. Exit visas were also refused to those who did not train.

"A new intensification of militarisation and child recruitment commenced on 5th May 2000 with the 'Elephant Pass Victory Festival'. The LTTE has developed a system of punishments forcing people and school children to attend festivals and protest demonstrations. The slogan for the occasion was 'The Leader Who Rules The World'.

"We may also give a fairly informative idea of the life-span of the young recruits. Of the 15 who joined between April 1999 and early 2000, the bodies of six were brought to their school for



**Prabakaran the LTTE Sun God**

display before being laid to rest. This ceremony is intended to give the dead an aura of heroism and to make the others guilty about not joining. But we reliably understand that a total of 9 out of the 15 who joined had died in a little over an year.

"The feelings of the parents of children so killed are expressed guardedly and vanish into the sultry air. The mother of a girl recruit who joined when she was 14 and was killed aged 15, was brought to school. After seeing the remains of the girl, she told a neighbour, "I lost my daughter when she was 14 and now they have taken my son who is of the same age." The son had joined after his elder sister was killed. A clear sense of outrage was couched in her expression of sorrow. It is a common reaction when an LTTE cadre is killed for a younger sibling to join.....

"During the one and a half months following 5th May, about 5% of the school children targetted have been recruited. Another source of recruitment comes from orphans and destitutes brought up by the LTTE in their 'Chencholai' (Red-Blossomed Garden) homes for children. Here brainwashing and adulation of the Leader begins from the time they are in. We have no estimate of the number, but children as young as 10 and 11 can be seen walking about in LTTE uniform.....

### *The Regime of Terror*

"One token of this repression is the behaviour of parents when they hear that LTTE recruiters had come to their children's school. Earlier (mid-90s) in Jaffna the parents would rush to the school and surround it and the teachers and the principal would often help the parents to safeguard their children. This pattern continued into the Vanni in 1996. But in Vanni today the situation is different.

"Parents today do not rush to the school in an organised manner when the recruiters arrive. At one time the teachers and the principal used to insist on being present when the recruiters addressed the children. Today as soon as the recruiters arrive the teachers walk out of the class and there is no adult to witness the pressures being employed. Whatever civil society there was in the Vanni has been destroyed and the people have been reduced to zombies. One means used to accomplish this is direct terror. What is more damagingly effective is indirect terror. A government official is, say, given

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an order by the LTTE. At first it may be innocuous enough. He agrees knowing at the back of his mind that the consequences of refusal may be unpleasant. These orders progressively increase in their degree of unreasonableness and the official goes all the way until he is thoroughly caught.

"When someone is more difficult, there is direct intervention. A government official was for some time firm with the Tigers about doing his job. Once he was taken away by the Tigers and given a warning. No one knows what transpired. What people saw subsequently was a broken man. When the LTTE addresses senior educationists, a casual warning is sometimes issued: "You know what happens to those who do not co-operate!"

"Teachers who try to protect the children from recruiters are marked. One day a local LTTE leader may meet him alone and tell him, "We have reports that you are not co-operating with our recruitment drive." .....

"Other direct and more extreme forms of terror exist which are for ordinary people too unpleasant to contemplate. The people have seen dozens of bodies of persons executed and dumped on the roadsides. In the sizeable village of Puthukkudiyiruppu alone, people have seen about a hundred of such bodies during 1998. The victim with eyes and mouth tied and hands tied behind the back is brought to a public place and the people are summoned. The charges are then read out by a cadre while the victim remains speechless. While the charges are read, the spectators are also told, "We are watching many more persons, traders, farmers etc, who are doing similar things and we will act against them soon." (Some traders stopped trading out of fear.) A pistol is then raised and a bullet fired into the forehead. The victim drops lifeless. If the victim twitches, a second bullet is fired. The crowd goes away horrified and skeptical.

"Since 1999 these public executions have been very much reduced. The reason attributed for it is concern being voiced by human rights organisations such as Amnesty International. We understand that now the LTTE has reverted back to secret executions as in the early 90s. By the same token we have confirmation that a large number of detainees are being held in bunkers, in chains. Testimony comes from civilian as well as LTTE detainees.....

"In the past the LTTE allowed senior officials of the Sri Lankan Government enough leeway to keep their self-re-

spect. This has changed drastically. Among those who under compulsion undergo military training now to serve in the LTTE's Border Force are government officials having designations of Government Agent, Assistant Government Agent, Director of Education and Assistant Commissioner of Co-operatives. All these officials sign and pass on instructions dictated by LTTE coordinators, such as Illankumaran for education. Orders to close government offices at 3.00 PM on training days have been passed down by departmental heads. Letters summoning employees to LTTE meetings refer in coded form to an 'urgent discussion'. What freedom can an individual have in this environment?

"The absolute control of the government machinery as we shall see enabled the LTTE to put into effect a far-reaching system of repression.....

#### *How Universal Conscription Works*

"On 5th May, after the Elephant Pass attack, the LTTE in effect told the schools that they need not teach. Three days a week all school children from year 10 (grade 9) upwards (that is the 14/15 age group and above) were required to take military training.

"This is different from the former self-defence training, but there was continuity. Last year school children were marched with poles. But December last year saw a parade of schoolgirls in Mallavi. Though not in uniform, guns had been substituted for poles, so that they were unawares becoming soldiers. Now escape has been made nigh impossible. Within one month the school children had been put through dismantling and reassembling guns and grenades. They were then divided into two sides and mock battles were held.

"The means used to ensure full attendance is that those who do not train can neither attend school nor tutorials. School authorities have been asked to enforce this, causing them deep heart-burn and misgivings.

"Programmes to get children in are now a regular feature. A 'Students' Inspirational Week' was begun on 6th June. An LTTE speaker told the school, "I too once thought studies are



**LTTE girl fighter captured by the Army recently**

*Courtesy: The Island*

important and put my heart and soul into it. I later realised that liberation is far more important, so here I am". He added that studies are now not necessary until Eelam is obtained. The same things were said in all the schools

"In most schools now children attending grade 10 and above are a small fraction of the number. They are frequently students who are medically certified for ailments such as wheezing and rheumatism. The 56 year old right in this country of compulsory free education for all, has been turned into a pretext for conscription.

#### *Current LTTE Policy Towards Child Recruitment*

"Child recruitment from the age of ten upwards (then nearly all males) was practised by the LTTE openly in the early 90s. With the government administration in the North coming under its control and its social and psychological mechanisms for recruitment becoming more effective, there was a shift towards combat effectiveness and generally the preferred age became 15 or 16, while not spurning much younger recruits. During mid-1998 the UN special envoy, Mr. Olara Otunnu, who was dealing with the subject of child soldiers, visited Sri Lanka. The LTTE pledged to him that they would not recruit those below 17 and not use those below 18 in combat.

"But the LTTE had placed itself in a position where it could not negotiate for a political settlement, and its whole thrust was towards militarily establishing a separate state. It began the first of its conventional thrusts by taking Killinochchi in October 1998 and with it started a massive recruitment campaign. The pressure applied on children grew in intensity. Any token attempt to keep the agreement with Otunnu was forgotten.

"A further conventional attack in early November 1999 caused the Army to lose large tracts of territory in what the LTTE leader called the first phase of 'Unceasing Waves'. On National Heroes Day, 27th November 1999, the leader declared the coming year to be the Year of Battles that would see the establishment of his separate state. He had given priority to retaking the Jaffna peninsula. In December he made important strategic gains on the east coast of the Jaffna peninsula, but failed. The Government remained unbelievably compla-



cent. In April 2000 he came very close to success, but failed beyond capturing more territory. This was a serious setback for his plans.

"The whole exercise from December had cost the LTTE about 1,500 dead and many more injured. This was in an organisation whose total strength was generally placed at 7,000, but placed higher by local observers. The LTTE's problem was not arms and money, of which its global reach provided more than enough. It needed considerably more recruits to make another attempt at taking Jaffna. This comes out clearly in its propaganda meetings.

"Currently these meetings held for the public, schoolteachers and government officials are being addressed by big guns. They include Balakumar and Para who were EROS leaders, Thamil Chelvan who heads the LTTE Political Wing, Vithuran and Puthuvai Rathinathurai, a former communist and poet laureate. Their constant message is that they can take Jaffna in a few days or even a few hours (Puthuvai), but they need 2000 more people. Balakumar and Para have been taken off their normal duties and specially assigned to recruitment. Even mature people listening to these recruitment speeches said that they get so emotionally carried away that they develop goose-pimples. Later, it is like coming out of a trance.

"When a child is taken, only appeals from the parents are tokenly entertained. An uncle, aunt or any other relative is rudely chased away. In one incident the father and the mother of a child had barged into an LTTE camp. They were beaten and chased away for trespass. This also reflects a desperation about wanting to take Jaffna.

### *Why Take Jaffna?*

"Jaffna has prestige value as having been the intellectual centre of the Tamils and also the fountainhead of Tamil nationalism. After being under the control of the LTTE, Jaffna folk had also shown considerable reservations about the LTTE to its embarrassment. However the LTTE's immediate need to take Jaffna is mundane - i.e. flesh and muscle.

"Although the East has been the main traditional source of recruitment, forming the bulk of the casualties, this dropped temporarily from 1992 when the Army took control of most parts of the East. In the Pooneryn attack in 1993, Jaffna re-

cruits dominated the casualties. After the Army took Jaffna in 1995, schools functioned normally and recruitment by the LTTE in Jaffna dropped to almost zero. This was resented by the other cadre, especially from the East, who again began dominating casualty lists of the LTTE's very costly conventional campaigns from 1998. Moreover, recruitment in the Vanni and the LTTE-controlled East with a total population base of about 300,000, was being pushed to the limit and can be increased only by cannibalising any remaining social structures as is being done in the Vanni now. However the capture of Jaffna would not end the LTTE leader's task.

"But taking Jaffna would increase the LTTE's population base by 500,000. The Leader would then have to use in Jaffna the harsh methods of recruitment he has used elsewhere as a sop to satisfy the long-suffering people in the Vanni and especially Batticaloa. He would moreover need these Jaffna recruits to launch the final thrust to liberate South Tamil Eelam - the East. This would be very difficult because of the long border with the populous South. It is something for which he has been preparing from the time he attacked Mullaitivu and captured long-range cannon in 1996 and has not deviated from it and he cannot.

"Now that taking Jaffna has proved more difficult, he has to go for broke in the Vanni, break every sense of community, all human values and all fundamental loyalties to make everyone who can physically carry a gun a fighter. It is the gamble of a desperate man who is throwing in everything. Should he succeed, it would be the end of civilised life in Sri Lanka. The country will not be able to absorb the consequences.

"The reasons why the LTTE went all out in support of the UNP presidential candidate Ranil Wickremasinghe in December 1999 are far deeper than the rhetoric about Chandrika

Kumaratunge having betrayed the Tamils. As president he was pledged to give in effect the LTTE the North-East administration on an interim basis. There is no need to expand on the consequences. It is a matter of deep regret that some prominent NGOs in Colombo and some supposedly anti-racist intellectuals were either backing the UNP or were saying that it is what the Tamil people and those in Jaffna wanted - hence the need to utterly discredit the Jaffna poll.

"Of course those in Jaffna knew that a UNP victory or a return of the LTTE would have apocalyptic consequences. This was evident from

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last December when the LTTE made some incursions near Elephant Pass. From Iyakkachchi 67 families were transported to the Vanni. They were then visited by international NGOs, but they did not utter a word of complaint. We do know for a fact that they did not want to move, but several of them were assaulted and the families were transported forcibly. It is a pity that when highly organised international institutions approach the ordinary people, the truth which all the locals know, fails to surface.

"This phenomenon was in evidence again in April and May.

We have received several reports that thousands of people in the

Thenmaratchy caught up in areas

where there was fighting between the LTTE and the Army fled behind Army lines. Often on their way they were assaulted by LTTE cadre. An estimated 2000 people, including injured civilians, were made to get into trailers and after a drive were taken across a narrow stretch of the sea near Pooneryn to the LTTE controlled Vanni. There can be no doubt as to what nearly 100% of these people wanted. In early 1996 they had already defied the LTTE's orders to move to the Vanni. Quite apart from what they thought of the Army, there was a preferred option - an option where their children could attend school without being importuned by recruiters.

"The LTTE itself is very clear that their reasons for taking Jaffna have nothing to do with the people there wanting to be liberated from the Army. Some LTTE spokesmen display their hostility and paranoia concerning people in Jaffna quite openly at public meetings in the Vanni. One asked, 'Whenever our cadre go to a place in Jaffna, they are immediately surrounded by the Army. How do you think that happens?'

"Frequently when a group of corpses of dead cadre are brought from Jaffna, the press and radio announcements would say that they died in action. But at the local funerals, the people would be told, 'They were betrayed!'

'Other speakers have tried to express it more humorously. They said in an oft repeated story: *'Once our cadre went to the house of a retired principal in Jaffna, and knocked on the door. Opening the door and recognising our boys, he invited them inside. A sumptuous meal with pittu and several curries was on the table. He invited them to partake of it. The LTTE men declined, went away and stayed at a distance. A little later they saw a party of the Sri Lankan Army, led by the brigadier,*

**It is now his job to take even very young children from their parents and send them to almost certain death.....**

**.....Such anxieties do not bother Prabhakaran. The past record suggests that if he needs to kill thousands of people in Jaffna to bring Jaffna down to the level of servility now obtaining in the Vanni, he would not hesitate to do it. He made up his mind a long time ago that he would not balk at going to the lowest depths to achieve his Eelam.**

*going into the principal's house. It was then they realised that they had stumbled into a dinner prepared for the Army.'*

"In the Vanni itself after every displacement, the people become desperately poor and the LTTE richer. The LTTE has acquired a giant cattle-herd.

"In 1990 the LTTE had ordered the EROS to close down and formally become part of the LTTE. Balakumar, now a key LTTE propagandist, agreed abjectly, angering many EROS members who then left. Balakumar did not have the nerve for the kind of risks taken by Prabhakaran and thought it very foolish when Prabhakaran attacked the Indian Army in 1987. One aspect of his nature is that when under training in

India in the mid-80s, he used to be seen crying, longing to be with his father and mother. He was then in his mid-30s.

"It is now his job to take even very young children from their parents and send them to almost certain death. However, unlike Prabhakaran, he knows that controlling Jaffna would be an unpleasant task. When questioned he could sometimes be disarmingly frank. After saying that they would somehow take Jaffna, he threw up his hands and confessed, 'After that we don't know what we are going to do!'

"Such anxieties do not bother Prabhakaran. The past record suggests that if he needs to kill thousands of people in Jaffna to bring Jaffna down to the level of servility now obtaining in the Vanni, he would not hesitate to do it. He made up his mind a long time ago that he would not balk at going to the lowest depths to achieve his Eelam.

"Some military and political analysts viewed the prospective fall of Jaffna last May as a military setback. Several peace activists, liberals and the UNP leader saw giving the LTTE control over Jaffna as a confidence-building measure. What callous indifference parading as wisdom! How well-founded are their theories about peace?

### ***How Serious is the LTTE About Peace?***

"We have answered this question before and history and the contents of LTTE journals speak for themselves. At a recent meeting a senior LTTE leader was asked about Norwegian mediation. He replied that the Norwegians, like 'beneficent gods, came here with sincere intentions of bringing peace, and added that the Norwegians had begun to go rotten after they

started going to New Delhi and consulting India. He later said that they are aiming high at Tamil Eelam and whatever they have to do on the way there is a small matter.

"Someone pointed out that the Leader himself had said publicly that they are ready for peace talks. The senior leader replied that such pronouncements are 'maya jala vitthai' (hocus pocus, or trickery). An old man then asked, "Do you mean to say that our Thalaivar (Leader) is a liar?" The senior leader looked disturbed and waffled.

"A total and universally destructive war has thus become a substitute for the inability to talk peace. To this end we mentioned that the control of the population is accomplished in part through the control of basic services that are provided by the government machinery.

### *Control of the Government Machinery*

"Village headmen are also used to extract supposedly voluntary payments for the many LTTE funds as a condition for collecting their government rations.

"Even more serious is that of pilfering rations to keep people on the brink of starvation, thus making them vulnerable to being roped in for military service. Government rations do get late at times when there is fighting, but they eventually arrive. It is only in Madhu refugee camp that people get their full rations.

"When it comes to promotions or recommendations for promotions, orders are given to heads by LTTE co-ordinators. Thus sycophancy gets priority over merit, seniority and eligibility, in some ways replicating the system in the South. In particular cases those who are good at recommending themselves to the LTTE are equally good at recommending themselves to the Government.

"In the educational field, one way of going up the ranks of government service from an LTTE controlled area is to be very co-operative in abetting LTTE activities, including child recruitment.

### *The Art of 100% Support*

"About four videos are made in the Vanni every month showing large numbers of people holding

placards, protesting against the Government on some issue or showing their support for the Tigers. But in reality the people are forced to come for these or suffer some disability. Unless the demonstration is particularly to do with schools, the students are asked to change and come in civilian clothes. Once the people come, they are given the slogans written on placards in English and Tamil to be carried. When occasion demands, they are also given pictures of the Leader. A cassock here and there gives the occasion added authenticity.

"The videos taken are dispatched to the West as part of fund raising efforts. Subjects of protest include the Government's failure to dispatch rice rations, medicines, school books, school uniforms, its alleged attempt to starve the people and so on. The truth is that there may be delays according to the ground situation, but the goods do arrive. There have been occasions when a protest was organised, the goods arrived routinely and the LTTE claimed credit. Normally the government departments know when the goods are on the way.

"When a demonstration is announced, people try to make excuses - some urgent business in the field, a sick cow and so on. Here the government machinery is part of the means of enforcing compliance, ensuring that at least two from every family attend. The village headman to whom the people have to go for rations, identity cards and so on, has been given the task of enforcing attendance. This has led to ironies such as family being denied food rations for failing to attend a protest demonstration accusing the Government of starving people by not sending rations.

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### *The Border Force*

"All civilians from the ages of 16 to 45 are required to undergo similar military training as in schools, for the Border Force. Indirectly it has made total minions even of high ranking officers paid by the Government. Those above that age are drawn into the Village Force. The function of the latter is to do jobs like the repairing of roads for which the Government (eg. Provincial Council) has allocated money. The LTTE pockets the money.

"In the Vanni too a significant number of civilians have died or lost their limbs through bombing and shelling by the security forces. A group of very articulate persons who live in the Vanni and know what is going on are the Christian

clergy, particularly from the Roman Catholic Church. Many of them would say little. But the others would play down the extent of the LTTE's repression, would deny that coercion is used to recruit children, and would make a case that what the LTTE does is justified by the callousness of the Government.....

"We merely observe that the people living in the Vanni have a fairly sober assessment of the Government and its limitations. But they have grave reservations about the track along which the LTTE has been goading them and know that the world offers them far kinder options than the blood sacrifice of their children and the destruction of their humanity.

"They are also grieved by the manner in which they have been systematically misrepresented by those who speak on their behalf, and in doing so condemn them to their present state. Unfortunately, the Church is very guilty in this respect.

#### *The Church: Between Nationalism & Fascism*

"From the point of its global reach the LTTE realised the importance of the churches when it became a state-in-the-making. But bishops of the powerful Roman Catholic Church have generally tried to keep a distance. Bishop Rayappu Joseph of Mannar sometimes slips by treading areas he should have avoided. During mid-June, Ananthi of the BBC Tamil Service asked him a leading question about where the civilians in Jaffna caught up in the presently LTTE controlled area would go if given a choice. The Bishop immediately replied that they would come to the Vanni.

"Because of confusion in standing up for values and a lack of courage in the Church hierarchy, through a handful of priests the LTTE has been able to push the Church to support its propaganda. There was in recent months a remarkable occasion in Killinochchi. The LTTE invited a large number of priests and nuns for a meal. It turned out to be a perfect western meal where several courses were served, with the best chinaware and cutlery in use. At the end of the meal Tamil Chelvan read out a message from the Leader.

"The message was that the Church has an important role to play in obtaining legitimacy for their cause internationally.

**From the point of its global reach the LTTE realised the importance of the churches....**

**....through a handful of priests the LTTE has been able to push the Church to support its propaganda. There was in recent months a remarkable occasion in Killinochchi. The LTTE invited a large number of priests and nuns for a meal. It turned out to be a perfect western meal.... At the end of the meal Tamil Chelvan read out a message from the Leader.**

**....The message was that the Church has an important role to play in obtaining legitimacy for their cause internationally.**

There was also an earnest plea for their co-operation. The propaganda role of the Church is important both locally as well as among the Tamil expatriate community. Fr.P2 is the Mankulam correspondent of the Tamil service of the Philippines-based Radio Veritas. Although owned by the Roman Catholic Church, it is notorious for pro-LTTE propaganda.

"The north of the Vanni comes under the Bishop of Jaffna and during the middle of last year the Vanni Divine Service Council, consisting of clergy and lay was in conference for 7 days. The president of the Council was Fr.P1, Fr.P2 its secretary and Fr. P3 its co-ordinator. On the last day P1 brought up an item not on the agenda. He wanted the Council to discuss, "What is the role of the Church and its contribution in today's situation?"

"There was an attempt to steer the discussion towards open support for the LTTE. The majority of the clergy and other delegates were dumbfounded. However they strongly objected and the attempt to pass a pro-LTTE resolution failed.

"It was rather resolved that the Government and the LTTE should talk and bring about peace. But the next day the LTTE daily Eelantham announced that the Council had resolved to support fully all the wartime measures of the LTTE. The same claim had also been quickly given to the BBC Tamil Service and was broadcast. Although many priests protested privately and the church authorities too later took the three officiating priests to task, no correction was ever made.

"We said in our last bulletin that the Church believed that the shells which killed 38 refugees in Madhu in November 1999 had been fired by the LTTE. We now have confirmation that this is widely shared by church officials in Madhu and technically the Army could hardly have fired those shells. We also learn that shortly after the incident, Bishop Joseph Rayappu gave Karikalan, a senior LTTE figure, a dressing down. It was Fr.P1 who had told the BBC Tamil Service that the Army had fired the shells.

"The Church has however been silent, allowing the people to believe that the Army fired the shells. Two months later the HUDEC of the Roman Catholic Church in Jaffna organised a memorial service for the victims at Madhu. However, the prayers and speeches, mostly by laymen, referred to the

victims as having been killed by 'alien forces'. That claim went uncorrected.

"Fr.P2 also chairs the NGO consortium for Killinochchi District that deals with international NGOs. The Church has contributed significantly to the Big Lie.

### *On the Threshold of Tragedy*

"It is also important to recognise the effect of scores of millions of dollars pouring into LTTE coffers from the West during this year alone. Children have to be found to carry the weapons bought from this money.

"When challenged, LTTE fund raisers in the West claim that these millions are being collected for refugees in the Vanni. Has this ever been challenged? Is there anything in the Vanni to justify this claim? Has one dollar been spent paying compensation to the widow of a Border Force victim? The first step in halting the tragedy that threatens to engulf thousands of children is to come to terms with what is really going on in the Vanni.

"A number of groups in the South who supported justice for Tamils in the past are today guilty of creating confusion about the interests of the Tamil people. They have made it seem natural that the Tamil people want to live under the LTTE, and that its attempt to take Jaffna is in keeping with the wishes of the Tamil people. It is as though the Tamil people in the North-East have an obsession for destroying their children. The LTTE taking Jaffna would have been an act of brigandage and that is how it would have been seen in Jaffna. It would have been very wrong to misrepresent a triumph of barbarism as a triumph of nationalism.....

"There is also a painful dilemma facing the Tamil intellectuals, the Church in the North-East and the Tamil parties who with ill-disguised fear have abdicated any role in finding a political solution to the LTTE. The LTTE which has been culling the abler and effective members in their ranks, is goading them in a particular direction. This direction is the 'EROS Way'. It is a dead end without honour. After launching out on a liberation struggle, EROS leaders Balakumar and Para are now catching children for the LTTE. They would privately admit to close friends that they have to go on because they are trapped.

"Theirs is survival politics. Being politically astute they know that the political vacuum of the LTTE would lead the Tamil people towards tragedy. In a frank moment Balakumar would throw up his hands and say, "We will get Eelam, but then we don't know what to do." As Minister of Justice in the Vanni, Para's main job is to raise money through astronomical fines, such as by levying impossible fines on widows who buy Sri Lankan arrack at a highly inflated price from the LTTE, and sell it for a small profit. Where children in the Vanni are concerned, most of the articulate members of the Tamil community have been playing the EROS game.

"At an age when we are talking about global governance, are systems so weak, ineffective and blind, that nothing can be done to halt the tragedy to which the children in the Vanni are being destined?"

This war however has not been confined to the North - East but has had its effects in other areas of the country too as seen in skirmishes and attacks on civilians in the border villages in the past and the planting of bombs at various places and despatch of suicide bombers by the LTTE mainly to the metropolis to target political leaders and others as we have regularly documented.

The outstanding political murder during this period was that of Industrial Development Minister C.V.Goonaratne in Ratmalana when leading a procession to collect funds in support of the troops on War Heroes' Day (June 8). Also killed were 24 others including Dehiwala-Mount Lavinia Deputy Mayor Anura Silva, 4 Security Personnel of the Minister and several officials. Eight persons were also

seriously injured including the Minister's wife who later succumbed to her injuries. A LTTE suicide bomber was responsible for this massacre.

The other attack not so successful was that on a Sri Lanka Air Force bus said to be carrying wounded Air Force personnel. This was said to be the first terrorist attack on a medical transport vehicle, defence services said. There have furthermore been arms and explosives discovered in certain places and found such as that on the rail track at Bambalapitiya on July 31 and several suspected bombers have been arrested. All of which goes to show that the LTTE as a guerrilla organisation is able to con-

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tinue its war indefinitely with even a limited cadre and despatch its suicide bombers and plant bombs even outside the North-East. Short of a political settlement, such acts of terrorism cannot therefore be prevented.

### Cost of the War

The cost of the war, this year is estimated as being over Rs. 80 Billion. The total cost of Sri Lanka's civil war between 1984 and 1986 is a staggering Rs. 118,087 billion according to the World Bank report titled "*Sri Lanka -Recapturing Lost Opportunities*". The report says that the present value cost of the conflict during this period is nearly 170% of the country's Gross Domestic Production (GOP) in 1996 which totalled Rs. 695,934 million. The Bank has based the calculations on a study conducted by the Institute of Policy Studies in Colombo. The 1999 Central Bank Annual Report had calculated that the war had reduced Sri Lanka's economic growth by 2 to 3 percentage points a year.

The factors taken into consideration in arriving at this calculation included the defence expenditure by both the Government and the LTTE, Relief Services, damage to infrastructure along with such invisible costs as "crowding out of public investment due to the large defence out-lays".

The war had cost the lives of at least 60,000 people, with 70,000 displaced and 172,000 persons living in Government welfare centres. The Report identifies children as being the worst victims of the conflict. "There are an estimated 40,000 children displaced in the region, with a large proportion suffering from serious psychological trauma from war and displacement and stress -related physical symptoms".

A World Bank survey revealed that Tamil children in the East perceived Sinhalese as "people wearing khaki and carrying guns" while their Sinhalese counterparts in the South perceived Tamils as 'Tigers and Enemies'. (*The Sunday Leader* July 30)

Despite all this in the Human Development Index (HDI) Sri Lanka ranks at 84 among 114 countries and is leading in the SAARC region. Canada is in the first place while ~Norway and the United States are at the second and third places respectively. India ranks at the 128th place. Speak-

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wasteful and unnecessary civil war will do much to improve the image of Sri Lanka and the welfare of its poorer sections.

An Amnesty International report of July noted that human rights violations have increased in Sri Lanka since the Government imposed emergency regulations in May. While admitting that it could not provide conclusive evidence linking this emerging trend to the new regulations, the report expressed concern regarding the wide powers given to the Security Forces which may be resulting in an increase in torture, "disappearances", and death of suspects in custody.

"The proper protection of prisoners and detainees is a matter of critical importance in Sri Lanka which remains the country with the second largest number of non-clarified cases of disappearances and where torture remains widespread" the report stated. "The broad powers available to the Security Forces have long been identified as a facilitating factor," the report added.

The Civil Rights Movement has drawn attention to two aspects of the new emergency regulations which have serious implications for the safety of arrested persons, In the emergency regulations in force before 3 May 2000, the power of search without warrant etc. was conferred only on police officers and members of the armed forces. Now a search or arrest may also be made by "any other person authorised by the President to act under this regulation".

Again the legal requirement that places of detention be designated and gazetted has been omitted from the new emergency regulations made on 3 May and currently operative. In this regard please see the CRM statement appearing under "Human Rights" inside.

ing about the report Dr. Radhika Coomaraswamy was reported saying that ensuring human rights is a dream that has to be realised to achieve economic growth. "Compared to other developing countries Sri Lanka has a far more equal society than most of them" she is reported to have said. (*The Island* of July 04). In this connection readers are referred to the article by Dr. Lloyd Fernando inside under 'Comments'.

Steps taken to settle the ethnic conflict through constitutional reform which can help towards ending the on-going

**Violence**

The prolonged civil war and use especially by the earlier regime of goons and hit squads to target political opponents has as we have noted in this column earlier resulted in an increasing brutalisation of our society. The operations of underworld gangs who have links to and are patronised by certain political personages is also well known as also the availability of contract killers. The *Daily News* of 28 July reported that after the arrest of four underworld gang leaders it was revealed that one of them used to earn about Rs. 60,000 a day from criminal activities extorting Rs 50 a piece from air conditioned buses and Rs. 25 from ordinary buses coming to Colombo. A palatial house with closed circuit cameras, secret storage places and get-away outlets have been discovered when attempting to apprehend one of these affluent under world characters. Gang warfare has also surfaced at regular intervals, including the killing of suspects in custody and even within court premises by rival gangs. In a recent case a Base hospital has been stormed and 4 persons including a patient killed at dawn by an unidentified gunman.

Violence which surfaced during the Wayamba Provincial Council Elections on January 25 last year showed up how badly violence has entered politics despite the avowed aim of the PA government to end it. Fortunately violence did not figure to that extent in the elections that followed. We are now at a crucial juncture in our political life with a general election in the offing and a confused state in the country helped by a proliferation of registered political parties and new alliances between some of them for electoral purposes. There have been at least two cases of serious violence in such a trifling matter as the putting up of posters in anticipation of the elections where a JVP and a UNP supporter were killed. This violence has been deprecated by all the parties concerned but some understanding has to be reached especially by the main political parties to ensure that a fair and democratic election will be held. President Kumaratunga has warned all concerned including her own MPs that she will take the strongest possible action against offenders whoever they are. But words have to be matched with deeds.

The recent misbehaviour of Members of Parliament within the very Chamber of Parliament during the introduction of the Constitutional Bill supported by the angry demonstrations of certain Bhikkhus and chau-

vinist elements outside has resulted in a charged climate in which supporters of the PA too have had their own peace demonstrations and meetings. It is now for all concerned to explain their respective positions to the people of this country as to enable them to decide freely through the democratic exercise of the ballot. The Commissioner of Elections, the election staff comprising the public servants of the country and the police have all to play an important role in this exercise. It would be a tragedy if violence should again flare up in a country which has been so concerned about promoting the Dharma that it has successfully piloted a resolution co-sponsored later by 34 countries ranging from US and Russia to Pakistan and the Ukraine for an international day of observance of Vesak from this year by the UN. It resulted in the commemoration of Vesak on May 16 within the precincts of the UN itself which would well serve as a reminder to us all in this country at this time to be mindful of the Buddha's message of Peace and tolerance, which transcends narrow differences of race, caste, religion and politics. Right mindfulness should also lead to right action.

**Follow-up on Disappearances**

In this issue of *Christian Worker* too have had to focus attention (as we have done continuously from the 2nd Qtr of 1998) on the matter of disappearances especially after the publication of the Reports of Zonal commissions on this question and the appointment of an All- Island Commission to cover what had not been attended to in the earlier Commissions. We have urged that firm and speedy action should be taken against offenders and their political patrons in the interest of justice so as to assuage the anguish and trauma in the hearts and minds of thousands in our land.

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The arrest of Major General Ananda Weerasekera and Senior Superintendent of Police Douglas Peiris recently has once again revived some interest on this question but action needs to be taken on the entire issue and not only in selective cases that are advantageous for political reasons. A startling disclosure has been made by the Chairman of the Batalanda Commission Justice Dharmasiri Jayawickrema that certain important sections and the summary which gives recommendations on measures that could be adopted against those involved, has been omitted from the Report. This is a serious matter since Commission of Inquiry Reports have to

be published as sessional papers and tabled before Parliament.

Readers are referred to the items on disappearances appearing inside under "Comments" for further particulars.

### Censorship

We have always denounced censorship not only as unnecessary but also as being counter-productive. In this instance our view has also been endorsed by Foreign Minister Lakshman Kadirgamar in an interview with *The Sunday Times*. He stated that this has brought in many issues which are extraneous to the issue at hand and that the central issue which is our very survival as a nation was being clouded as a result.

Beginning with a censorship on war news, the Emergency Regulation 14(1) of 10 May provided that a "Competent Authority may take such measures or such directions as he may consider necessary for preventing or restricting the publication or broadcast .... of matters which would or might be prejudicial to the interests of national security or the preservation of public order..". When the validity of this regulation was challenged before the Supreme Court by the President of the Movement for Inter Racial Justice, a Bench comprising Justices Dr.A.R.B.Amarasinghe, S.W.B.Wadugodapitiya PC and L H G Weerasekera held on May 15 that the restriction imposed was not disproportionate to the interests of national security within the meaning Article 15 (7) of the Constitution and that a fair balance between competing interests has been struck. " If it turns out the regulations were abused, we could have had a different kind of case than that presented before us. All that is now here is the validity of the regulations *ex facie*, not the review of particular actions of the Competent Authority and I am unable to agree that the regulations can be said to be unconstitutional.

In another Fundamental Rights Case, the Supreme Court of on 30 June with the same Judge Dr. A R B Amarasinghe and two others concurring, held that the appointment of the Competent Authority was not valid and his order banning the publication of the *Sunday Leader* for 6 months (later reduced to 2 months) was similarly bad in law. By ruling that there was no

provision under the Emergency Regulations to appoint him, the Supreme Court has in effect also said that the censorship of the press carried out by the Competent Authority was illegal. The Court directed the State to pay Rs. 100,000 to the newspapers compensation. The ruling in this case also affected the Jaffna Daily *Uthayan* which was closed down by the censor on May 20, two days before the banning of the *Sunday Leader* for alleged violation of the censorship regulations.

Since the Judgement, the Government has re-appointed Mr. Ariya Rubasinghe as the Competent Authority strictly following the legal procedure as interpreted by the Supreme Court.

### Other Court Decisions

On 17 July the Supreme Court discharged Minister S.B.Dissanayake of the charge of Contempt of the Supreme Court but warned him to be careful in his references to the Courts and Judges in future.

A three member Bench of the Court headed by Chief Justice Sarath Silva with Justices P R P Perera and Ameer Ismail ruled that Sports Minister S.B. Dissanayake did not have *mala fides* or bad intention when he remarked that the Courts would be closed down and the judges could go home if they did not agree with the Government's political reforms package. Dissanayake's Counsel Faiz Mustapha PC submitted what the Minister meant was that when the new "draft Constitution is presented the Judges who did not agree with it would have the option to seek premature retirement. He pointed out that Dissanayake had tendered an unqualified apology to all the judges.

There were court Judgements in two cases affecting members of the United National Party - one concerning members of the Alternative UNP group who defected from the Party when on November 5th 1999 without the prior approval or sanction of the Party, the six petitioners who were Dr. Sarath Amunugama, Messrs. Nanda Mathew, Wijayapala Mendis, Susil Moonesinghe and R M R Chula Bandara attended a meeting at Temple Trees to support the President at the forthcoming elections. They were expelled from the party as a result and appealed against their ex-

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pulsion as it was in contravention of the party's guidelines. The petitioners were members of Parliament and expulsion could have resulted in their losing their seats in Parliament. The gravity of the matter required that at least a limited hearing should have been given to them before a decision was taken against them. The Supreme Court held that there was no justification for the failure of the respondents to observe principles of natural justice and grant the petitioners a hearing before they were expelled. Therefore the Court determined that their expulsion was void and had no force or effect in law and therefore for the purpose of Article 99 (13) (G) of the constitution was invalid.

The second case involved a judgement of the Appeal Court on a writ of Quo warranto when the petitioner Dilan Perera himself an elected MP challenged the appointment of Rajitha Senaratne who was an MP nominated through the National List of the UNP on the ground that he had tendered for and entered into various contracts with the Government institutions as a partner of a business and a director of a company, while he continued to remain a Member of Parliament. The Court of Appeal held that by holding the contracts referred to the respondent had disqualified himself from sitting and voting in Parliament and his office consequently became vacant in terms of Article 66 (d) of the 1978 Constitution. The UNP however reappointed Rajitha Senaratne a few weeks after the judgement was delivered on the ground that he had registered his partnership as a company and has no private dealings with alleged contracts since the Company has a separate legal identity. However in constructing their judgement the Court had considered both the partnership and his post as a director of his company. This action of the main opposition party of the country undermines the rule of law and is in blatant disregard of a judicial decision given by the second highest Court of the Country.

The Court of Appeal on August 4 comprising Justice P Edussuriya ( President) Justice R V Wigneswaran and Justice P H K Kulatillaka unanimously convicted Crime Detection Bureau Director Bandula Wickremasinghe of contempt of Court and ordered him to pay Rs. 200,000 personally as State costs before August 18. He was convicted in respect of the illegal arrest of High Court Judge Mahanama Tilakaratne, defying an order made by the Kesbewa Magistrate releasing Mr. Tilakaratne on bail earlier.

The Court of Appeal said the conduct of Senior Superintendent of Police Bandula Wickremasinghe was a disgrace to the Police Force, but due to his long period of service the Court will not order incarceration since that would affect his employment. As a senior officer and

guardian of the law he should have set an example to society but instead acted in wilful disobedience and failed to make even a proper apology to Court. He was released on a personal bail of Rs. 200,000 to appear on August 18 to ascertain whether he had paid the amount of Court's costs awarded against him. The Court said this was a good example of " Those clothed with power trying to harm the people ". The Judgement held the view that in the performance of duties , a police officer should bear in mind to heed the law of the land and to pay regard to the Courts which are bound to safeguard the rights of citizens.

## Eppawala

The most important judgement of the Supreme Court during this period was the one that vindicated the long running objections by residents of Eppawala as well as Sri Lanka's scientific community, peoples organisations, religious bodies, archeologists and environmentalists etc. when it ordered the Government to desist from going ahead with its controversial phosphate mining project.

*Christian Worker* has campaigned for long against the implementation of this BOI approved project which was to be carried out by "Saarabhami Resources Pvt Ltd." a company with a 90% foreign shareholding which envisaged the exploitation of the known rocks phosphate reserves at Eppawala over a mere period of 30 years in a high intensity mining operation that its opponents said would devastate the local environment and its cultural monuments. (See last 5 issues of *Christian Worker*).

The fundamental rights case was filed by six owners of agricultural land and the incumbent monk of the Galkanda Purana Viharaya all within the exploration area of this project who claimed they were in danger of losing their lands and livelihood as a result of this project which was not for a public purpose but for the enrichment of a private company.

They also claimed that the project was being entered into in a manner that circumvented the environmental laws of the country. As part of their prayer the petitioners asked for a disclosure of the documents pending hearing and in a significant ruling at the leave to proceed stage, the Supreme Court ordered that Mineral Investment Agreement if signed should be produced to Court within one week.

It turned out that the Agreement had not yet been signed but the respondents admitted that the copies filed by the petitioners represented the final drafts which had been initialled by the Government.

In its final judgement arrived at after lengthy arguments and written submissions by the contesting parties, the

Supreme Court Bench headed by Justice A.R.B. Amarasinghe with Justices Wadugodapitiya and P.S. Gunasekera agreeing, held that the petitioners had established an imminent infringement of their fundamental rights.

The State was directed to desist from entering into any contract until a comprehensive exploration and study had been carried out with regard to locations, quantity and quality of the rock phosphate deposits in consultation with the National Academy of Sciences and the National Science Foundation both of whom had been highly critical of the Sarabhumi project.

In terms of both environmental jurisprudence and public law in general, this judgement of the Supreme Court broke new ground in Sri Lanka and showed itself willing to review the decisions of the executive regarding the management of internal resources if mismanagement of these was likely to interfere with the rights of present and future generations.

The Court found also a deliberate attempt on the part of the parties including the Government to circumvent the laws of this country. In place of the detailed Environmental Impact Assessment (EIA) Procedure laid down in the National Environmental Act and the regulations made thereunder, the proposed agreement provided for the Project company to conduct its own "feasibility study" with the aid of a qualified foreign consultant selected by the Company. It was the Secretary to the Industries Ministry and not the Central Environmental Authority who would decide whether to go ahead with the project following such study and in the event of the Secretary's refusal to give approval the Company could take the Government to international arbitration in London, a costly procedure which Government would probably wish to avoid.

The Court was critical of confidentiality clauses in the agreement that would keep information out of reach of the people. Such clauses it said were "an attempt to quell, appease, abate or even under guise of a binding contract to legally put down or extinguish public protests". The Court pointed out that the Constitution places a shared responsibility on the State and its citizens to safeguard the national environment and the petitioners fell into that category.

The indefinite extendable project area in terms of the Agreement that the mining activities could have on the inter-linked irrigation system of the North Central Province were also matters that caused the court serious concern.

A clause in the proposed Agreement that drew particular adverse comment was the provision for relocation of the

occupants of the land which showed that "the paramount consideration will be the interests of the Company rather than those of the occupants of the affected areas."

Also analysing the concepts of sustainable development as contained in the international Stockholm and Rio de Janeiro Declarations on the Environment the Court said:

"The human development paradigm needs to be placed within the context of our finite environment, so as to ensure the future sustainability of the mineral resources and of water and soil conservation ecosystem of the Eppawala region and of the North Central Province and Sri Lanka in general. Due account must be taken of our unrenounceable cultural heritage. Decisions with regard to the nature and scale of activity require the most anxious consideration from the point of view of safeguarding the health and safety of the people, naturally including the petitioners, ensuring the viability of their occupations and protecting the rights of future generations of Sri Lankans".

The Court directed a comprehensive study and exploration in consultation with local scientists which it said should have been done before negotiations. After such studies were completed and the results published any project must obtain approval from the Central Environmental Authority (CEA), setting out several guidelines to be followed by the CEA. Most notable is the requirement that the CEA should take note of the principles in the Stockholm and Rio de Janeiro Declaration in its decision making.

The Court also drew attention to the "Polluter Pays" principle namely that the cost of damage should be borne by the party causing the harm not be allowed to fall on the general community.

The attempt to circumvent the law was commented on adversely in several places in the Judgement and no doubt a factor that influenced the heavy award of costs against the State and the private companies involved.

The Judgement must be read carefully by the BOI and the CEA which was content to remain passive while its statutory laws were bypassed or disregarded in setting up a project of enormous environmental consequences. It is also a document for study by citizens groups and environmentalists.

This decision has temporarily stopped the progress on attempted project but the Multinational Freeport McMoran who is behind the local company is not likely to give up this venture easily. Therefore the utmost vigilance must be exercised by those who are opposed to it.

## Economic Round-up

The period under review is characterised by mounting protests against the increase in electricity charges and the price hike of LP gas from June 1.

Hard on the heels of these price increases, Sri Lanka Telecom confirmed that it would enforce new tariff rate on telephone calls from July 1.

The increases in the prices of gas, fuel, electricity and transport have contributed to sky rocket the prices of all other consumer items, making the cost of living rise to almost unbearable limits.

With the latest price increase, a 12.5 Kg of domestic gas cylinder gas increased to Rs. 470 from Rs. 365 while electricity charges rose by 5% to 10%.

Shell Gas was given a monopoly of gas in 1995 which should never have been done though it was expected to benefit the consumer and even bring the price down. On the contrary the Government even approved the increases in the price of gas six times from Rs 250 in 1995 to the current price of Rs 470. Government took no action when Shell Gas reduced the quantity of gas in a domestic cylinder from 13 Kg to 12.5 although there were strong protests against this unconscionable step from its own ranks.

It was the SLFP Government which nationalised the oil companies after repeated successful strikes by the All Ceylon Oil Companies Workers Union in the late fifties and sixties that forced them to make concessions to their workers out of the enormous profits earned by them. The Petroleum Corporation took over and could have done a much better job with the enthusiastic support of the workers but for a management that was bent on promoting narrow SLFP advantages through recruitment and setting up of a new SLFP Trade Union that disrupted workers' unity in an industry which then already had a single powerful union embracing all categories of workers blue collar and white collar together in all three oil companies Shell, ESSO and Caltex. However despite its defects and shortcomings the nationalised new Petroleum Corporation which came into being was profitable and represented an effort to control and distribute product in the interest of the people of Sri Lanka. To have thereafter permitted a rapacious oil company to operate once again in the country and take over gas distribution and that too as a monopoly, was therefore a retrograde step and colossal blunder inviting disaster upon us. Even at this stage, the Shell monopoly of gas should be terminated as early as possible in our national interests.

On top of all this came the announcement of the devaluation of the rupee by Rs. 3/10, effectively 4% on the midnight of June 20th. This is discussed in the article by E .A. V. Naganathan that appears as an annexure to this Comment/Review.

Government sought to cushion the impact of the recent sharp rise in the cost of living due to international market forces (Sri Lanka has been described by the World Bank recently as "today South Asia's most open economy" and therefore especially prone to the pressures of such market forces) and also because of the depreciation of the rupee in the face of increasing energy and security related imports.

The series of relief measures in the Government package included increase in the Samurdhi allowance an interim allowance for public servants, the reduction of the price of wheat flour, increase in the fertiliser subsidy and the reduction of interest on pledged loans for the production of paddy. The details of the relief package are:

- \* Samurdhi allowance to be increased by Rs. 150 for families earning less than Rs. 250 per month and Rs. 200 for those drawing Rs. 500 per month. Additional cost is estimated at Rs. 1475 million.
- \* Pension allowance to be increased by Rs. 300 per month for those drawing less than Rs. 6000 per month. This will provide relief for 80 per cent of the pensioners. Additional: cost is estimated at Rs. 450 million.
- \* Interim allowance of Rs. 600 per month to public servants drawing below Rs. 12000 per month other than those public sector employees whose salaries are adjusted for cost of living index. This will provide relief for 80% of the public servants. Additional cost is estimated at Rs. 2,160 Million.
- \* Reduce the price of wheat flour by Rs. 3/Kg from Rs.18.15/Kg to Rs.15.15/Kg. Extra cost of Rs. 900 million is estimated due to this change.
- \* Fertiliser subsidy to increase (by Rs.50/bag) from 398.23 to Rs. 448.23 per 50 Kg bag in order to maintain the urea price at the prevailing rate of Rs. 350/bag. Additional cost is estimated at Rs.350 million.
- \* Reduce the interest rates on pledged loans for the purchase of paddy by 2 per cent.
- \* 10, 250 trainees will be made permanent.

Following a recent hunger strike by farmers in the Polonnaruwa district over their inability to sell their products even at cost, the new Prime Minister met a delegation

of these farmers and agreed to instruct the Co-operative Wholesale Department to purchase paddy at Rs. 13 per Kg and onions at Rs. 20 per Kg and ensure that Secretaries of all provinces which grow paddy and onions take steps to resolve problems arising from paddy and onion issues. The need to stop imports of rice and raise import duty on all other items was also agreed upon.

Notwithstanding IMF and World Bank prescriptions, the State obviously has to play a crucial role in guiding, supporting, and protecting food production and domestic industries if we are to survive and progress as a "developing" country especially in the context of globalisation and market pressures.

For as the eminent economist Dr. J.B. Kelegama reminded us in the Dr. N.M. Perera Memorial Lecture - 2000, delivered by him on August 23 this year "of the 4.4 billion living in developing countries, nearly one-third live in absolute poverty (on less than \$ 1 a day), one-fifth are illiterate, malnourished and have no access to modern health services of any kind, one-fourth do not have adequate housing, one-third do not have access to clean drinking water and one-fifth of the children do not attend school to grade 5. In South Asia alone, there are 575 million people who are absolutely poor, 395 million illiterate adults and 77 million "who Till not live up to 40 years. Besides, in the last five years - the hey day of globalisation - the 'World's poor have increased according to the ILO by 200 million. It is the poorest millions who are the main losers of globalisation. It was because there were many losers under the globalisation process that UN Secretary General recently warned "Throughout the developing world, the awakening of globalisation's downslide has been one of resistance and resignation, a feeling that globalisation is a false god foisted on weaker States by the capitalist centres of the world".

Dr. Kelegama in the same lecture pointed out that:

"As the most successful economic system in the era of globalisation has been the mixed economy with active State participation and intervention, and growth with equity it is the most suitable model for other developing countries like Sri Lanka. This may sound as a heresy to those believing in the Washington Consensus but as Joseph Stiglitz the former chief economist of the World Bank and economic advisor to the US President, pointed out recently, the most successful developing countries are those which have not followed the precepts of the Washington Consensus - China and East Asian countries. Within this framework we should not be afraid of shifting our emphasis from laissez faire or free market to selectively regulated market with the State and the private sectors both actively promoting growth under a national plan. The current strategy of

development needs to be modified to use tariffs, import restrictions, subsidies, concessional bank credit and State guidance to increase domestic food and milk production so as to increase food security and uplift the rural sector: to encourage import substitution industries while promoting export-oriented industries, import substitution displaces imports and may become the export industries of tomorrow; to channel foreign direct investment to nationally important sectors such as electronics chemicals, automobiles and heavy industries while preventing it undermining indigenous industry; to implement more effective people-centred economic policies and to utilize the resources of TNCs and international finance and trade institutions without allowing them to dominate our trade, industry and our economic policy.

### Revitalising the Public Sector

Discrimination against the public sector must stop. It appears as if we have lost confidence in the public sector as an instrument of economic development. It is true that several State-owned corporations are running at a loss but it is not because of State ownership but bad Management, for nearly all State enterprises in countries such as Singapore, Malaysia, South Korea and Taiwan operate at profit and 20 per cent of State revenue was generated by State enterprises in Taiwan until recent times. The fact is that we have politicised public corporations by appointing all officers from the Chairman down to a labourer for political loyalty than for competence, overstaffed them with cronies and interfered with their policies under a new "ministerial capitalism" and when they run at loss we call them inefficient and demand their privatisation. Virtually all public corporations can be run efficiently at profit if they are allowed to operate as commercial enterprises freed from political interference. There is an urgent need for the State either alone or with the private sector to expand several existing industries such as cement, sanitary ware, hardware, milk foods, sugar and fishing and to establish new industries to create employment and to conserve foreign exchange such as building glass, automobiles, chemicals and iron and steel. This would require more funds and appropriate measures should be taken to increase government revenue such as higher taxes on high incomes, higher tariffs on luxury imports and profits from State-owned enterprises. (The corporate tax in Germany for example, is 40 per cent and the top income tax 51 per cent as compared to 35 per cent in Sri Lanka. Total tax revenue is over 50 per cent of GDP in Denmark and Sweden and over 40 per cent in almost all European countries, 34 per cent in UK, as compared to 16.1 per cent in Sri Lanka.)

"The slow growth and low level of public investment is the major cause of slow-overall economic growth in Sri

Lanka. It is in the period 1978-1982 that Sri Lanka achieved the highest sustained economic growth - 6.2 per cent a year - and this was precisely because it was in these years that public investment reached its zenith - as high as 15 per cent of GDP a year on the average, reaching 20.0 per cent in 1980 - mainly on account of the accelerated Mahaweli Scheme. In some years, public investment even exceeded private investment. Further, the increasing public investment was accompanied by rising private investment - from 7.5 per cent of GDP in 1978 to 14.7 per cent in 1982. When public investment declined in relation to GDP thereafter, so did economic growth to 4.3 per cent a year in 1983-1993. Average public investment in 1995-1999 was 6.7 per cent of GDP a year or less than half the average level in 1978-1982 and the average annual economic growth was 4.9 per cent.

### The Mixed Economy

The crux of the matter is that both the public sector and the private sector are the engines of growth; one alone is inadequate. In a growing economy there is ample room for both to coexist. There are enough projects which the private sector can undertake and there are many others which are shunned by the private sector which the State can undertake. For example, we have been independent for over 50 years but have no building glass factory. All the building glass continue to be imported. The State will in this way complement not compete with the private sector. Both are necessary. Professor Toynbee has pointed out that every social system in history has been a mixed system combining the public with private enterprise. In our times, the highest economic growth rates have been achieved in the mixed economies of East Asia. Openness need not lead to rapid growth. Latin America was much more open than East Asia and China but it achieved low economic growth of 2.8 per cent in 1975-1995 compared to 8.8 per cent in East Asia. Further, in East Asia, the Philippines was the most open economy but it attracted the lowest volume of foreign direct investment of East Asian countries - \$10 billion in 1990-1995 even lower than what Vietnam received - and achieved the lowest annual economic growth - 2.9 per cent. India which is much more liberalised and open than China achieved an average annual economic growth rate of 5.0 per cent in 1975-1995 whereas China achieved 9.1 per cent. Further, according to the Heritage Foundation in Washington, more than half of the 89 developing countries which had recourse to IMF assistance and implemented open market policies since 1965 are not better off than they were before and 32 or more than one-third are actually worse off.

It is relevant to note that Sri Lanka has had a development oriented interventionist State till recent times. Apart

from investment in roads, railways, harbours, power, airports, schools and hospitals which form the infrastructure, it was the government that created the pioneering financial institutions like the Bank of Ceylon, People's Bank, Development Finance Corporation, State Mortgage Bank and the National Development Bank as well as the major industries such as cement, paper, chemicals, wood, oils and fats, textiles, tyres and tubes, iron and steel, hardware, sugar, oil refinery and others to assist as well as to complement indigenous private enterprise. In fact, the financial and the industrial foundation of the economy was laid by the government. Besides, the State played a crucial interventionist role in trade through the Food Commissioner, CWE, Pharmaceutical Corporation, Marketing Department, Paddy Marketing Board, State aided cooperatives and guaranteed price schemes to offer competition to the private sector and ensure a fair deal to the people. All governments whatever the political colour supported State involvement and intervention in economic activity to operate a mixed economy. What is needed now is to learn from the East Asian experience and to build the economy pragmatically on the basis of a mixed economy, best suited to our culture, traditions and peculiar circumstances -- but without politicisation - as the free market strategy has failed here as in most developing countries and the underdeveloped private sector is incapable of achieving high growth alone while ensuring equity".

And it was not a socialist but none other than one of the World's leading Capitalists - **George Soros** who recently warned of the free market threat to contemporary civil society in these words:

*"I now fear that the untrammelled intensification of laissez faire capitalism and the spread of market values into all areas of life is endangering our open and democratic society. The main enemy of the open society, I believe is no longer the Communist but the Capitalist threat."*

We would do well to heed this warning.

31 August 2000

### Postscript

The October 10 General Election will see a record number of 5048 candidates in the fray with 3883 from 29 recognised political parties and the balance from 29 independent groups, for 196 seats in Parliament.

Four political parties - UNP, JVP, Purawesi Peramuna ( of Sirisena Cooray to promote Premadasa policies) and Sihala Urumaya contest all 22 electoral divisions while the

PA fields candidates in all electoral divisions except Jaffna (which is contested by its allies). Significantly Jaffna is now being contested by all the other political parties (including avowedly Sinhala parties) in sharp contrast to the previous General Election when most parties avoided Jaffna because of the LTTE presence at that time.

However LTTE pressures are said to have forced the withdrawal of some members of the TULF who were to contest in the Batticaloa district and compelled the inclusion of some others close to the LTTE in their place. This is also said to be the case in the Vanni though such attempts appear to have failed in Jaffna and Trincomalee. It is ironical that the TULF, a party whose leaders were killed by the Tamil Tigers (who used to be referred to earlier as "the boys" of the TULF) should now be reduced into almost a front for the latter due to fear of LTTE gunmen. This can only affect TULF credibility and claim to be the leadership of the Tamil people.

However on September 10, PA's election candidate for Batticaloa district and former Mayor Cheliyan J Perinpanayagam along with PA's Padirippu Chief Organiser was shot dead by suspected LTTE gunmen underlining the TULF's fears.

Despite the multiplicity of parties, the real contest of course will be between the PA and the UNP with the Constitutional reform figuring as the central issue. The UNP's new Manifesto titled "Your Future" states that the party will enter into negotiations with the LTTE and "discuss a political settlement of the ethnic problem with other parties, members of the clergy and civil society organisations". It pledges not to change the present Constitution until "a solution based on the devolution of power acceptable to all parties is reached". This could amount to a withdrawal from even the greater part of the constitutional provisions already agreed upon by its. The manifesto states the UNP's intention to "reduce war activity according to proper plans and goals".

In endorsing the abolition of the executive presidency the manifesto envisages also a directly elected Prime Minister.

A 2000 monthly allowance to Sate employees, Rs. 750 increase for pensioners Rs. 1000 increase in Samurdhi allowances, Rs. 2000 allowance for unemployed youth for 18 months and eradication of unemployment are some of the other extravagant UNP election promises.

After the failure of the attempt to form an anti-devolution Sinhala front backed by the Maha Nayaka Theras to contest the election, the 46 member National Joint Committee, the Sangha Sabha and other groups that sup-

ported this move were reported as saying that they would not openly support any party. "We'll not take sides" one official said pointing out that individuals will probably act independently (*The Sunday Island* September 3)

The new Prime Minister Ratnasiri Wickramanayake too visited the Maha Nayaka Theras and received their blessings on his assumption of office. He requested the latter to document their objections to the proposed constitution and gave an assurance that he would himself go into these matters with them.

Meanwhile the army was said to have launched an offensive in the Jaffna peninsula on September 3 destroying LTTE positions in the Colombothurai area to better safeguard the Jaffna City. Nearly 300 LTTE cadres and 164 soldiers and 8 officers were reported killed in action and very large number wounded.

Although this initial 'Operation Rivikirana' (Sun's Rays) on September 3 had many casualties, the subsequent operation a week after appears to have brought results and the security forces are presently in control of the Colombothurai and Chavakachcheri areas. Not only is the Jaffna City completely secured from Tiger shelling but the Army is seeking after consolidating itself to recover as much lost territory as it can before the next anticipated Tiger 'Pounce' in the Peninsula.

As if to underline further the futility of a purely military 'solution' in the absence of a 'Political Settlement', another LTTE suicide bomber blew himself up opposite the Colombo Eye Hospital on September 15 morning killing 6 persons and injuring 28. And so it could go on indefinitely until a political settlement is reached.

The PA lost another Minister in the Sri Lanka Muslim Congress leader M H M Ashraff who was tragically killed with another 14 in a helicopter crash near Aranayake on his way to the Eastern Province on September 16. Among those killed was a PA election candidate for Digamadulla Kadirgarhar Thamby.

Pending implementation of the Tissa Devendra, Salaries Commission Report on Public Sector Servants, President Kumaratunga at a meeting with the Trade Unions on September 5 announced a wage increase of Rs. 1000 : inclusive of the Rs. 600 now being paid and Rs. 500 to pensioners including the existing Rs. 300, to meet the escalating cost of living. This, a trade union leader said, was in refreshing contrast to the UNP Government in 1980, which sacked thousands of striking workers who demanded a Rs. 10 increment (i.e. Rs. 300 monthly).

20 September 2000

# The Devaluation of 21st June

by E.A.V.Naganathan

## Nature of the Devaluation

The devaluation announced by the Central Bank with effect from 21st June was a change by the Central Bank for widening the limits within which it will permit the exchange rate of the rupee to fluctuate. In this case the extension of the trading band was 5% on either side of the middle rate equivalent to a depreciation against the US dollar. In the words of the Central Bank Governor, Mr. A. S. Jayawardena "What is implied is the depreciation of the rupee". For some time now the value of the rupee has been calculated on a managed float by the Central Bank. Under this system the rupee was valued daily against a basket of currencies and adjusted accordingly. The Central Bank was said to follow a "crawling peg" where the peg was adjusted from time to time to allow a step-wise depreciation in small doses. In other words the exchange rate was not market determined. Since 1995, specifically 23rd March 1995, the spread between the Central Bank's buying and selling rates of US\$ has been maintained at 2%. This was difficult for the Central Bank as it necessitated constant interventions to keep the US\$ within the specified limits, i.e. buying or selling dollars to commercial banks within 2% of the middle rate. Hence, when the rupee is trading at the upper end of the band, the Central Bank sells foreign exchange from its reserves. When the rupee is trading at the lower end, the Central Bank buys foreign exchange from the market and replenishes its reserves. This procedure maintains the rupee at the selling rate nominated. The Central Bank's widening of the rupee trading band from 2% to 5% set the new trading band between Rs. 75/60 and Rs.79/47. Prior to 21st June the limits had been Rs. 73/69 and Rs. 75/16. Such widening of the band has raised the US dollar middle rate indicator by Rs. 3/10, i.e. from Rs. 74/43 to Rs. 77/53, implying a 4% devaluation in the Central Bank mid-rate. In the words of Central Bank Economics Director, Mr. R. A. Jayatissa, "Due to expansion in the band, the rupee depreciated by

4% on 21st June itself". This process had been referred to in certain quarters as a manipulation of the exchange rate. But historically the value of the rupee has been managed by the Central Bank since 1977. On 15th November 1977 the rupee was devalued by 45% and fixed at Rs. 16/- to the US dollar. The Central Bank announced daily buying and selling rates of major currencies for telegraphic transfer by commercial banks. On 10th November 1982 the Central Bank commenced foreign exchange transactions with commercial banks exclusively in foreign exchange, i.e. US dollars. This enabled the Central Bank to announce daily spot buying / selling rates for US dollar transactions with the commercial banks at the start of each day. Also to give middle rates for currencies especially the US dollar. Since then the Central Bank has been calculating trading bands of buying and selling rates. Previous to 23rd March 1992 the spread was 1%. From 23rd March 1992 it has been 2%. Now as from 21 June it is 5%. It has been claimed that widening the spread will "allow commercial banks to operate more freely and make the market more dynamic and efficient" (Mr. R. A. Jayatissa). The Central Bank expects the market rate for US dollars to be determined by supply and demand in the domestic foreign exchange market and in line with changes in the values of currencies in international markets within the spread set up by the Central Bank's buying and selling rates. It will no longer be necessary to set buying and selling rates, daily, as before. However, the Central Bank will continue to monitor developments in domestic and international markets. It will buy and sell foreign exchange. When necessary, the Central Bank will change the rates. The Central Bank Economics Director Mr. R. A. Jayatissa foresees that if the rupee continues to trade at the top end of the band, i.e. Rs. 79/47 for a length of time, the trading band may be adjusted. In 1999 the rupee devaluation was low - 6.4%, as inflation had come down. In the previous decade there had been an accumulated devaluation of 8 - 10% annually. For 2000 the estimated depreciation is 7%.

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**"Due to expansion in the band, the rupee depreciated by 4% on 21st June itself" .....**

**.....widening the spread will "allow commercial banks to operate more freely and make the market more dynamic and efficient" .....**

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## Causes of the Devaluation

Due to its link with the US dollar which had been appreciating in recent times, the rupee had been appreciating over the Pound Sterling and Japanese Yen. In the period Jan- May 2000, the rupee had been appreciating by 4% against a basket of 25 currencies. During the East Asian crisis (1997) when most E-Asian currencies depreciated, the rupee was adjusted marginally only. Devaluation / depreciation was needed to neutralize the inflationary differentials between Sri Lanka and its trading partners. It was necessary to keep Sri Lanka exports competitive in a context where the US dollar had been strengthening continually against many competitor Asian countries after the 1997 crises. The question remained whether export competitive currencies, e.g. those of Asian nations e.g. Thailand, Indonesia etc are adequately represented in the Central Bank's basket of currencies against which it evaluates the competitiveness of the rupee. Besides, there was the necessity to counteract the 14% drop in foreign exchange reserves to Rs. 140 billion on 31st May 2000, as compared with Rs. 164 billion on 31st December, 1999. A further drain is expected of Rs. 12 billion (US\$ 175 million) for security-related purchases. The defence budget is expected to balloon to US\$ 880 million from an estimated US\$ 705 million. Additionally the fuel bill has risen to US\$ 205.7 million for the first quarter Jan-March 2000, when compared to US\$ 70 million for the equivalent quarter Jan-March, 1999. An adjustment of the value of the rupee was required to support policies for preservation of economic stability in the face of increased energy and security-related imports. If the national import cover were to be prevented from falling to precariously low levels there would be no alternative to depreciation of the rupee. The total foreign reserves, i.e. the Central Bank, the government and the commercial bank reserves as at end-April were US\$ 254 billion, as compared with US\$ 281 billion as at end-December, spotlighted declining reserves. The official foreign exchange reserves i.e. Central Bank plus government reserves as at 27th June, were US\$ 138.3 billion. The volume of exports reported a 21% growth for 1st quarter Jan-April 2000, compared with Jan-April 1999. However, the US\$ value of these exports has declined. There was also the factor that many exporters opted to hold their earnings in foreign exchange in anticipation of a devaluation. To offset such hoarding the Central Bank had had to intervene and release US\$ 75 millions in the first two weeks of June 2000. These exporters funded the greater

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part of their domestic operations through rupee borrowings. The effects were felt in the banking system due to the rise in general levels of liquidity of the rupee, resulting in boosting of interest. Not only exporters but commercial banks expecting depreciation have been building up earnings abroad. This put pressure on the exchange rates. The Central Bank could increase interest rates to attract these foreign exchange earnings back. But such interest rates increase would reduce credit draw off by the domestic private sector market. This would adversely affect domestic private sector investment. A factor strengthening the tendency not to convert foreign exchange earnings to rupees had been the high rates interest on the US\$. The present domestic rate of interest was the lowest for a long period. Such a low interest regime was expected to maintain stable domestic rates. Also to keep inflation down. In 1999 the rate of inflation had come down. This had reduced the importance of inflation as a factor of depreciation, for maintaining the real exchange rate - the rationale for the small doses of depreciation hitherto undertaken. However, there were now other important reasons favouring depreciation. The deficit in the Current Account (CA) of the Balance of Payments (BOP) had worsened. It was now 3.1% of Gross Domestic Product (GDP). In 1999 the figure had been 1.4%. Worse, the overall BOP had turned negative. It was minus US\$ 263 million at the end of 1999. This was compared with plus US\$ 37 million in 1998 and plus US\$ 63 million in 1997. The outstanding foreign debt including commercial banks foreign currency liabilities had risen to US\$ 9,049 million (1999). There were steep increases in the annual amount of foreign exchange to repay foreign debt. Total debt service payments had gone up by 12% to US\$ 846 million. Amortization of foreign loans had risen up by 17% to US\$ 550 million. Official foreign assets stood at US\$ 1639 million. The government could not go ahead with planned foreign market borrowings. Further, foreign aid had declined. The resultant strangulation of US\$ from the banking system impacted on the US\$ reserves of commercial banks which, in turn, led to shrinking Central Bank US\$ reserves. There was a risk of a drying up of foreign reserves. There was a need to reverse the large deficit in the balance of payment (BOP). The price of the rupee was turning our terms of trade adverse. Hence depreciation seemed inevitable for preserving stability in the face of increasing energy and security-related imports and for allowing commercial banks to operate more freely and make the market more efficient.



Depreciation would mean an increased inflow of US\$ for funding trade, relief on short-term interest rates and relief on the Central Bank's hard currency requirements.

### Results of Devaluation

In the Sphere of Imports In laymen's terms devaluation may be said to "add to the burdens of the people". Devaluation will adversely affect local consumers who buy imported goods as the rupee has depreciated in relation to most major currencies. The price of imports will rise. The quantity of imports will decline. Consumers will feel the impact across the board. Consumer price indices are weighted towards food and fuel. Price rises of about 10% can be expected. Key commodities affected would be milk powder, sugar, lentils, fertilizers and pesticides. The impact on the cost of living, according to Central Bank Economics Director, Mr. R. A. Jayatissa will be about 2% for the year. As such he expects the present rate of inflation of 6% to rise to about 8%. It should be noted in this connection that imports comprise only 25% of the basket of consumables that determine the Colombo Consumer Price Index. The prices of some imports e.g. wheat flour and petroleum are administered prices. However, devaluation and increased oil prices will lead to pressure on local fuel costs e.g. gas. Importers will be hit not only by CIF cost increases but also port and customs dues, being based on US\$ CIF values. The local manufacturing sector that is dependent on the imports of capital goods will need to pay a larger sum in rupee terms for production capacity expansion, leading to curtailment of plant infrastructure in the short term. Manufacturers who import intermediary goods for value addition and for the local market only, will be adversely affected. In both the above cases, depreciation will result in the increase of overall costs of production. All those sectors where demand is price elastic will find it difficult to pass on the entire burden to consumers. This is unlike "essential" goods and consumer items manufacturers and importers. Vehicle importers will be affected. As the Yen is expected to appreciate against the rupee, the cost of imported Japanese cars will increase. The lube industry will suffer. Due to increased raw material costs, the lube industry will be adversely affected. The electrical and electronic appliances trade will also be affected.

### In the sphere of exports

Devaluation will propel export growth. The Central Bank projects exports growth of 12% in 2000. It should be noted that encouraging export growth is important to a country that is dependent on trade. Further, in Sri Lanka's case the Current Account Balance of payments is normally deficit. Payments for goods and services are greater than the earnings from goods and services. The Current Account deficit on this score was US\$ 495 million in 1999, more than twice the 1998 figure of US\$ 288 million. This was due both to a large trade deficit as well as to bigger amount of profits and interest payable. The Central Bank expects export earnings to rise by US\$ 100-150 million in 2000. Exporters can now be expected to bring the foreign exchange they held outside the country and invest it in high yielding rupee investments. The banking sector can be expected to release more US\$ into the market from the huge resources they hold outside due to market uncertainties. The plantations and the tea sectors are well placed to enjoy the full benefit of the rupee devaluation as a large percentage of their production process are locally accomplished and there is little importation by the plantation sector excepting fertilizer and fuel. The production is almost exclusively exported. Hence, eg a company with a turnover of Rs. 1 billion and profit of Rs. 100 million will see a 40% percent increase in profits to Rs. 140 million assuming it is able to benefit from the full 4% depreciation i.e. 4% of Rs. 1 billion. It may be noted that the tea industry granted a 20% wage increase to end a 9-day trade union

action within hours of the announcement of devaluation. Tea prices in rupees at the weekly tea sales in the world's largest tea auction held in Colombo are expected to rise. The tourist and hotel sector can look forward to better prospects after devaluation as payments for their services are fixed in US dollars e.g. hotel rooms rates. They can offer lower room and package rates to the foreign tourist market. They will be in a better position to absorb the 121/2% GST introduced into this sector from April 2000. The garment sector will be positively impacted as most trade is in US\$. However, payments for the local value production will be higher in rupee terms. All other exporters who enjoy a large percentage of value addition locally will also benefit. There will also be an increase in the rupee value of remittances from Sri Lankans working abroad.

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## The sphere of rate of interest

As predicted by Central Bank Economics Director, Mr. R. A. Jayatissa, the country's inflation is expected to rise to about 8%. An initial inflation is to be expected as Sri Lanka is a net importer. This sector will be negatively affected by a drop in the value of the rupee. More expensive imports will increase inflationary pressures thus causing inflation to rise by 1-2% to an estimated 8%. Inflation will go hand-in-hand with interest rate changes. Inflation could cause increases in cost of production which could negate gains in exports earnings by an inverse increase in the cost of raw materials, machinery and labour, which increases the value of the exports in rupees. Depreciation itself is a cause of inflation. Devaluation is undertaken to neutralise the inflationary differentials between Sri Lanka and its trading partners and competitors. It is necessary to keep exports competitive. But depreciation itself is inflationary, thus destabilising the economy, by raising the cost of living i.e. a domestic inflation caused by imported inflation. Domestic inflation is also affected by the domestic monetary situation. The passive crawling of the rupee was adequate when financed market were repressed. But after the financial markets were liberalised, the Central Bank lost control over the domestic interest rate. The escalation in the cost of future infrastructure development and higher rupee values of military procurement will lead to maintaining government-fuelled pressures on local interest rates.

## The sphere of financial infrastructure

Devaluation will increase Sri Lanka's foreign reserves, boost investments and employment, reduce imports, reduce the Balance of Payments deficit and encourage import-substitution industries. Gross Domestic Product (GDP) will improve on account of higher rupee earnings. The overall results will be favourable as devaluation corrects a distortion, where the Sri Lankan rupee had appreciated against a basket of currencies, before the change. Commercial banks will now be able to fix exchange rates based on supply and demand within the 5% spread with the cap and floor of the Central Bank rate band as benchmarks for maximum and minimum rates. Within the foreign exchange market, the rupee could trade freely within the new spread, as the Central Bank will not be nominating middle rates on a daily basis. Importers and exporters will be aware that new rates relevant to their trading will not be based on the cap and floor of Central Bank rates but on inter-bank spot rates. These will be based on supply and demand, within the 5% spread. Devaluation will have positive effects on all banks, as revaluation of bank holdings in foreign exchange will lead to appreciation of the nominal value of such holdings. The impact on banks will vary with the value of foreign exchange hold-up held by them i.e. banks that are long on their trading positions will benefit more. The Balance of Payments is expected to

show a surplus through the year when depreciation boosts export earnings of about \$100-150 million, as estimated by Central Bank Economics Director R. A. Jayatissa, plus the privatisation proceeds of US\$ 30 million from Sri Lanka Telecom.

## Remarks on the devaluation

Devaluing has been described as equivalent to sacrificing domestic for external stability. This would not be so bad in Sri Lanka's case if it would bring about balance in the Current Account of the Balance of Payments. But the figures are not encouraging. The magnitude of the crisis is indicated by the further fall of reserves to US\$ 254 billion by end-April. The terms of trade at end-April of 82.6% continues a downward trend from September 1999. The Current Account in the Balance of Payments in 1999 was minus US\$ 495 million and the Overall External Balance, which was in surplus at US\$ 37 million in 1998, turned a negative US\$ 263 million in 1999. This represents a net drawing down of reserves. Will depreciation lead to exporters and banks converting their US\$ to rupees decisively? Will it be sufficient since the Central Bank will still largely determine the rate and the market will continue to speculate? Under this depreciation there is no real change, except for a little more fluctuation in the rate. Should not the Central Bank give more freedom to the market? Should not the present devaluation be considered only a first step. A foreseeable downward crawl would not check the capital outflow. The Central Bank would have to be unpredictable to overcome the mentality of an expected perpetual downward crawl. Should not the market for foreign exchange reflect supply and demand according to trade, excluding the speculative factor? Should not the policy be to conserve the US\$ reserves and not hold the rupee steady? When the trading band is widened, loss of reserves is checked. Alternatively if the exchange rate is allowed to fluctuate freely according to market forces, the loss of reserves will be minimal. This would mean continuing depreciation till the equilibrium is reached which could be the new peg. If the rupee is held steady there will be loss of reserves. Reserve exhaustion will mean we will be able to import only up to foreign exchange currently earned from exports. We would have to follow foreign exchange budgeting, as in the '70s. We would not be able to repay the foreign debts falling due. The country would be bankrupt. Hitherto, the price of foreign exchange has never been determined by the market, but by the Central Bank. Is not a freely fluctuating rate desirable? Will not only a free market show what rate of exchange will stop loss of reserves. How about permitting a free float, at least for a period, as the South Asian and South East Asian currencies did during their currency crises in 1997? Money markets are vast. Countries cannot dictate to markets.

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standing of the factors that inhibit and impede organisational unity. The following issues need to be discussed within the trade union movement dispassionately so that the deck could be cleared for a genuine effort at unity of the movement.

**Democratic Functioning of Unions**

Many of the trade unions in our country do not function democratically. Some of them are pocket unions of some individuals who have taken to trade unionism merely as a career for self advancement. Rank and file members have little or no say in such set-ups. **The writer has personal knowledge of some national trade union organisations which have not met for decades but yet accorded recognition by the authorities.**

All that the T.U law requires is that the unions file annual returns and statements of accounts with the Department irrespective of whether they have had the endorsement of their memberships. This has encouraged trade union "Mudalais" to hold sway in their "organisations" through means fair or foul. Only unions with periodic elections and regular consultations with their governing bodies could be effective and vibrant in articulating workers' interests. **The lack of such democracy within our trade unions hinders the creation of necessary awareness among members on the need for unity.**

**Working Class Interests**

There are unions that are in league with the government of the day or the management of the company in which they function. These unions do not serve the interests of their members or the working class. On the contrary they harm the cause of workers. It is no secret that these unions often sign settlements or collective agreements with conditions or provisions unfavourable to workers. We have witnessed instances of workers acting in defiance of such settlements or agreements by resorting to extra-union actions. A united workers' movement has to find ways and means of avoiding such situations by consulting the concerned workers on issues directly relating to or affecting them.

**In today's situation trade unions cannot be content with merely bringing bringing pressure on employers. The compulsions of globalisation has set in motion reforms the ramifications of which are wide-ranging and all pervasive. This demands a much larger role from trade unions. The trade union movement, therefore cannot be a non-political movement. However, it has to be stressed that trade unions should steer clear of party politics and be independent of the State. Class independence of the unions is of vital importance.**

**Sectarianism**

Sectarianism of ego-centric leaders guided by narrow self-interest is a major constraint to achieving unity. The movement for unity must taken on these leaders publicly and obtain their commitment for unity in the full glare of the working public.

**A Common Political Approach**

The Trade Union Act which governs unions has provided for a political fund by trade unions thereby legally permitting them to pursue their political objectives. Holding politics responsible for the division of the trade union movement is not wholly correct. It is important to understand the relationship between unions and political parties in a balanced way as the issue has been clouded by strong passions. It is wrongly assumed that politicisation is peculiar to our trade unions. Some think that unions in other countries are non-political. Their understanding is

factually wrong. Trade unions tend to be political everywhere in the world. The basic purpose of unions is to improve the economic and social lot of their members. To achieve this they have to fight for their demands and exert pressure through industrial action that would push the employer to a settlement. Trade unions have also to bring pressure on the Government. This is so because unions must first have the right to exist. The right to form a union, the right to strike etc. are essential. Thus, trade unions must first have a social power base before they can have industrial power. The social power base is derived from law and laws are made by governments. The importance of this social power base can be immediately understood if we look at the manner in which the mandatory recognition of trade unions by employers was won by us recently through the passage in Parliament of the Industrial Disputes (Amendment) Act. In today's situation trade unions cannot be content with merely bringing bringing pressure on employers. The compulsions of globalisation has set in motion reforms the ramifications of which are wide-ranging and all pervasive. This demands a much larger role from trade unions. The trade union movement, therefore cannot be a non-political movement. However, it has to be stressed that trade unions should steer clear of party politics and be independent of the State. Class independence of the unions is of vital importance. Politics need not pose as an insurmountable obstacle on the road to unity of the trade

union movement. When trade unions with their different political orientations come together with the avowed aim of achieving a unified movement it is possible to evolve a common political approach to problems confronting them.

### Multiplicity of Unions

Multiplicity of unions is no doubt a major problem on the road to trade union unity as it tends to encourage inter-union rivalry and competitive militancy which prevents even co-ordinated industrial action and saps the bargaining strength of unions. This would go a long way to strengthen the process of organisational consolidation of the trade union movement. The trade union movement has to find the ways and means of bringing about a common approach to this problem if the movement for unity is to succeed.

Taking all these factors into account the best possible way out for unity is to consider the proposal for **the formation of a Confederation of trade unions**. This would go a long way to strengthen the process of organisational consolidation of the trade union movement. A confederation would meet the needs of the trade unions in the present situation as (1) a confederation is a voluntary coming together of national trade unions and their centres, e.g. Federation on an equal basis as corporate entities. (2) such a set-up would enable its constituents to forge mutual understanding that would lead to common approaches being adopted on problems facing the working class and the general mass of the people on the basis of consensual decision-making and not on the basis of majority-minority decisions. (3) Since the Confederation would permit continuation of individual organisations, member unions will not be required to give up their identity, policy or programme except on issues commonly agreed to at the level of the confederation after thorough discussion. (4) Such an organisation will immensely increase the prestige, and strength of the trade union movement as the policy of the confederation would be seen as the policy of the entire trade union movement. Its capacity to launch joint struggles would be greatly enhanced leading to independent

**Trade unions are independent mass organisations which give due importance to the wish and will expressed by the general body of workers. This idea militates against decisions being imposed on the trade union movement from above. This way we will be able to motivate workers to join trade unions with confidence and reach out to organise the unorganised strata of workers who have long been neglected by the trade union movement. The building of such a movement will enable the working class to play a more effective role in the interests of workers and the general mass of people of the country.**

and other non-affiliated unions seeking membership under the umbrella of the confederation.

It is time that all national trade union organisations come forward to achieve such a organisational consolidation which would inspire the working class as a whole. **There is a tremendous urge for organisational unity among rank and file members of all unions and the setting up of a confederation would serve as the answer to their yearning.**

Political differences within the trade union movement will not and should not be allowed to come in the way of trade union unity. Workers may have their own political opinions and they should be free to join any political party of their choice. Yet, for the sake of the common cause of the workers we should learn to work together with those who do not agree with us politically. Those who are in the habit of treating trade unions as mere adjuncts of political parties need to be educated into giving up this narrow, sectarian and parochial concept of trade unions. There is a need to create awareness in this regard among workers, trade union activists as well as trade union leadership. We have to drive home the fact that trade unions are independent mass organisations which give due importance to the wish and will expressed by the general body of workers. This idea militates against decisions being imposed on the trade union movement from above. This way we will be able to motivate workers to join trade unions with confidence and reach out to organise the unorganised strata of workers who have long been neglected by the trade union movement. The building of such a movement will enable the working class to play a more effective role in the interests of workers and the general mass of people of the country. A united trade union movement will act as a bulwark against all forms of injustice, discrimination and exploitation.

About the writer:

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# Has Asia succumbed to Western agenda?

by Kalinga Seneviratne

There has been much debate recently in the Forum pages of *The Straits Times* on whether the Western media has the power to co-opt Asia into the Western agenda.

Some of the letter writers seem to believe that by merely having an Asian face presenting the news to us, we will get the news from an Asian perspective. The judgment has to be made on what is being said and not the way the person looks.

One of the major international issues today is the process of globalisation, and right now there is a significant international peoples' movement building up against it. Grassroots organisations across Asia are in the forefront of this movement.

This grassroots campaign against the negative impact of globalisation may come to a head at the World Trade Organisation (WTO) ministerial meeting in Seattle.

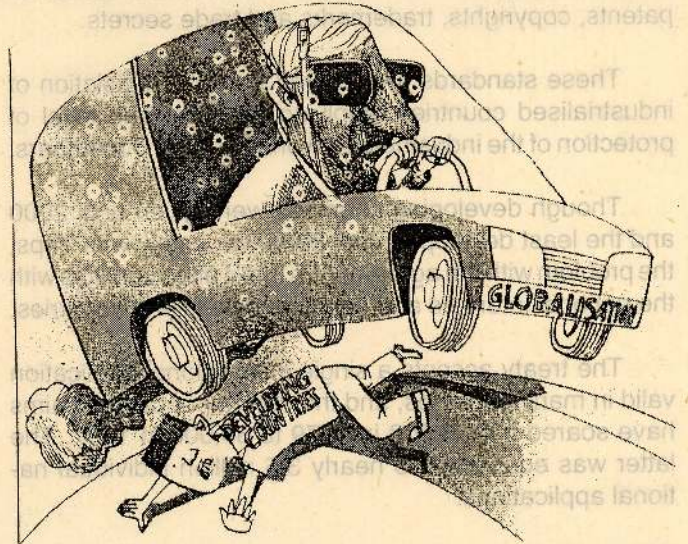
Just two months ago, a major United Nations agency gave strong indirect endorsement to this campaign.

The United Nations Development Programme (UNDP) in its **Human Development Report** 1999, released in July, warns against the unfettered march of globalisation. Though not against globalisation itself, it points out some shortcomings and offers ideas for debate.

We hardly heard anything about this report, either in the Western or Asian media

For the Western "Global Media" organisations, it is understandable that they prefer to ignore the shortcomings of globalisation because it is not in their self-interest to give these views too much of a voice. But, where are the reports and analyses by independent Asian media organisations on developments like that of the UNDP?

Let me give you a summary of what the UNDP report says on globalisation and leave you to figure out whether the Western Global Media is co-opting the Asian media into its news agenda



UNDP is a United Nations organisation which unlike the UN Security Council or the International Monetary Fund, the West—especially the United States—does not control. They have no veto power there and the developing countries are able to work with the West on an equal footing.

## Owning Wisdom

**The Human Development Report**, which has now become the benchmark for judging universal human development standards, was the brainchild of Pakistani economist Mahbub Ul-Haq who died last year.

The main concern of the UNDP regarding globalisation is that it is leading to a process where rules are being set up for a race to claim knowledge.

It warns that tighter Intellectual Property Rights (IPR) will keep developing countries out of the knowledge sector, and the lack of recognition given in patent laws to traditional knowledge and systems of ownership will lead to the large-scale privatisation of the wisdom of the people of developing countries, built and protected over centuries.

"Over the past 20 years, increasing privatisation of research and development, ever-growing liberalisation of markets and the tightening of intellectual property rights have set off a race to lay claim to knowledge, and this has changed technology's path," the report observes.

The risk is that poorer peoples' and poor countries' interests are being left on the sidelines," it warns.

The UNDP calls for a review of the **Trade Related Aspects of Intellectual Property Rights or Trips agreement**, which came into force in 1995 under the WTO. This agreement imposes minimum standards on patents, copyrights, trademarks and trade secrets.

These standards are derived from the legislation of industrialised countries, applying the form and level of protection of the industrialised world to all WTO members.

Though developing countries were given until 2000 and the least developed until 2005, to comply with Trips, the problem with the agreement is that it often conflicts with the national interests and needs of developing countries.

The treaty accepts a single international application valid in many countries, and the number of patent claims have soared from 3,000 in 1979 to 54,000 in 1997. The latter was equivalent to nearly 3.5 million individual national applications.

### Dominance

Industrial countries hold 97 per cent of all patents worldwide and more than 80 per cent of the patents granted in developing countries belong to residents of industrialised countries. In 1995, more than half of the global royalties and licensing fees were paid to the United States.

"New patent laws pay scant attention to the knowledge of indigenous people, leaving it vulnerable to claims by others," says the UNDP report.

"These laws ignore cultural diversity in creating and sharing innovations—and diversity of views on what can and should be owned—from plant varieties to human life. The result is silent theft of centuries of knowledge from developing countries to developed countries," it adds.

The new rules of globalisation, which are shaping the path of technology, are creating new risks of marginalisation and vulnerability.

"In defining research agendas, money talks louder than need" warns the UNDP, adding, "cosmetic drugs and slow ripening tomatoes come higher on the list than vaccines against malaria or drought-resistant crops for marginal lands.

"Tighter control of innovation in the hands of multinational corporations ignores the needs of millions," the report points out.

It draws the picture of how genetic engineering has become largely the product of private commercial research in industrialised countries with just five top multinational corporations based in the US and Europe controlling 95 per cent of gene transfer patents.

The research has focused on the wants of rich farmers in the West, who need their products to have a longer shelf-life in order to export to distant markets.

Seed varieties are engineered to assist mechanised mass production with labour-saving techniques, and research is lacking on developing water-saving plant varieties for smallholders in developing countries.

Many of these corporations are now seeking patents for innovations linking genetic characteristics to chemical triggers.

### Seed Furore

One likely use of this is to create seeds that will germinate and bear fruit only when used with the company's brand of fertiliser, or herbicides—increasing sales by dependency on inputs.

"The 1.4 billion rural people relying on farm-saved seeds could see their interests marginalised," warns the UNDP.

It is for this very reason that last month a global alliance of peoples' organisations launched unprecedented legal action against the giant US-based multinational corporation Monsanto, to stop the introduction of the patented "germinator" seed.

The Global Media reported the event but there has been hardly any analysis of its impact on developing countries and on the human rights of poor rural farmers who will not be able to afford royalties to Western companies at every harvest.

These poor farmers' very survival is at stake, but where are those self-proclaimed protectors of human rights?

The UNDP, while agreeing that tighter patent laws are necessary to protect innovations in such fields as biotechnology and information technology, also warns that excessive control will hinder developing countries particularly East Asia's chances of catching up with the West.

Worse still, these agreements will make developing countries fall back further in the development stakes.

These tight patent laws could also have an impact on the health standards in developing countries. Prior to the Trips agreement, countries such as China, India and Egypt allowed patents on pharmaceutical process but not the final product.

This approach supported the development of domestic industries using different methods to produce mainly generic drugs, similar to but far cheaper than the original brand names.

The Trips approach could make modern drugs and health care unaffordable to the majority of citizens of developing nations.

Herbal and other natural remedies of Asian people which have been developed and transmitted without any royalty fee for centuries, are now falling literally under the microscope of bio-prospectors from industrialised countries.

**They have for many years now taken samples of plant material and documented their traditional medicinal uses. Without the consent of local people (or their governments), this knowledge has been used to develop highly profitable branded drugs.**

**"In any other situation this would be called industrial espionage, theft of both the genetic material and the long-acquired knowledge, using them to develop medicines,"** observes the UNDP report.

A typical example is the 1995 patent, granted in the US to two researchers from the University of Mississippi Medical Centre, for using tumeric to heal wounds. But, in India, this is a long-standing art, common knowledge and practised for thousands of years.

Under the Trips agreement, which India has signed, Indians will now be required to pay royalties to the US for the use of this traditional medicinal remedy!

The Indian government took successful, but costly legal action in the US courts to get the patent repealed. In the course of the action, it produced an ancient Sanskrit text as written evidence of traditional knowledge.

**"This only highlighted the absurd imposition of one culture's systems on another culture's traditions,"** UNDP points out.

The UNDP report also gives examples of how Western corporations are striking deals with developing countries to share the royalties on patented knowledge, which they would market world-wide.

While they welcome this UNDP points out that the 1992 Convention on Biological Diversity could protect the rights of developing countries and its people, but many countries have yet to ratify it and include it in their national laws.

### Farmers' Rights

MANY developing countries are also working on a proposal for a Convention of Farmers and Breeders, which offers them an alternative to following European legislation.

This convention will focus on legislation to protect farmers' rights to save and reuse seed and to fulfil the food and nutritional security goals of their people.

**"The relentless march of intellectual property rights needs to be stopped and questioned,"** argues the UNDP report. **'Developments in tie new technologies are running far ahead of the ethical, legal, regulatory and policy frameworks needed to govern their use.**

"More understanding is needed—in every country—of the economic and social consequences of the Trips agreement. Many people have started to question the relationship between knowledge ownership and innovation " observes the report.

If one looks more closely into the growing international grassroots movement against globalisation, one will note that this is not merely an East vs West issue.

There are many people in the West who are equally threatened by the increasing power of large corporations to monopolise knowledge and its application. They are also joining grassroots community groups in the East in mounting the protest action in Seattle.

It is a shame that those Western media organisations which are supposed to be championing the human rights of individuals in developing countries are ignoring the cry of these grassroots communities against the tyranny of unfettered globalisation.

Very often, the non-Western mainstream media is scared of giving coverage to these issues, because they do not want to be labelled anti-Western and their journalistic standards deemed unprofessional. Is this what you call co-opting the Asian media into the Western agenda?

### The writer:

*A film and media studies lecturer in Singapore, contributed this article to The Straits Times in 1999.*

# South Summit: A Defining Moment in G77 History

*The first-ever South Summit, bringing together the Heads of Government, concluded on a note of confidence and determination by the leaders to work together to bring about a new world order based on equity and fairness.*

By Martin Khor

Havana: The first-ever Summit of the Group of 77 ended here on a note of confidence and determination from the leaders to work together to bring about a new world order based on equity and fairness.

The Summit adopted a declaration and plan of action, three resolutions on follow-up and the establishment of a South Co-ordination Commission, and concluded with closing statements from various heads of government.

Algerian President Abdelaziz Bouteflika, representing the Organisation of African Unity, said he was pleased with the high level of debate which brought up the serious dysfunction of international economic institutions that divides humanity and undermines human dignity. Globalisation has been conceived by the North for their own interests.

'For example,' he asked, 'how could they justify the exclusion of Southern products where we have comparative advantage?'

He said the global inequality is shown in the fall in the South's terms of trade, the destabilising capital flows, the high debt and restrictions on technology transfer especially in health care, all of which have such negative impacts on the South. The Summit's Declaration is a sign of the

South's collective awareness of the unjust realities of the world economy.

Bouteflika added that 'we need a democratisation of the global system, a re-definition of the world financial system and its institutions.'

'We have the right and the need to demand of the North, through their attitudes we can judge their willingness to be partners... They must see they have a special responsibility, in the interests of everyone.'

The OAU chairman said that Africa had undergone injustices and inequality, with raw material prices devalued, and structural adjustment programmes causing the decline in social programmes, affecting hundreds of millions of people.

'Africa is pleased with the results of this summit, results which show the need for collective action.'

He also thanked President Castro for being present throughout the Summit and Cuba for inspiring Africans through its assistance technically and politically.

Jamaican Prime Minister P J Paterson, in offering a vote of thanks, said, 'The Summit is a turning point for the South's striving for a fairer share in global governance, a turning point to better equip our-

selves at a technical level as well as decisions taken to coordinate efforts in discussions with the North.'

He noted as important 'our decision as heads of government and state to intensify efforts to review the WTO regime to be more fair and equitable'.

Paterson said: 'We should insist on this demand in any research to remove the deadlock that developed at Seattle. A system that is inclusive is important to us... There is now a great responsibility on our shoulders as leaders. Plans and Declarations (made at the Summit) must be implemented. If we do not ensure effective follow-through, all our efforts will come to nought.'

The Jamaican leader added: 'As we leave, we are bound by this spirit that we are collectively endangered. This has given rise to a determination to better coordinate our efforts.'

## Unity of Mind of Third World Leaders

President Castro, speaking as the host country, thanked the leaders for the resolution on Cuba, which was a generous gesture.

He said he had taken part in many meetings but never before had he seen such unity of mind of Third World leaders. It showed the leaders' skill and clarity to express ideas gained through the experience accumulated through 40 years of Non-Aligned Movement and the G77.

'The Summit had brought up the extent of the crisis we face, the growing inequality and discrimination we suffered. Not a single speaker failed to mention the debt that afflicts our development in a thousand ways.'

Castro said globalisation benefited only 20% of the world's people as against 80% of others. There was unanimity in the Summit that the UN and the international financial institutions must undergo major change. In different ways, every delegation had said that the trade system is unfair - it burdens the Third World export incomes through a variety of barriers which deprive the Third World of the minimal needed to pay its debt and get development going.



He added that 'scientific development is out of our reach since the North controls research centres, and owns almost all patents. A few of the leaders had reminded us of something not in the neo-liberal textbooks - the theft of brains from the Third World which the North takes from us, since the South does not have enough research centres and high salaries.'

Castro said the Summit had heard that only four least developed countries (LDCs) had succeeded in getting debt relief. 'We heard the clamour that the debt of the South must be greatly reduced or wiped out. People in the South have repaid that debt many times over. There is a need to tax speculative activities to finance development. Cuba believes that charging 1% for speculation activities would be enough to finance development. With technical resources, such a tax is entirely possible.'

'One might think there's no humanity when we hear of billions of people getting less than a dollar a day to survive. We now hear of millions of hungry, illiterate and ill people and children underweight or lacking schools or health care. Let our memory retain the figure of 36 million AIDS-infected people, 23 million of them in Africa.'

'Almost everyone spoke of great expectations of this summit. I have never seen such a great level of awareness. We must be aware of our united strength. The future will speak of periods "before and after" the first South Summit. There is an apartheid in the world where over four billion people don't have the right to life, health, education, water, housing, jobs and hope.'

'At this rate we will also be left deprived of the air we breathe. Look at the natural disasters in Central America, Mozambique, Venezuela, all within 18 months. This never happened before, and are consequences of climate change and destruction of nature.'

'We gathered to struggle to achieve justice and preservation of life on the planet. The rich world wants us to forget slavery, colonialism and plunder that we were subjected to for centuries. They see us as inferior people, with some inability of the Africans, Asians, Latin Americans, blacks, Indians, people of yellow skin, mestizos,

who lack the ability to govern ourselves, as if they were not the ones who brought the vices.'

Castro said they forget that in China and other places of the South there were civilisations that developed the written language long before the Europeans could read. The Mayas and Incas had achieved knowledge long ago that today still astonishes the world.

Castro said the present economic order is not only cruel and inhuman but contained a racist view of the world - views similar to the ones that once inspired the Nazis and their concentration camps. The same views inspired apartheid.

### Unity and Tactics in Struggle

'In this summit we went on a quest for unity and tactics to coordinate our efforts. This summit means we are duty-bound to fight for our rights to be treated as equals. In the past we fought for independence, and recently we fought to crush apartheid, and can now also show we are not inferior in our courage and skill to fight, for the sacred right of poor countries but also to fight for the rich countries which can't protect nature or govern itself.'

'We are struggling to preserve life on this planet, that the ship does not hit that iceberg and we all sink in it. Only thus can we expect to live.'

In a closing statement as Chair of the Summit, Nigerian President Obasanjo reminded the participants of Castro's opening speech in which he described globalisation as a vessel of inequity with too much injustice on board, and that he had said the South had to unite or face death.

The Summit had brought out the glaring paradox - that despite the North's prosperity and the great needs of our countries, there is a slackening in multilateral cooperation, for example, the decline in ODA (official development assistance). This had made it more difficult for us to tackle the problems of improving our lives. There was also increased instability as seen in the Asian financial crisis. He added that the views and proposals at this Summit had illuminated the way forward.

Obasanjo then presented conclusions from the Interactive Debate among the

Heads of State and Government, including the agreement that a high-level forum be convened on a regular basis.

### Programme of Action

He also read out the substance of three motions that had been presented earlier (on the need for the South to be represented at global meetings, on the institutional decision, and on the South-South health programme).

On the institutional decision, Obasanjo said that to enhance South-South cooperation 'we agreed to strengthen our capacity including the implementation of policies.'

'To this end we decided to establish a coordinating commission with a coordinator and the G77 president, the chairmen of ASEAN, the Arab League, CARICOM, OAU, NAM and similar regional organisations.'

He said the Commission will also coordinate the implementation of the Summit's programme of action as well as South-South cooperation decisions. The chair of the G77 Summit, the chair of NAM, the chair of OAU, and the Prime Ministers of Malaysia and Jamaica are charged with the responsibility for setting up the Commission.

He also appealed for adequate funding. Each member should pay US\$5,000 to strengthen the operational base. The Commission is also to be appropriately located.

In conclusion, Obasanjo said that this Summit is a defining moment in the history of the G77.

'We have reached a point of no return. From here we go forward to make a difference in the world order. From now on we play our part in building the world order. It is time to recover our fighting spirit, to infuse cohesion, to fulfil our people's expectations, to turn South-South cooperation into a potent instrument of progress in all our countries.'

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**About the writer:**  
*Martin Khor is Director of the Third World Network*

# Global Unrest and India

From *The Marxist Review India*

## Musings on May Day 2000

May Day this year arrived with new strivings of the working people and promises of new advance. The hopeful anticipation voiced on the basis of Seattle and French working class actions have not been belied. The manifestations of the US working people and the solidarity of the global anti-imperialist forces have been in the event followed by militant working class mobilisation on the May Day in cities like London and Berlin. Even if some of the actions of these demonstrators have been dubbed by conservative and 'liberal' elements as vandalism, in their essence they represent a new spirit of revolt among the victims of Globalisation, even if the tactical wisdom of some of the forms of action be questioned. This new spirit should be nurtured and cultivated by the advanced segments of the working people, purging them of 'excesses', if considered necessary.

A fortnight before the May Day, around six hundred protesters were arrested in Washington on 16 April on the eve of the annual board meetings of the World Bank-IMF. Thousands of people had descended on the US capital to protest against the depredations of capitalism in general and exploitation of the developing countries in particular. This was indeed the culmination of a campaign of meetings and demonstrations in the university campuses, continuing since the Seattle demonstrations during the WTO session. About 50 blocks in downtown Washington around the Fund-Bank headquarters had been cordoned off by the police for two days, hampering the movement of even pedestrian traffic.

### Tony Blair Gets a Political Slap

A very significant development that closely followed the May Day was the humbling of Tony Blair's New Labour in the elections of the London local Assembly. Ken Livingstone, a spirited opponent of the opportunist New Labour, defeated Blair's nominee handsomely in the election for the London mayoralty. Livingstone

had earlier been expelled from the official Labour Party for opposing Tony Blair's candidate. According to a London-based Indian journalist, his victory is "a grievous blow to Blair who led the campaign to prevent Livingstone from taking over the most powerful political job after that of the Prime Minister... Livingstone could become an alternative centre of power and ultimately even make a bid for the Labour Party leadership".

The extent of Blair's defeat will be clear from the fact that the official labour candidate who had resigned from the Cabinet to oppose Livingstone was relegated to a third position in the contest after the Tory candidate, not a very distinguished one at that.

In the 25 member London Assembly, Labour has got nine seats only, the same as the Tories. In the County Councils also, Labour had lost hundreds of seats to the Tories. The party had also lost a by-election for Parliament to Liberal Democrats and had come third after the Tories.

**Nothing strange in that Seattle, Washington, May Day - all this only reveals in flashes the potentialities of advance of progressive forces, the possibilities that lie in the womb of the future. But revolution, as Marx used to remind, begets counter-revolution. This is indeed the law of dialectics. If forces of revolution are unable to rise to the occasion to exploit the objective possibilities, then the ever watchful Reaction jumps into the fray to claim its dues.**

In other words, while in London, Blair lost to 'Red Ken', on the nationwide scale it is the Tories who gained from Labour's decline.

Nothing strange in that Seattle, Washington, May Day - all this only reveals in flashes the potentialities of advance of progressive forces, the possibilities that lie in the womb of the future. But revolution, as Marx used to remind, begets counter-revolution. This is indeed the law of dialectics. If forces of revolution are unable to rise to the occasion to exploit the objective possibilities, then the ever watchful Reaction jumps into the fray to claim its dues. This is what happened in Italy too, where the Conservatives scored significant gains in the nationwide regional elections by capitalising on the weaknesses of the Centre-Left coalition, led by D'Alma, leader of the Left Democrats, the moderate wing of the old Italian Communist Party (PCI). The combined Centre-Right, which also includes elements of neo-fascists, have made significant gains in a majority of Italy's regions.

Not merely this. In a number of Western European countries, fascists of different sorts are raising their heads. As the basic course of socio-economic development continues to work for a shift in the present balance of forces and thereby subverts the stability of the existing order, the struggle for supremacy rages even more sharply. If the progressive forces are unable to occupy the vantage points in this contest, reactionary forces pass on to a more aggressive confrontation.

### Footfalls of Fascism

A recent issue of *Le Monde Diplomatique* (March 2000) gave an account of the spurt in fascistic advance in a number of West European countries, in a sharp reversal of the previously observed trends. Under the telltale caption, 'Social Crisis, Political Stalemate', it says:

"The collapse of the far right parties in the European elections on 13 June last year and the split in the French Front National suggested that they might be going into decline, but the results of more recent ballots belie this prediction. On 3 October last year Freedom Party under Jörg Haider came second in the Austrian elections, with 26.91 p.c. of votes and on

24 October the Swiss People's Party led by Christov Blocher shared first place with the socialists, with 22.5 p.c. of the vote. In Germany the German People's Union made its debut in various land assemblies in the East, and in Norway the Progress Party made further gains in the municipal elections on 14 September with 13.4 p.c. of the vote (up by 1.4 p.c.)"

The report then goes on to say that a considerable part of the rank and file of this ultra Right spurt has no affiliation with the traditional Right and "may even have had leftwing leanings".

"In Flanders, 21 p.c. of the young people who voted socialist in 1991 later switched to the Flemish Bloc. In Austria, the Freedom Party captured 213,000 votes from the Social Democrats in last year's general elections. In Denmark 10 p.c. of those who supported the People's Party in 1998 had previously voted for the Social Democrats.

In Germany the correlation between the strengthening of the ultra right and the demoralisation of segments of the Left ranks is clearly discernible: "low level of trade union membership, unemployment, large families, dependence on social security and poor education" are factors prompting their victims to a Rightward shift.

In a highly nuanced analysis of the differences and distinctions within and even somewhat contradictory impulses behind the Rightward drift, the report concludes:

"Apart from their undeniably authoritarian and xenophobic character, the radical parties of the right have benefitted enormously from the blurring of the distinction between left and right and the very broad consensus in favour of bringing the social democrats into the new centre. In this sense the fact that they represent the main dissenting voice ... brings the left face to face with its inadequacies and betrayals, and the conservative right with its blindness and cowardice."

For now, we have to reckon with parties that will exert authoritarian pressure on public authorities and bring back into public life values that are alien to democracy and that may be used to justify a degree of xenophobic violence.

Interestingly, the broad pattern of the West European development is also discernible in India. A certain toning up of the secular-democratic muscles in the Indian politics, witnessed at the beginning of the year, has suffered a setback more recently. The reasons behind this, as we will see, are the same as in Europe: "a blurring of the distinction between the left and right" and the inadequacies of the Left and the blindness and cowardice of the conservative Right.

### Pattern in India

Interestingly, the broad pattern of the West European development is also discernible in India. A certain toning up of the secular-democratic muscles in the Indian politics, witnessed at the beginning of the year, has suffered a setback more recently. The reasons behind this, as we will see, are the same as in Europe: "a blurring of the distinction between the left and right" and the inadequacies of the Left and the blindness and cowardice of the conservative Right.

Needless to say, the longterm stalemate continues. Impelled by deep running economic and political crises, forces of reaction, working desperately for overthrowing the democratish socio-political framework, are facing checkmates at various times. The last Lok Sabha polls, had given a somewhat ambivalent signal. Overall, the BJP-led NDA of about two dozen parties with the TDP support from the outside, now rid of the erratic and imperious troublemaker Jayalalitha, gave an impression of a steadiness. Some astute observers were even misled by this into expectation of relatively stable government with centrist and federalist

orientations. On the whole an impression was created of a somewhat chastened BJP's ascendancy at the national level.

### Ups and downs

But the February (2000) elections for four State assemblies belied the above predictions. The NDA was humbled in the key contest in Bihar, first in the polls and then in its game of foolishly pre-empting the State government. The BJP also fared badly in the other three States. Then, the party was systematically pestered by a few of its leading partners and allies over some of its budget proposals and had to temporise, prevaricate and even partly to climb down over a couple of measures. The BJP, its mentor RSS and some other members of the Sangh Parivar were also targets of widespread condemnation over their acts of vandalism and some other provocative moves. The violence of the Vishwa Hindu Parishad (VHP) and its associates at Varanasi and some other places over the shooting of the film "Water", the vandalism of these elements at Kanpur over salwar-kameez attire of the girls and participation in the Valentine's Day celebration by some teenaged boys and girls, the decision of the Lucknow unit of the RSS to hold its weekly drills at the university campus as a matter of right - all these manifestations of brazenness attracted widespread condemnation and put these forces on the defensive.

Another issue that drew critical attention of a large spectrum of public opinion, including segments generally sympathetic to the BJP, was the party's hamhanded attempts to dominate over the history writing - to doctor and distort the history of freedom movement to make the RSS more presentable to the people of India.

The climax of this phase was marked by the Gujarat BJP government's move to remove the longstanding ban on the card-holding RSS members' recruitment in the State government services. Vigorous protests over wide areas of the country compelled the dillydallying Vajpayee government to intervene to force the Gujarat government to retreat.

All this combined to create an im-

pression that the RSS and its offsprings, ranging from the VHP to the BJP, had suffered a setback.

But the ruling alliance seems to have somewhat improved its position recently. The relatively more far-seeing section of the BJP leadership seems to have succeeded in persuading the RSS core leadership to rein in its dull-witted, hot headed ranks from committing foolish excesses that marked the previous phase. Vajpayee seems to have personally developed his skills in managing his many-splendoured coalition allies so as to tone down the divergences and ego-conflicts within the NDA. Note the subdued dissents between the Vajpayee-Jaswant Singh core and the Tamil fringe of the NDA on the escalating fightings in Sri Lanka.

The NDA leadership's own contributions have been considerably supplemented by the failures of the main opposition forces. The dimming image of the Congress(I) and the unimpressive performance of Sonia Gandhi in her twin roles - of the leader of the Opposition in the Lok Sabha and the supremo of the Congress party - has by contrast given a strong boost to Vajpayee's image as a longsighted, tactful and mild-mannered skipper of the coalition. The unimpressive role of the Congress leader is being further weakened by divergences within the top echelons of the party and splutterings of mild revolts in namby-pamby middle rank leaderships.

The consequent decline in the credibility of the Congress as an effective opposition to the BJP and the prospects of developing its capacity to attract other forces for structuring an alternative alliance vis-a-vis the BJP-led NDA is strengthening the stability of the ruling alliance. The absence of a viable and credible alternative constellation is prompting the somewhat critical partners of the BJP to make adjustments with it.

More fundamentally, it is the failures of the Left to project themselves as a vibrant contender for space in the national stage which are contributing to both the positive and negative elements of the NDA's strength. There is no serious challenge from the Left to the BJP and there is no significant Left contribution to the mar-

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shalling of radical democratic forces for an alternative alliance.

### **Failures on Three Fronts**

**The shortcomings of the Left are notable on all the three fronts - ideological, political and organisational**

Ideologically, the leading Left forces, CPI(M) and CPI, have diluted the awareness about their distinctive role as the representative of the revolutionary working class; they are also confused about issues relating to the emergence, development and advance of fascist forces and the whole range of issues related to this. They even refuse to identify the BJP's present role as that of a front of a fascist thrust.

Politically, they are unable to settle the basic strategy - whether to work for the main task of building up a broad popular front against emerging fascism, or focus on the tasks of consolidating an alliance of Left democratic forces.

**Organisationally, the Lefts have not been able to break out of their ghetto - in West Bengal, Kerala and Tripura. In the rest of the country, they have only, a scattered and nominal presence. Even among the working class and in the trade union movement outside these three States, the Lefts are a minor force, trailing behind the BJP's Bharatiya Mazdoor Sangh (BMS) and the Congress-led INTUC.**

The real tragedy is that not only are the Lefts so weak nationally, but that they, more particularly the leading Left force, the CPI(M), do not realise the meaning of this weakness. Even two years after the event, they are still engaged in the 'historical' debate if it was not a historical mistake not to have allowed Jyoti Basu to surrender himself into imprisonment of nondescript, but opportunist mainly petty-bourgeois parties, groups and individuals by accepting the offer of the prime ministership. We are not raising here the basic ideological question of a communist party joining a bourgeois government in normal, that is, non-revolutionary times.

While the ideological question is related to the basic Marxist categories of class and State, the implications of the style, conduct and substance of the actions of the two foremost leaders of the CPI(M), HKS Surjeet and Jyoti Basu, are related to their concept of politics being essentially the art of politicking and management at the top institutional levels, somewhat in isolation from the position and movement of the masses which in turn are derivatives of their consciousness.

This misconception as well as the organisational weaknesses of the Lefts in general are products of their ideological and political weaknesses in the last analysis.

The present drift of the national politics, however temporary, to the BJP/NDA's advantage has to be checked immediately in the interest of India's democracy and healthy social development. The key to this turnabout lies in a self-critical upsurge of the Marxist Lefts, involving a truly heroic move.

The key to the correct handling of the present day Indian Politics is **the proper**

**understanding of the BJP threat today.** This involves a three-dimensional approach.

First, a proper theoretical understanding of the fascist phenomenon which requires a close acquaintance with the historical-development of fascism in different countries. This we have tried to tackle, on various occasions, again within our limitations, during the last 10 years.

Secondly, we need a close acquaintance with features and formations of the RSS, BJP and other members of the Sangh Parivar. This also we have been offering our readers, again piecemeal, over the years.

Thirdly, the task as a whole involves studies, analyses and examination of the ideas and practices of the Sangh Parivar complex. We need not make any special contributions in this sphere as all progressive forces, notably the CPI(M) and the CPI, have been carrying on this task with diligence.

The two CPs' contributions in this sphere, however, suffer from one serious shortcoming: while exposing the sinister ideas and actions, they seldom focus on their essence which is a thrust towards fascism. The CPs move on the old grooves, mechanically repeating the old nomenclature of communalism, hindu fundamentalism and so on. They fail to notice that even if some formal continuity may have still persisted, the contents have changed. They fail, indeed refuse, to note the qualitative changes below the superficial continuity. Earlier communalism was integrated into a single political practice of gaining vantage positions in society for the hindus at the cost of the other religionists in general and muslims in particular. In the present phase, hindu communalism or fundamentalism is used as a weapon for an ulterior objective - that of mobilising numerous mass followings for effecting wide ranging and fundamental socio-economic changes embracing the nature of the economy, labour laws, Constitutional/ institutional systems, and, above all, a pervasive ideological orientation.

This thrust itself is sustained and promoted by certain basic changes already materialised, such as, indoctrination and incorporation of elements of re-

tired top level military, police and administrative cadres of the existing regime in the movement and the build up of an extensive ideological machine by recruiting mediemen, filmstars, academics, litterateurs, musicians and so on. More importantly, for direct practical intervention, the movement now boasts of extensive institutional structures in the form of musclemen (Bajrang Dal and Vishwa Hindu Parishad), mass propagandists in the persons of the vast Sadhu Samaj, and militant student body, Vidyarthi Parishad. Big business in India and TNCs with their Indian mutsuddis within the country and among NRIs have opened their pursestrings. Finally, all this network is held together and guided by the hundreds of thousands of the RSS sakhas with an informal Grand Council of the RSS core, top BJP leaders and their trusted individuals from their allied organisations. All these outfits, it appears has forged links with criminals and criminal-politicians, severally and may be jointly in some cases.

### Surprising

It is somewhat surprising that this aspect of the Indian reality - that is the advancing process of fascistisation is becoming clear to academics but escaping the experienced politicians who can claim with justification close acquaintance with people and their environment. A recent issue of the reputed periodical, *Economic & Political Weekly* of Bombay (no. 18,

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**The CPs move on the old grooves, mechanically repeating the old nomenclature of communalism, hindu fundamentalism and so on. They fail to notice that even if some formal continuity may have still persisted, the contents have changed. They fail, indeed refuse, to note the qualitative changes below the superficial continuity.**

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April 29 - May 5, 2000), carries two thoughtful contributions reflecting on this developing reality. Suhas Palshikar makes a broad observation that **"the BJP's gameplan of undermining the present normative regime has the potential of actually subverting the Constitution and inaugurating a serni-fascist model of politics and governance"**.

In a longer article in the same issue, a very well-known authority of the agrarian scene, D Bandopadhyay, draws an explicit parallel between an episode in Hitler Germany and some of the moves now under way at the central level and in Andra Pradesh ruled by an important collaborator of the BJP, in both cases designed to subvert and undermine "institutions of self-government" and "counterpoints of power and influence" which have the potentialities of becoming "an irritating nuisance to the march of the mighty juggernaut of " fascistation. In Hitler Germany, it was the powers of the constituent German States and in India today it is the relative autonomy of and power of the elected panchayats at the intermediate level and in some cases elected zilla parishads.

### Grand Strategy

**Let us not underestimate the cleverness of the fascist Grand Council. Their leaders know that they cannot hope to win and consolidate their power on their own in this vast country of classic diversity. Through long experience and trial and error, they have thrashed out the outline of a long term strategy, comprising:**

- i. a network of subsidiary alliances with piecemeal adjustments with diverse forces and elements, to establish their grip on power at the Centre and in whatever States they can;
- ii. to use the powers thus secured to subvert the basic pillars of India's democratic structure, their prominent aims being to place their trusted persons in strategic positions of the President of the Republic, the Chief Justice of the Supreme Court, and the Chief Election Commissioner,
- iii. to use their positions of authority to pack the media of information, instruction and culture with uncultured and illiterate

hatchetmen with a view to spreading distorted ideas and undemocratic, divisive culture among the people;

iv. pending a more comprehensive revision to introduce piecemeal changes in the Constitution so as to dilute the limited popular control that exists over the administration today and undermine the control of popular electorate over the polity by introducing various countervailing provisos through piecemeal legal Constitutional amendments; and,

v. they are also planning to place their trusted and indoctrinated persons in strategic positions in the military, paramilitary and police forces who will be ready to carry out their orders, in disregard of the letter and spirit of the Constitution.

As these longterm plans crawl ahead, they have now chalked out an intermediate offensive strategy of political advance - a war of manoeuvre to use a Gramscian idiom

Now that the Congress under Sonia Gandhi is perceptively falling behind in the race of power, under the weight of its own inherited and acquired shortcomings, (the Congress regime was only democratish) not really democratic, **the fascist Grand Council seems to have taken up the task of downsizing the Lefts in their strongholds of West Bengal and Tripura.** For this, they have adopted a twin strategy in West Bengal:

- i. to form a grand alliance (mahajot) of all anti-Left forces, and
- ii. engage in violent confrontation with the Left wherever possible.

For both of these objectives, the BJP is using the Trinamul Congress and its desperate leader, Mamata Bannerji, in West Bengal. In Tripura the same strategy is being pursued, with the additional reinforcement of the National Liberation Front of Tripura (NLFT) and some other tribal outfits, to the extent possible.

In both West Bengal and Tripura, the Union home ministry will be aiding and abetting the process positively through direct central intervention and negatively in Tripura, by withholding the despatch of central security forces, to the extent possible.

**it can be concluded that the main tasks**

- i. for the left, is to establish its class identity in opposition to global and national big capital and to help and guide broader democratic forces to regain their distinct role, to confront with forces of global reaction
- ii. for the Left-Centre, to distinguish itself from the Right conservative forces which can only slide more and more towards fascist authoritarianism....
- iii. for the Left and Left-Centre jointly, to attempt serious strivings to formulate a credible and viable model....

All this should not, however, be taken to mean that the whole process will move without frictions, like a streamlined operation.

There will be contradictions between different participants of the anti-Left. anti-people mahajot, more particularly the BJP/RSS and its Trinamul allies. Appropriate interventions by the Lefts can create serious obstacles for the smooth advance of the BJP/RSS sinister strategy and popular mobilisation may be able to break up this alliance finally:

### Need for Wide-fronted Action

Instead of developing a wide-fronted action plan for counteracting the BJP/RSS subversion programme with mass actions, class struggles and linkage with appropriate allies, the CPI(M) leadership is engaged in pseudo debates over non-issues like the 'historic mistake' and the elusive third front. Indeed, they are not only wasting their valuable time and energy, but

also shrouding, the real issues by lionising the bankrupt and discredited non-entities of yester years like the four former prime ministers. Two of them, Deve Gowda and I K Gujral, are absolute non-entities, Chandrasekhar of Vondsi, a liability, and V P Singh can claim credit only for derailing the Leftcentre movement. To him goes the credit for substituting caste for class in the overall ideological framework His great achievement of 'Mandalisation' of Indian politics has succeeded only in fragmenting the democratic movement, while consolidating the power of the middle caste-kulaks in the Indian politics. It is thus hampering the liberation of the most downtrodden people at the base of the social pyramid, the dalits and the adivasis.

### Let's Begin Right Now

Theoretically, taking the cue from *Le Monde Diplomatique's* conclusion at the end of West European survey, it can be concluded that the main tasks

- i. for the left, is to establish its class identity in opposition to global and national big capital (the two getting increasingly fused) and to help and guide broader democratic forces to regain their distinct role, to confront with forces of global reaction
- ii. for the Left-Centre, to distinguish itself from the Right conservative forces which can only slide more and more towards fascist authoritarianism; to work out an alternative economic perspective distinct from Globalised Liberalisation and Structural Reforms;
- iii. for the Left and Left-Centre jointly, to attempt serious strivings to formulate a credible and viable model of the world moving away from the dehumanising and destructive process of the imperialist Globalisation.

This is a global challenge. to meet which humanist forces all over the globe have to pool their collective resources and mobilise their collective strength.

Let us make a beginning today, right now!

Courtesy: *The Marxist Review*

# Education as a Liberalising tool

**Brazilian educationist Paulo Freire has taught us how to change social realities**

by Siddhartha

When you cannot 'name' your reality you are unable to grasp why you are poor and who keeps you poor. You accept to be taken for the dregs of society, oblivious of what is happening to you and your people. You are paralysed in a mist of ignorance, 'the culture of silence'.

## Pedagogy of the Oppressed

These were the 'key words' that jolted the poor and the oppressed all over the world into bouts of collective action that made them subjects of their own destiny, rather than mere objects of the tyranny of landlords, bureaucrats and politicians. The author of these ideas was **Paulo Freire**, a Brazilian philosopher, who through his 'action and reflection' evolved a revolutionary pedagogy for the liberation of the oppressed. When Freire died in May 1997, at the age of 75, the national and international press largely chose to ignore the most original educational thinker of the last half of this century. The times, they have changed, and critical thinking is not in mode.

My involvement with the man and his ideas began 25 years ago when a small group of university students called the Free University, of which I was a part, worked till the early hours of the morning to type onto stencils what was a pirated edition of Paulo Freire's classic *Pedagogy of the Oppressed*. By the end of the next day the first hundred copies of the book had rolled off the cyclostyling machine and were made available to discerning Indian readers. We had got hold of the pirated book from the Philippines, a good many years before the Penguin volume was to appear in our bookstores. At the time



Freire's ideas on transformative education and political change made for heady reading, particularly to those who were young, angry and idealistic. Freire believed that oppressed communities all over the world were caught in the 'culture of silence' which made them passive and powerless, unable to 'name' their reality, much less to change it.

He divided social reality after the Marxist manner into 'oppressed' and 'oppressor'. (Today, the two-class theory has lost much of its lustre. While it is a conceptually useful tool for mobilising people, it is inadequate to understand complex social systems. For example, it has never been able to give a reasonable explanation for caste. Or religion for that matter.) But Freire made significant departures from the traditional Marxist paradigm. He did not believe that the oppressor had to be destroyed in the process of struggle. The oppressed had an educational mission

to liberate themselves, and in the process, the oppressor as well. Nor did he feel the need of an all-inclusive party that would speak and act in the place of the people. His insistence on action which was informed and critiqued by theory, which in turn was tested and corrected by action, was meant to preclude the possibility of dogmas being disguised as truths.

## "Conscientisation"

This trajectory of action-reflection-action, where the oppressed learned to discern the cause of their oppression and then proceed to change it, was evocatively referred to as 'conscientisation'. It had little to do with spontaneous, unreflected or dogmatic action. A higher moral purpose was invoked here, for conscientisation was to be deeply human at its core, with the humanisation of social, political and economic structures as its goal. What makes conscientisation different from other similar theories is its encapsulation in a coherent method of action which can be understood and practised by the oppressed themselves. Central to this way of doing things is a mode of literacy where the act of learning to read and write becomes a process of advancing political awareness. It begins by the oppressed forming a 'cultural circle' to discuss their problems. In the ensuing discussion certain words or themes are found to repeat themselves, suggesting that they have impinged deeply into the collective consciousness of the people. These are 'generative' words which have the potential to Unmask the structure of oppression within a given social situation.

For example, a community may constantly refer to the word 'slum' in an uncritical manner. To many of them a slum may be a place they are condemned to live in because they are uneducated, illiterate or lazy. Or expressed in our own local idiom a slum may be a place where a community is living out its karma. In Freire's method, learning to read and write 'slum' necessarily leads to an extensive discussion on what a slum means, how it is created and why certain people, and not others are obliged to live there. In this process the community moves from a consciousness that is naive and uncritical to one which is responsible and critical.

Reading and writing thus becomes a powerful tool to understand the structures of

oppression. It leads to action which does not merely provide relief from the symptoms but also goes to tackle the root causes. Freire referred to his method of education as 'liberating'. It is opposed to the 'domesticating' variety which passively transmits information and condones the situation of oppression. For Freire education is 'the practice of freedom'. This is very different from 'the fear of freedom' which afflicts the powerless (as well as a lot of us). The fear of freedom may lead a person to see the roles of the oppressor and the oppressed as the only available ones. The conscientisation process goes beyond these debilitating choices.

To be part of this process implies that education is never neutral. In the process of learning one is always making choices 'for something' or 'against something'. Above all, education is transforming. It leads to higher forms of consciousness and greater clarity of action. (I have discovered that all learning has to do with transformation and implies a change in our attitudinal chemistry. Something happens within us, making us aware, creative and energised. Each moment of the learning process is transforming, and we become fully conscious human beings.)

I remember the time 25 years ago, when I went to villages around Villupuram, three hours from Chennai, where young

dalits were regularly meeting to understand the ideas of Freire. A few students from Chennai helped to translate these ideas into Tamil. It was truly a period of hope. In a few months local struggles against caste oppression had begun to erupt all over the area. In the years that followed these ideas spread all over the State. At about the same time similar local movements began to develop all over South India, and shortly thereafter in the North as well. Freire's books were translated into all the major Indian languages and widely read among social activists. Things would never be the same for dalits, tribals, slum-dwellers and other excluded communities.

### Last Meeting

I last met Paulo Freire about 10 years ago at his modest home in Sao Paulo. He was recovering from the depression which the death of his wife, Elsa, had caused him. This did not deter him from a serious, if somewhat subdued, discussion with me, where he defended the essential ideas he had nurtured in the past decades. I did not disagree with much of what he said. At one point I suggested that his ideas were far too influenced by the Enlightenment which believed in progress and linear development (even if many referred to the conscientisation process as a spiral), where people moved from lower levels of con-

sciousness to higher ones. Coming from India I could not deny that I was, at least, partially influenced by ideas related to impermanence, to interconnectedness, to the Buddhist notion of the void, to the significance of the here and now.

Both Marxism and capitalism owed allegiance to the attainment of the proper material conditions. But ideas that served us well at a certain period of history need to be jettisoned if they are now a threat to our very existence. Without denying the importance of material well being can we now incorporate practices that emphasise community, and foster ecological and spiritual values? Shouldn't Freire's concept of conscientisation lead to the oriental notion of the ultimate purposes of existence? He understood my concerns but was probably too depressed at the loss of his wife to comment on them.

The lack of spiritual dimension notwithstanding, Paulo Freire's ideas have permanently changed the contours of 'critical education' and played a significant role in humanising the understanding of class struggle.

### About the writer:

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Aliran at the UN

# Further erosion of Human Rights in Burma

by Deborah Stothard

Mr Chairperson,

I speak on behalf of Aliran Kesedaran Negara. May I express concern at the tendency to disassociate economic, social and cultural rights from civil and political rights. In fact, the indivisibility of these rights is explicitly stated in the International Covenant on Economic, Social, and Cultural Rights. This is conveniently overlooked when certain oppressive governments "hijack" ESC rights as an excuse for violations of civil and political rights.

To quote Nobel Laureate Aung San Suu Kyi: "One of the main problems is that the present military regime tries to separate civil and political rights from economic, social and cultural rights. We would like to point out that this cannot be done. Economic, social and cultural rights are inextricably linked to political and civil rights."

My colleague from the Asian Legal Resource Centre has already presented overwhelming evidence on the tragic crisis of hunger and malnutrition in a country where there has been no major natural disaster, a country once regarded as "the rice-bowl of Asia". The Burmese regime puts military spending ahead of the wellbeing of the people. The World Bank reports that the use of public health services has fallen by 80 per cent in the last 10 years due to an extraordinarily low budgetary outlay of 0.2 per cent. This is particularly immoral in the light of the HIV/AIDS crisis in Burma, where the UN AIDS programme estimates 440,000 HIV-positive people.

Current government spending for education as a share of national income "is among the lowest in the world."

Diplomats have commented that substantial portion of defence spending is not included in official figures, indicating that actual spending for the military is much higher. From official figures alone, defence spending equals 16 times the amount spent on health.

On cultural rights, to further quote Aung

San Suu Kyi: "... although the military regime claims that it has achieved unity with the ethnic nationalities, the truth is that our ethnic nationalities are suffering greatly from repression of all kinds. For example in the Mon State ... the teaching of Mon language in schools has been prohibited."

In October 1999, the Military Intelligence ordered the closure of an ethnic Mon school in Kwan-tar village, Mudon Township, Mon State. The students' parents were told that the school was an illegal institution and teaching of Mon language was also illegal.

On the national level, many universities and colleges remain shut. Universities and colleges have only been opened for a total of 30 months out of the past 12 years. Some institutions were "re-opened" in December under severe constraints. Even then campuses such as those in Thanlyin and Hmaw Bi have already been closed again by the authorities. The long-term implications for the future of the country's young people, and indeed the population, are grave.

It is shameful that the Association of Southeast Asian Nations (ASEAN), as strong ESC rights advocates, have been "constructively engaging" with the Burmese regime to further erode the rights of the Burmese peoples. ASEAN's impotence to deal with this problem has caused its member States to receive the negative impact of the regime's irresponsibility. Unless ASEAN member States and their dialogue partners face up to this reality, this threat against the peoples of Burma and ASEAN will continue to grow.

As Aung San Suu Kyi reminds us: "Please do not forget that instability in one part of the world could spread very rapidly these days. I hope that the world would be able to make an example of what happened recently in East Timor and learn to help when help is needed and not only when help is overdue."

Courtesy: *Aliran Monthly*

## Suu Kyi and her party face siege

By Alex Spillius, South East Asia Correspondent, in Bangkok

Burmese police took up positions outside the headquarters of the pro-democracy opposition in Rangoon Sept 4 amid mounting concern that the military regime planned to outlaw the party led by the Nobel peace laureate Aung San Suu Kyi

Diplomats in Rangoon expressed fears that the move presaged a ban on the National League for Democracy before fresh elections under a new constitution

Suu Kyi, 55, and the NLD's entire central executive has been under effective house arrest since the weekend. On Saturday September 2 she, her deputy, Tin Oo, and 12 youth wing members were forcibly brought back to Rangoon after a nine-day stand-off in a rice field on the edge of the city where they were blocked by the military on the way to a provincial office of the party.

Nothing definite has been heard from her British colonial-era home since, although an NLD source said that she was in good condition.

Supporters have reportedly been allowed periodically to pass food and drink over the walls to Ms Suu Kyi and the 12 youth members, but the house's large gate is padlocked and no one has been seen to pass in or out.

In recent months thousands of NLD members have been arrested or threatened with losing their jobs or worse if they do not resign. The government media have pumped out a deluge of stories linking Ms Suu Kyi to fringe rebel groups.

A spokesman for the All Burma Students Democratic Front, a group of exiled opposition members, said: "The intention is to wipe out the NLD. They want to paralyse the leadership of the party. They are afraid of the NLD and won't talk to them."

Source: *The Telegraph Group London*

**More recent reports indicate Aung San Suu Kyi has not been demoralised by the Junta's attempt to obstruct her movements. The Junta too has been forced by international pressure to ease the restrictions it has placed on Suu Kyi. Defiant as ever Suu Kyi has stated that she intends to go ahead with her plans to travel out of the city to meet her people.**

— Editor

# Who can arrest? Where may arrested persons be held?

## CRM examines new emergency regulations

**The new emergency regulations of May 2000 make several major changes. The Civil Rights Movement (CRM) in the first instance draws attention to just two aspects which have implications for the safety of arrested persons.**

Two aspects of the new emergency regulations have serious implications for the safety of arrested persons. They relate to who can search and arrest, and where arrested persons may be held.

### WHO CAN ARREST?

In the emergency regulations in force before 3 May 2000, the power of search, arrest without warrant etc under the emergency regulations was conferred only on police officers and members of the armed forces. Now, a search or arrest under regulation 18 may also be made by "any other person authorised by the President to act under this regulation".<sup>1</sup>

The immediate implications of this are self evident. How are arrested persons to know whether the persons who claim the right to search and take them into custody -- and perhaps also seize their vehicles -- have in fact been so authorised by the President? What form is the authorisation by the President to take and how is it to be established? The wording of the regulation suggests that it may be merely verbal. Is, then, the law-abiding citizen expected to meekly submit to the demands of any person who claims to have been conferred this awesome power? In the case of arrest by persons claiming to be the police or armed forces one can at least request the officers to establish their official standing.

It may be noted here that a similar provision existed in the emergency regulations in the 1980s and previously. But it was, advisedly, dropped under the last

government in 1993, and does not reappear in any of the four sets of Emergency (Miscellaneous Provisions and Powers) Regulations made by President Wijetunge in 1994, the last of which remained operative (with some amendments ) until the change this year.

The revival of this provision appears to ignore, and adversely affects, important safeguards against misuse of powers of arrest that have, quite rightly, been kept in place.

### Reporting the arrest

Where an arrest under this regulation is made, the arresting officer must, if a police officer, report it to the Superintendent of Police of the Division, and if a member of the armed forces, to the Commanding Officer of the area in which the arrest is made. But no equivalent duty to report the arrest to anyone at all is imposed on "any other person authorised by the President to act under this regulation".

### Failure to issue "receipts"

Then again, the regulations continue, as before, to require that when an arrest is made it shall be the duty of the arresting officer to issue to a close relative a document acknowledging the fact of arrest. (These are popularly referred to as "arrest receipts".) This important safeguard was first introduced in June 1993. "Arresting officer" would doubtless now be interpreted to include "any other person authorised by the President". However, the regulation

goes on to say that where it is not possible to issue such a document, the arresting officer, if a police officer, shall make an entry in the Information Book giving reasons why it is not possible to issue such a document, and if a member of the armed forces, to report such reasons to the officer in charge of the police station, who shall make an entry of such fact and the reasons in the Information Book [proviso to regulation 18(9)]. So important is this safeguard for the arrested person considered, that the regulation goes on to specifically provide that failure to issue a "receipt" or to make an entry of the reasons for not doing so in the Information Book is an offence.

In the case of "any other person authorised by the President" who arrests a person and fails to issue a "receipt", however, there is no provision requiring him to have the failure and the reasons therefor recorded anywhere.

### WHERE MAY ARRESTED PERSONS BE HELD?

The regulations as prevailing immediately prior to 3 May 2000 continued to provide yet another important safeguard first introduced in 1993. They provided:

"The Secretary shall cause to be published in the Gazette a list, with the addresses of all places authorised by him as places of detention for the purposes of regulation 17 and 19, and shall also notify the existence and the address of such places of detention to the Magistrate within whose jurisdiction such places of detention are located."

*Regulation 19(4)*

(The regulations 17 and 19 referred to in the above provision relate to the two types of detention that exist under the emergency regulations, namely "preventive detention" under regulation 17 by order of the Defence Secretary, and the detention under regulation 19 that follows an arrest under regulation 18 that we have already examined in another context.)

The former regulations went on to say:

"No person shall be detained at any place other than a place of etention authorised by the Secretary, and where any person had been detained contrary

to this regulation the person or persons responsible for such detention shall be guilty of an offence".

*Regulation 19 (8)*

Conviction for this offence carried a mandatory jail term of six months to five years plus a fine.

As a result, places of detention were from time to time specifically authorised and gazetted by the Defence Secretary. This was an important safeguard against secret detention and its accompanying danger of ill treatment in custody. It was introduced at the same time as the "arrest receipts" provision and, in the words of the Supreme Court, "...clearly and in plain words indicated that secrecy was to be displaced by publicity and openness. . ."

There were also accompanying provisions requiring that officers in charge of places of detention furnish a list of detainees to the Magistrate once in 14 days and that Magistrates visit such places of detention at least once a month.

The legal requirement that places of detention be designated and gazetted has been omitted from the new emergency regulations made on 3 May and currently operative. Persons detained under regulation 17 may now be detained in such place as the Inspector General of Police (IGP) or a Deputy Inspector General (DIG) decides. In respect of persons detained under regulation 19 (after arrest under regulation 18), it is not clear from the regulations as to who can designate their place of detention. The provision regarding furnishing fortnightly lists of detainees to, and visits by, the Magistrate have also been omitted.

On 14 June 2000 the Inspector General of Police publicised by a gazette notification a list of 346 places of detention for the purpose of Regulations 17 and 19. While this is to be welcomed, it is not an adequate substitute for the safeguard that existed prior to May 2000. The gazette notification is not pursuant to any legal obligation under the emergency regulations. The emergency regulations no longer make it an offence to hold persons in places which have not been gazetted.

**The Human Rights Commission**

Apart from the obvious implications of the removal of this safeguard, there is also

its implications for the work of the Human Rights Commission. The legal obligation under the Act creating the Commission is for *arrests or detentions* under the Prevention of Terrorism Act (PTA) or the emergency regulations to be reported to the Commission. *(This requirement is insufficiently known and could with good effect have been repeated in the emergency regulations; this should even now be rectified).* The Commission has power to visit places of detention, but there is no requirement that these be separately notified to it. It may, of course, go by the list gazetted by the IGP, but there is no legal requirement that there be a complete list.

It is true that when an arrest or detention is notified to the Commission, notification of the place of detention, and any subsequent transfer, is also required. It is well known however that arrests and detentions do sometimes go unreported. The

reporting provision is no substitute for the legally sanctioned separate designation and notification of places of detention. Visits to such places by the Commission, especially unscheduled visits, could reveal the presence of detainees whose original arrests or detentions have not been reported to it as required. An important element in a system of checks and balances has been lost.

**CONCLUSION**

Other provisions of the regulations are being studied by CRM. In the meantime CRM urges the government to review these particular provisions as a matter of urgency and to provide necessary safeguards for the liberty and security of the people.

**Suriya Wickremasinghe**

3 July 2000

- 1 The Emergency (Miscellaneous Provisions and Powers) Regulations No 1 of 2000 published in Gazette Extraordinary 1,130/8 of 3 May 2000. Regulation 18 provides for the general power of search and arrest without warrant of any person committing, or who has committed an offence under any emergency regulation, or whom the person effecting the arrest "has reasonable ground for suspecting to be concerned in, or to be committing, or to have committed" such an offence. It also includes the power to "search, seize, remove and detain any vehicle, vessel, article, substance or thing whatsoever used in, or in connection with, the commission of the offence", and to effect entrance into premises by breaking open any outer or inner door or window.
- 2 Wimalenthiran's case, SC Application 26/94; [1997] 1 Sri L.R.113. Thus it was held that a place of detention became "authorised" only once it was actually gazetted and not when the Defence Secretary signed the notification in his office.
- 3 Including the amendment to Regulation 19(2) by Gazette Extraordinary No. 1132/14 of 16 May 2000.
- 4 Gazette Extraordinary No. 1,136/10 of 14 June 2000.
- 5 Human Rights Commission of Sri Lanka Act No 21 of 1996, section 28.

**This statement is an updated version of the statement of the same heading but bearing reference no. E01\6\2000 issued in June 2000. The revision takes into account information that came to CRM's attention subsequently. The current text reflects the position according to the Gazettes available to CRM at the time of writing. However, as repeatedly pointed out by CRM over the years, Gazettes are received belatedly and prompt access to emergency regulations and orders and notifications made thereunder remains a serious problem. CRM urges once again that all Gazette notifications relating to emergency rule be simultaneously published in daily newspapers in all three languages.**

# Sri Lankan Press Council Commits Outrage in Incitement to Rape Case

The Asian Human Rights Commission wishes to express shock and dismay at the unbelievably crude order made by the Sri Lankan Press Council on June 2, justifying publication of a letter inciting people to rape. The Press Council's decision implies that under some circumstances rape is justified. The decision is unreasonable, distasteful and warped. The council members who made this judgement have brought disgrace to their body, abused their power and proved themselves unsuitable for public office.

The case arose from a letter published in *The Island* newspaper last August. The author, protesting a lesbian conference to be held in Colombo, called upon police "to let loose convicted rapists among the jubilant but jaded jezebels when their assembly is in full swing so that those who are misguided may get a taste of the real thing."

The Council concluded that these words were permissible and unobjectionable. It

went on to say that the writer's view was justified as "lesbianism is at least an act of gross indecency and unnatural" and "somehow, misguided and erratic women should be corrected and allowed to understand the true sense and reality of life." The Council conceded that words used in the letter mandate rape, however argued that they were merely the author's way of protesting lesbianism.

The Council added that the complainant, as an organiser of a lesbian conference, was not an innocent: "Any complainant, who seeks legal remedies from any court or quasi-judicial body, must come before it in clean hands. Just because the complaint encourages and promotes abnormal or immoral acts in society, he cannot argue that the media has no right to criticise such activities." Additionally, the Council held that as the complainant is a male, he could not therefore suffer rape of a manner referred to in the letter and as such had no standing before the Council on the issue.

Obviously, the Press Council used their session to ridicule the complainant rather than employ their quasi-judicial power to decide the case fairly. These council members are evidently persons holding extreme views against lesbianism. This in itself should have disqualified them from sitting as "judges" in the case. They should have revealed their opinions beforehand and allowed the matter to be heard by unbiased persons. The Council did not go into an inquiry as to whether lesbianism was indecent, abnormal or immoral. They did not base their judgement on any authority except their own prejudice, which is in fact a minority viewpoint in the modern world. They have a right to their anachronistic perspective, however they cannot use their quasi-judicial authority to perpetuate it.

By this order, the Press Council's authority has been trivialised and due process has been mocked. A few extremists have used legal authority to reinforce their views. It is a moment of shame for the Council. If these council members thought they were making a joke, then it must be said that their humour is low and cheap. In fact, the Council has permitted itself a vulgarity. We condemn this statement and call for the removal of those who made this order. We extend sympathy and solidarity to the complainant in the case.

*Asian Human Rights Commission*

# Gay Rights and the Churches

Lesbian and gay people share the fundamental desire to be known, accepted and respected in the humanity of their being as much as anyone else. Therefore, after reports of hurtful debates amongst Bishops at the Lambeth Conference two years ago, there was a crumb of considerable hope in that the churches were encouraged by their leaders 'to listen to what Lesbian and gay people have to say'. Maybe, at last, we would be taken seriously and listened to, maybe an effort would be made to try to get to know us. Too often in the churches we had heard people claiming to know and understand gay people and then discovering that their understanding was based on stereo-typical images, misconceptions, and their own prejudices, and

that in fact no real attempt to listen or understand had ever been made.

During a three-month sabbatical period early in 1998 I undertook a project which eventually resulted in the production of a report 'Gay Voices to the Church'. Throughout the project my primary concern was to focus on how the churches relate to gay people in the here and now, and the gay response to that.

A second main section presented informed pro-gay opinion gathered from people and organisations around the country that integrate a spiritual dimension into the experience of being gay, or working with and supporting lesbian and gay people. This section illustrated the enormous amount of good practice through which the churches could be enlightened.

There are, of course many social and moral issues, both locally and globally, that warrant attention by the churches. As many people point out homosexuality is but one of them. That is obviously true. But how the

church responds to any matter, even if that matter seems relatively small within a global context, reveals elemental dynamics of how the church operates when engaging with any social or human concern. If its approach in the matter of human sexuality exposes elements of fear, denial, a refusal to listen and a reluctance to get to know, are not those same elements likely to be present in any debate on any issue? Are they not serious flaws in the character of an organisation that professes to strive for truth and justice and love?

Sadly, most churches do not feel like safe places for lesbian and gay people. This is likely to remain the case as long as there is a refusal to listen to gay testimony and a reluctance to get to know gay people.

**Neil Steadman** is currently a Hospital Chaplain in Carlisle and has served in that diocese for the past 16 years. He has been active within the Ministry of the Anglican Church for more than 30 years.

*LGCM Newsletter (UK)*

## Plantation Workers: Prayer Campaign Wins Wage Increase

This time too the Plantation workers, those tireless toilers who labour in the plantation had to fight every inch of their way to get a wage increase through a revision of the 1997 Collective Agreement they had with the Employers Federation of Ceylon.

Between the years 1997 and 2000 the lot of the workers in the estates moved from bad to worse. The union taking into account the steady erosion of the real wages of these workers commended negotiations with the employers well ahead of the expiry date of the 1997 Agreement. The negotiations proper commenced around April this year between the CWC, LJEMU and JPMUC (an umbrella organisation of 13 plantation workers' unions) on one side, and EFC representing the 28 plantation companies on the other. The negotiations having broken down, the Unions were compelled to exert pressure on the employers through a non-formal trade union action which took the form of a prayer campaign before commencement of daily work. The employers branded this as illegal and threatened action against those taking part in such 'prayers'. However, the steadfastness of workers won the day and negotiations resumed at the behest of the Ministry of Labour. After tough and protracted negotiations the parties came to an agreement on 20th June 2000. In terms of this agreement the basic wage of a tea worker was upped from Rs.95/- to Rs.101/-, a price/wage supplement of Rs.6/- to be paid and an additional bonus payment of Rs.8/- per day linked to 95-90% of attendance on the number of days of work offered by the Management. This agreement will be valid until the mid 2002. All disputes on matters covered by the agreement will be resolved through dialogue, conciliation and voluntary arbitration.

In the meantime, the wide-ranging price increases and the impact of the devaluation of the rupee have affected the plantation sector workers as well. Their newly won wages have been nullified by these developments. There is unrest breeding among workers on the plantations. The Collective Agreement signed in June cannot be re-negotiated until the year 2002.

The Lanka Estate Workers Union, one of the constituent members of the JPTUC have urged the authorities to enable the Plantation workers to receive the allowance payable to private sector employees. A motion in this regard has been filed by the LEWU in the Wages Board for the Plantation Trade and a determination in this regard is awaited.

The Lanka Estate Workers' Union in a communication addressed to the Minister of Labour on 15th August states: "The Government had directed the private sector employers to pay their employees a sum of Rs.400/- being special allowance with effect from 1st August 2000 in order to overcome the hardships caused to them as a result of the devaluation of the Sri Lankan Rupee. "In this connection the Government had issued a Gazette Notification No. 1943/9 dated the 31st July, 2000 directing the private sector employers to pay this Rs.400/-. But we regret to note that this allowance had been denied to the plantation workers under Clause 3 of the said Gazette notification by the inclusion of a condition that any worker who is covered by Collective Agreement and had received a wage increase after January 2000 will not be entitled to receive this amount of Rs.400/-. But however, the same Gazette Notification under Clause 5 provides for private sector employees who are not covered by any Agreement to receive this Rs.400/= minus what ever the wage increase they have received after January 2000. From the above you will please note that only the plantation workers denied this payment. Even if it is argued that the plantation workers had received a wage increase through an Agreement, our position is that the plantation workers were given only an increase of Rs.6/= after January 2000 and as such they are entitled to receive the balance sum of Rs.10/-.

"May we therefore, kindly request to be good enough to look into this matter and cause to make suitable amendments to the said Gazette Notification to include the plantation workers also or please summon a discussion on the matter with the Employers Federation and the Unions representing the plantation workers."

## No Relief yet to 1980 July Strikers

The 1980 July strikers whose problems were promised to be solved by the P.A. Government when it came to office in 1994 continue to languish despite occasional expression of sympathy by labour lieutenants in the Government. Although in the public sector the problem of the 1980 victims have been sorted out by and large, nearly 4000 persons who responded to the call of their Unions to join the strike in the private sector continue to be without hope. The Unions concerned seem to have forgotten their members or are not doing enough to bring the much needed relief to them. The Ministry of Labour said some time back that it had, in collaboration with the National Lotteries Board, arranged a lottery "Sharama Vasana" to raise Funds to pay compensation to these victims of UNP repression. Subsequently, the Minister was on record stating that he had successfully intervened with the Treasury to bring relief to the private sector 1980 July strikers. The reality however is different. Private sector employees who were thrown out of their job as a result of their joining the 1980 strike remain unemployed and, now, after two decades of the strike, are unemployable. Shouldn't those concerned take meaningful action to have this situation changed? The Unions concerned should awake from their slumber!

## CMU-EFC Agreement

The Ceylon Mercantile, Industrial and General Workers Union (CMU) and the Employees Federation of Ceylon (EFC) entered into a fresh collective agreement on 12th July 2000. This revised Collective Agreement will be effective for a minimum period of 5 years from 1.6.2000.

The first Collective Agreement between the CMU and EFC was signed in 1961 and was preceded by an award of the Industrial Court which was popularly called Canakeratne award. This is said to be the first reference to an Industrial Court under the I.D. Act of 1950. Since 1951 without a break there have been collective agreements between the CMU and EFC. The agreement covers around 28 companies who have subscribed to the terms and conditions contained therein. According to the EFC this agreement is also used as a

standard settler by many companies in the private sector in the country.

In terms of the new agreement employees in the supervisory, clerical and minor grades attached to the subscribing companies will receive a salary increase of 15% and a further 5% in June 2001. These employees also receive a non-reviewing cost of living gratuity at Rs.2/- per point increase in the Cost of Living Index. The membership in the EFC Firms is the mainstay of the CMU. There have been bitter industrial struggles involving them in the past as on the question of revision of Collective Agreement, However for the past two decades or so the CMU had been successful in arriving at collective agreements without much difficulty.

## Strike at the Colombo Dockyard

The employees at Colombo Dockyard went on strike against management intransigence to negotiate with the Union on 19th July. The action was precipitated by the Management who withdrew certain concessions enjoyed by the employees on the ground of cost-cutting. The issues involved were outsourcing of meals which were made in the company's own kitchen and sold at subsidised rates to employees working on the night shift and termination of the night shift. The Unions were not consulted and employees' unrest spread leading to some incidents which gave the pretext to the Company to put down shutters. The Company refused to negotiate with the Unions there after and threatened to close down for good.

The Labour Department after several futile attempts to bring the parties together to negotiate issued an ultimatum which finally produced a compromise settlement. The settlement provided for the Company's kitchen providing meals for a reduced number of employees working at night and the withdrawal of charge sheets issued to 18 employees for leaving their posts to attend union meetings in the lead up to the closure. But employee resentment against the Management attitude toward their lawful unions continues. This is one more instance where companies are seen to adopt an anti-union posture despite the recently passed legislation prescribing mandatory recognition of Unions by the Employers.

- T.M.R

## Employers feel the pinch of wage hike

The recent private sector wage hike gazetted under the Public Security Ordinance has left industrialists across the board wringing their hands. Widely seen as a pre-election gambit the move has been criticised by the private sector as detrimental to free market forces. The regulations require a Rs. 400 increment in monthly private sector salaries. Daily paid employees wages have been increased by Rs. 16 per day. The additional allowance which will be subject to EPF and ETF payments is not applicable to employers who have entered into collective agreements between January and July 2000. Where wage increments outside collective agreements have been entered into during this period the difference between the gazetted increment and the actual increment will have to be forked out by employers.

"This totally distorts the wage structure in the apparel industry," Past President, Exporters Association, Lyn Fernando told *The Sunday Times Business*. "For example, a machine operator would previously have been granted a Rs. 400 increment and an unskilled helper Rs.50. This across the board increment ensures the unskilled helper gets a Rs 400 increase in wages and the machine operator gets nothing," he said.

Hotel and travel industry players painted an even more dismal picture. "The industry is already hard hit by the impact of 12.5 per Goods and Services Tax (GST) and National Security Levy. In a country which is seeing low tourist arrivals due to the political situation in the country this is a further burden," Managing Director Aitken Spence and Company Ltd, R Sivaratnam said. Aitken Spence remains the conglomerate with the highest exposure to the hotel sector.

This arbitrary increase in private sector wages is also discourages collective agreements, private sector officials wishing to remain anonymous said. "If a collective agreement implementing a wage hike was entered into in a period other than between January to August 2000, another wage increase would now have to be factored in," they said.

"While we understand the cost of living has increased and private sector employees need these increments the government should consider the impact of wage increases on companies before imposing add hoc levies," Senior Vice President, Federation of Chambers of Commerce and Industry of Sri Lanka, Macky Hashim said.

Courtesy: *Sunday Times*

## ILO launches World Labour Report 2000 - 75% of 150m people lack unemployment insurance

Geneva (ILO News) - Seventy-five per cent of the 150 million people unemployed around the world lack any unemployment insurance protection, said a news report by the International Labour Office (ILO).

Even the world's richest countries in Europe and North America reduced protection provided by unemployment insurance in the 1990s, said the ILO's *World Labour Report 2000: Income Security and Social Protection in a Changing World*

Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Luxembourg, Netherlands, Norway, Portugal, Spain,

Sweden and Switzerland provide the most generous unemployment protection systems of all ILO member countries, the report said.

The report identifies Australia, Canada, Ireland, Japan, New Zealand, the United Kingdom and the United States as belonging to "medium-level type systems". Fewer of the unemployed in these countries receive benefits and the compensation that is provided is lower than those available in the first tier of countries.

Benefit payments, which the report defines as "net wage replacement rates" range from 23% of wages in New Zealand

to 58% in Canada and the United States, among these "medium-level" countries. In contrast, "top level" countries such as Finland and Spain provide 63% and 77% respectively of national average earnings in their unemployment insurance, the report said.

The report said that the United States, Canada and the United Kingdom are also rated low because "the duration of unemployment benefit payments is short, with benefits payable for less than 12 months." In addition, neither the United States nor Canada has a second layer of unemployment assistance available when the first layer runs out.

The report notes that millions of people in the informal sector "earn very low incomes and have an extremely limited capacity to contribute to social protection schemes." They cannot afford to save much of their meagre incomes. They can look forward neither to pensions nor to health insurance benefits. They are reluctant or simply unable to seek help from social assistance schemes where these exist.

The ILO said that for low-income developing countries "it is imperative to give priority to schemes specially designed to meet the needs of informal sector workers". Government support is deemed "indispensable" in the effort and a possible starting point would be the extension of statutory social insurance schemes "toward increased - and possibly universal - coverage."

Most countries with a high-level system have a second layer of unemployment benefits, usually called unemployment assistance. This layer covers workers who have exhausted their entitlements to unemployment insurance and provides them with a grace period before they come within the purview of less generous social assistance schemes.

Almost all OECD (Organisation of Economic Cooperation and Development) countries in the 1990s reduced the protection provided by their unemployment benefit systems.

Eligibility rules have been tightened and the duration of benefits and replacement rates have been reduced in nearly all European countries.

In a trend sometimes known as "workfare", many Western countries have made benefits conditional on participation in training, the acceptance of jobs deemed suitable by the unemployment benefits administration or on demonstrably intensive job-search activities. Efforts have also been intensified, through active labour market policies, to get the unemployed back to work.

The report suggests that the provision of unemployment benefits should be closely coordinated with labour market policies. It also pleads for extending the coverage of unemployment benefit, which would provide income security to larger groups of unemployment and have a positive effect on labour market flexibility.

**Developing countries** - Workers who are fortunate enough to be covered by unemployment benefits are mainly concentrated in industrialised countries, the report said. But for those who work in the rural or urban informal sectors in developing countries - including 750 to 900 million underemployed workers - hardly any unemployment protection exists at all.

The ILO said that these groups of workers should be assisted through employment in labour-intensive infrastructure programs - "feeder roads, land reclamation, minor dams, wells and irrigation systems, drainage and sewerage, schools and health centres". Employment provided under such programs "can be organised so that workers can obtain an employment guarantee for a number of days per year," the ILO report said.

The scale of such programs "can be compelling" the report said in India, employment provided under the Jawahar Rojgar Yojana (income-earning) program "had reached 1 billion work-days by 1995, covering 123 of the country's 350 underdeveloped districts." Similar programs operate in Bangladesh, Ghana and Madagascar and, on a smaller scale, in Bolivia, Chile and Honduras. ILO-supported employment intensive programs currently exist in Botswana, Kenya, the United Republic of Tanzania and South Africa. Others, in French and Portuguese speaking African countries, receive financial support from the World Bank.

**Asia** - As of 1998, only four Asian economies - China, Mongolia, the Republic of Korea and Hong Kong China - "had

any form of unemployment benefit scheme", said the ILO report. Benefit rates are generally modest. Coverage is comprehensive in Hong Kong only. In the Republic of Korea, "half of all employees are covered" while "elsewhere, coverage extends only to a minority of formal sector employees."

In Bangladesh, India and Pakistan, employer liability legislation require severance or retrenchment payments on termination of employment, but "only a small minority of the working population, i.e., from larger companies in the formal sector, are effectively covered."

The recent financial crisis has made it clear that unemployment insurance schemes could play a substantial role in coping with the unacceptable levels of hardship caused by rapidly escalating unemployment," the report said.

### Old age and survivors' pensions

The report said that many developing countries only recently began to develop pension systems, and some nations still have not instituted any scheme to protect retired workers.

In many parts of sub-Saharan Africa and parts of Latin America and Asia, coverage is lower than 10% of the labour force. The report adds that old age still spells insecurity for certain groups of the population in the industrialised countries.

People who have worked in the informal sector, predominantly women, are likely to have very low incomes in old age and become dependent on public assistance.

"It is therefore clear that, in spite of their impressive achievements, pension systems still have much unfinished business," the report says. "At the same time they need to adapt to increasing life expectancy and to changes in labour markets and gender roles."

It concludes that "contributory social security schemes remain the instrument best suited as the main source of retirement income for workers in the vast majority of countries."

However, it said the main priorities need to be increasing pension insurance coverage and improving governance.

# Imagine the Difference We Can Make

by Dr. Wan Azizah Wan Ismail - Malaysia



First I must thank the hosts, especially Ms Irene M. Santiago, convener of the Global Forum of Women Political Leaders, for the invitation to speak today. It was an invitation I couldn't refuse; the subject matter is too important and too relevant to our time. And Ms Santiago herself should be applauded for a lifetime of work dedicated to the cause of making this world a better place, especially for women.

But my deepest gratitude goes to Cory Aquino, who is the moral force behind this forum. Cory, to me, is more than a friend. She is an inspiration. I would probably be flattering myself if I say that our lives are in some ways parallel. But events in my country since September 1998 have drawn us closer and I think I understand better now the pain and anguish that she and her family went through when Ninoy became the victim of a dictator's cowardice. Indeed, Cory - with her courage, her patience, her fortitude, her indomitable spirit in the face of great odds - is a tough act to follow. She will always be a guiding light, a source of inspiration not only to the women of Asia, but to all Asians who have to fight injustice and oppression in their myriad

forms. As one of the pioneers of women's participation in public life, Cory belongs to that great tradition which has given us such luminaries as Kartini of Indonesia and Sarojini Naidu of India. Being here in the Philippines, I am reminded of her great son Jose Rizal and of a poignant passage in one of the many letters he wrote to his friends:

The Filipino ... remembers only the kindness he has received; he easily forgets resentments, and if he has only smiles and tears for those who have treated him harshly when he sees them depart, what would he have for those who had been good when he sees them in misfortune?

## Love - A Powerful Force

For this magnanimity, this tenderness of the heart that Rizal speaks of, the Filipino is certainly famous. I can attest to that, as can many others who have been here and who have made friends among the Filipinos. And the subject is not unrelated to our discussion. Rizal is speaking of an attribute that springs from the same spirit that makes us able to love our fellow humans. And love is a powerful force. It can change history.

Which one of us women in this hall can say that she is not proud that God has given women a tremendous capacity for love? If love and compassion were absent from the hearts of women, how could life itself continue? Few children would survive if their mothers were motivated solely by a sense of duty. In his book *The Asian Renaissance*, Anwar Ibrahim asserts that compassion is an essential element in the

practice of polity if leadership is not to be divorced from ethics and morality. He says it "liberates and takes us on to a higher kind of loyalty, onto what is true, just and virtuous." I don't believe there are psychological or ideological barriers strong enough to defeat the power of love. So we women are especially well-armed against them.

The importance of women in politics is underscored by their sheer numbers. In my country, for instance, more than half of registered voters are women. Furthermore, they have shown that they are conscientious in their democratic duty, for they have always outnumbered men in voter turnout.

Even in active political life, women have played pivotal roles, particularly in Asia. Indeed, although Asia is still steeped in tradition, it has produced more women political leaders than have the industrial countries of North America and Europe. Women have occupied the highest public office in all the four countries of South Asia - India, Pakistan, Bangladesh and Sri Lanka. In Indonesia, Megawati Sukarnoputri led her party to victory in the first democratic election in three decades, after playing a crucial role in ending the rule of Suharto, then the longest-serving political head of State in Asia. And, of course, there is Cory Aquino, who led her people against an arrogant dictatorship and revitalised democracy in the Philippines.

The high visibility of women occupying public office in our region is a strong argument against the belief that ideological or psychological impediments are too great to enable women to participate actively in politics. I grant that these obstacles exist, but they are not insurmountable. Growing equality in educational, economic and social conditions has greatly promoted gender equality. When Toni Morrison was awarded the Nobel Prize in literature in 1993, she did not win it because she was a woman or because she was black. She won it simply because she was a great writer.

Anwar Ibrahim has consistently described politics as an "uncharismatic and low-morale profession." That was his view when he was leading student and youth movements in Malaysia in the 1970s and early 1980s. He maintained that view when



he was part of the ruling administration and a leader of the ruling party. And that is still his view today. One should not plunge into politics unless one has a cause to fight.

I was trained as a general physician and, later on, as an ophthalmologist. I had always wanted to be a doctor and I tried my best to excel because I believed - and still do - that helping to cure a person's illness or at least reduce his or her pain is a noble-enough cause for anyone. I worked as a doctor for many years and I did the job with a great sense of self-fulfilment. But when Anwar became Deputy Prime Minister, I had to give up my practice - grudgingly, in the beginning - because I had to involve myself in general social work and assist him in his very demanding public position.

Some women, to paraphrase Shakespeare, "are thrust into greatness." Ready or not, they have to carry that burden, to live up to expectations. But a great and noble cause will enable any woman to overcome any barrier, ideological or psychological. In my case, however, such barriers were virtually non-existent. People came readily to my support. Perhaps, in a paradoxical sense, I was luckier than most women politicians because the injustice against my husband was so obvious and so extreme that the many Malaysians who loved truth, justice and decency rallied to the cause without worrying whether the call came from a woman or a man.

And there are still plenty of great and noble causes to fight for if you love your fellow humans and hate to see them oppressed.

### The Burning Issues

Three weeks ago, millions across the globe awaited the tick of the clock that would usher in the new millennium. For them, it would be a moment to celebrate, for it happens only once in a thousand years. But for hundreds of millions of others, the tick of the clock is only part of a sequence in the march of time in which they will continue their life under grinding poverty. What is there to celebrate if you are homeless, if you are destitute, or if you are a boy having to beg in the streets, or one of the thousands of young girls forced by circumstances to become sex workers?

For Aung San Suu Kyi the first day of the millennium was just another day of freedom denied. For Anwar Ibrahim, it was another day in incarceration, another day in which he suffers as a victim of trumped-up charges.

There are thousands more of political prisoners and prisoners of conscience who will continue to languish in their cold and lonely cells, where the darkness is broken only by the light of their fortitude and unrelenting hope.

Undoubtedly, Asia has progressed far ahead of the day when Rizal was killed for disturbing the peace and tranquillity of Spanish rulers. Sedition was the crime they said he committed. But Rizal wanted only to tell the truth. He wanted his readers to see the ills, the social cancers that infected his society, for what they were. Because truth has a liberating power, it threatens those afraid of losing the scepter. That is why they consider telling the truth seditious and subversive.

It has been a century since Rizal left us. And most Asians have lived for half a century as free nations. Thus one would expect charges such as subversion and sedition against political enemies as anachronistic. One would have thought that with the passing of colonialism, the kind of suffering that Rizal had to undergo would be no more.

Yet, only last week, opposition figures in my country were arrested and accused of sedition. Their crime was that they made statements pertaining to certain events

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**Women of Asia cannot remain oblivious to the burning issues confronting their society, be they political, economic or social. The quest for democracy and civil society will remain high on our agenda. When democracy fails, it is usually the women who bear the brunt of suffering.**

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that did not agree with the official view. In a related case, the so-called crime was publicising the findings of official investigations into the corrupt practice of government ministers who, apparently, are protected from prosecution.

Women of Asia cannot remain oblivious to the burning issues confronting their society, be they political, economic or social. The quest for democracy and civil society will remain high on our agenda. When democracy fails, it is usually the women who bear the brunt of suffering. When their husbands become the direct victims of oppression, they are the ones left to fend for their children. When, as often happens, an erosion of democracy leads to economic crisis, women are the first to lose their jobs.

Many of the ills of our society are the direct consequence of the fragility of our democracy, or absence of it. Unless our democracy truly becomes the vehicle for *vox populi*, the voice of the people, the national agenda will continue to be nothing more than a reflection of the entrenched vested interests of the elite. In extreme cases, the national agenda would be under the direct dictate of the selfish few. Denying a people their right to a free flow of information and opinion means denying them the right to educate themselves and to think for themselves. The long-term consequences could be tragic. When people get used to being fed only the information allowed by the powerful elite, there might come a time when they would be hard put to answer T.S. Eliot's questions:

Where is the Life we have lost in living?  
 Where is the wisdom we have lost in knowledge?  
 Where is the knowledge we have lost in information?

### Democracy: More Than Mere Elections

A democratic government must expend resources towards alleviating poverty, providing quality education and health care, encouraging the freedom of expression and widening the range of choices. Democracy becomes a mockery when, in its name, the press is gagged, choices are reduced and the provision of social services becomes a means of fattening cronies.

For democracy to work, it must be supported by certain values and institutions. Fairness and a level playing field are crucial. A free press is indispensable as a vehicle of expression so that the electorate is exposed to the widest range of views possible in order for them to make informed choices. A credible and independent judiciary is fundamental. Without these supports, democracy is hollow, a body without a soul, a convenient tool of manipulation for ruthless and crafty politicians. It gives them an air of legitimacy in their authoritarian rule. Indeed, democracy then becomes a virtual tyranny.

This is precisely what is happening in many new democracies. An elected government thinks it is given the mandate to do anything it likes, including denying the people their freedom and basic rights, withdrawing the publishing licences of publications that criticise it, harrasing the opposition, and instilling fear in the mind of citizens through systematic fascist-like propaganda. It is widely believed in Malaysia that most young people are reform-minded and pro-change. And it is safe to assume that they were the majority among the nearly 700,000 citizens who registered as voters in the wake of our political crisis. But in the election two months ago, they were robbed of their constitutional right. They were registered, but not gazetted, to vote. The election was manipulated to favour the ruling party.

It is most important for us to understand that democracy is above all a process. For a government to call itself democratic, it must subject itself to the rigours of that process. An election which disenfranchises voters does not make for a democracy. Democracy cannot survive without a free press. It is dead if the press is engineered to be submissive.

There is a palpable renewed and increased interest in politics in Malaysia today. Young people are becoming more politically aware. Professionals such as doctors, lawyers and journalists, who used to be quite contented with their professional achievements, have gone into the political fray in the wake of the crisis that followed the sacking of Anwar Ibrahim, his arrest and his beating at the hands of the police chief. Many in this group are women who see a worthy cause to champion. Their cause is not to champion the right of

**Power corrupts, and frailty is the politician's name. One must not believe that the average politician has the angelic quality to resist the temptations of power. Even honest and well-meaning politicians must submit to the rigorous process because they must learn to steel themselves against the whisperings of base motives.**

one man, but to champion justice, democracy and freedom. They want to reform the country and cure it of the cancer of nepotism, cronyism and rent-seeking. It has dawned upon them that power by itself is expansionary and the thirst for it is unquenchable. Power corrupts, and frailty is the politician's name. One must not believe that the average politician has the angelic quality to resist the temptations of power. Even honest and well-meaning politicians must submit to the rigorous process because they must learn to steel themselves against the whisperings of base motives. It is for this reason that power must be reined in, checked and made subject to democratic control.

Likewise, the rapacious greed of the cronies must be subjected to transparent corporate practice. Healthy competition must be promoted, in politics as well as in business. Many economies have suffered greatly from greed and the wages of past economic sins - corruption, cronyism and nepotism. As the economy recovers, a cleansing process must take place. An economy that stubbornly refuses to reform and instead perpetrates new sins will soon see its day of reckoning. And the crisis that follows will be severe and painful.

### **The Spirit of Reformasi Is Alive**

The renewed interest in politics and social activism attests to the fact that the spirit of reformasi is very much alive. Its tremendous energies are being channeled to party organisations, NGOs and even

the popular arts. Therein, I believe, lie the seeds of a truly democratic country.

As we enter the new century, economic and technological forces will bring the region into greater cohesiveness. It is our duty to accelerate the process of democracy and deepen civil society in the region. We can do this by forging greater solidarity among democratic forces in the region, including the latent but potent collective power of women. Gone are the days when people used to identify democracy only with elections. We must educate our people so that they know what their rights are. They must know that they are free and they must treasure their freedom. They must know that they have the right to information and cannot be victimised by propaganda. They must know that democracy also means the control and distribution of power, transparency and the rule of law.

Certainly, we must be ever mindful that we must strike a middle path in our quest for democracy. What we want is freedom, not chaos or anarchy. Our vision of freedom is based on law and order, but those laws must be just laws, not laws legislated in order to stifle and paralyse freedom, to suppress dissent and to defeat political opponents. There are many laws, but there is little justice. We all know that Germany under Hitler also had laws, as did Stalin's Russia. Those laws were but iron claws against their own people. Thus the revitalisation of democracy requires the elimination of repressive and draconian laws. Only laws animated by the spirit of justice should have a place in the new millennium.

These challenges are gender neutral. But women politicians and women's organisations can contribute immensely to the realization of their noble objectives. If we could somehow harness the tremendous collective power of women - in the Southeast Asian region, for instance—imagine the difference we could make.

Thank you. Maraming salamat po.

**About the writer:**

*Wan Azizah Wan Ismail, delivered this speech at the forum of Women Political Leaders in Manila. A doctor and politician in her own right, she is wife of the imprisoned former Deputy Prime Minister of Malaysia Anwar Ibrahim.*

Courtesy : *Aliran Monthly* (Malaysia)

# Buddhism with a small 'b'

## Interview with Sulak Sivaraksha

*Sixty-six-year old Arjan Sulak Sivaraksha is recognised world over for fusing the metaphysics of Buddhism with hands-on social activism. The prominent Thai social critic and activist who has been exiled for his bold writing and imprisoned for criticising the king is trying to gather the disillusioned poor of Thailand and help them access their once rich heritage, culturally as well as materially through a non-violent and "mindful" process. He spoke to Sudhamahi Regunathan.*

### **In what way are you using Buddhism as the tool to bring about social change?**

I would not use the term Buddhist religion. I would rather say the teachings of the Buddha or socially engaged Buddhism. Buddhism, as practiced in most Asian countries today serves mainly to legitimise dictatorial regimes and multinational corporations. If we Buddhists want to redirect our energies towards enlightenment and universal love, we should begin by spelling Buddhism with a small 'b'. Buddhism with a small 'b' means concentrating on the message of the Buddha and paying less attention to myth, culture and ceremony. We must refrain from focusing on the limiting egocentric elements of our tradition. It is not a Buddhist approach to say that if everybody practiced Buddhism the world would be a better place. Our efforts to preserve Buddhism or a Buddhist society may fail, or they may succeed. The outcome is irrelevant. Our goal is to develop human beings with inner strength and moral courage to begin restructuring the collective consciousness of society. This is socially engaged Buddhism: earlier Buddhism operated in small communities or sangha, they did not even know of the outside world. Today we have to extend the teachings and precepts of Buddhism to relate to the world. According to the Buddha's teachings, whatever we do we must have the seeds of peace within. Today our leaders and policy makers, in fact all of us have seeds of greed, hatred and illusions, and so our acts are not in the right direction. You have to learn to love yourself properly, not in the egoistic manner. Then there will be no enemy. The only enemy is within: of greed, hatred and illusion and consumerism personifies these feelings.

### **You seem to identify consumerism as the main ill. Is it realistic to think of disentangling modern society from consumerism?**

The new demonic religion is consumerism. Eat, drink and enjoy life. We live by, 'I buy therefore I am'. One is conditioned to think that without consumer goods, one is nobody. But the Buddha said I breathe therefore I am. The basis of the Buddhist view of life is expressed in the first of the four noble truths that all life includes suffering. Consumerism hopes to avoid suffering, but Buddhism would say that is turning away from the truth. We might think: Maybe a car is better than our legs, a bigger house is better than simpler living. In this way we become attracted to buying. The consequence of ignorance: the rich do not realize that their lifestyle depends on depriving the poor. So, we must confront suffering.

### **Do you really think anybody will volunteer to suffer even if it is for a better society tomorrow?**

Eighty per cent of the people in Asia are suffering anyway. Do you know that the America which most people think is the model country, in that country 60 per cent of the blacks are having a lifestyle worse than the people of Bangladesh. I am quoting the BBC when I say that the children in England are worse off today than they were in the days of Charles Dickens. We have so many poor people. I think there is no greater form of violence than poverty. Though people do not indulge in open violence, I want to make everybody aware that their lifestyle itself is a form of stealing. It is structural violence for the rich to live lavish and wasteful lifestyle that destroys the natural resources which makes the gap between the rich and the poor wider.

### **What do you mean by structural violence?**

Many people are slowly starving, while others eat too much. Most people in Thailand follow the Buddhist precepts only a general way and do not realize how they are implicated in an unethical system. The first precept of the Buddha's teaching is that I vow to abstain from taking life. We have to use this to shape a politically just and merciful world. The second precept is

I vow to abstain from stealing. Stealing underlies all the collective drives for economic resources and political power. The third precept is the I refrain from sexual misconduct. All the discrimination against women should be corrected by extending this precept. I vow to abstain from false speech refers to the media, particularly advertising and the politicians. I vow to refrain from intoxicants raises questions on why the Third World farmers grow heroin, coca and so on.

### **Do you not think you are more idealistic than realistic?**

No. When Gandhi could free a nation, did anybody think it was possible? Did anybody think the USSR would ever break up? Similarly I think we can bring about a change in the people. We may not be able to do away with consumerism but we can definitely develop Alternatives to Consumerism. In my country I am very hopeful. Our people have lost everything including having sold their daughters to prostitution. Today these very people are realizing that they have nothing. They are eager to get back a normal happy life. They have formed a Forum of the Poor with half a million membership. They come to us for guidance. We have taught them to protest against injustice from the government, albeit peacefully. We run a Spirit in Education Movement wherein we just bring about a link between the heart and the head. We teach them to breathe properly as the beginning. The poor have to be empowered while the middle class who only care about their and their families' comforts have to be educated. We teach them about the dangers of chemical fertilizers, the manner in which advertisements are made and the lies they tell and also the value of traditional medicines. There is no need to wait for English medicines, our traditional ones work just as well.

Many spiritual persons have got together and we have two co-operatives in our country, a rice bank and a buffalo bank. All extra rice is deposited at the temple and distributed to the poor to overcome rice shortage. The temple also keeps the extra buffaloes and gives their offspring to those who could not afford to buy one. The only condition is that the buffalo should be treated kindly and that 50 per cent of its offspring should come back to the temple. Along with all this, meditation is also practiced, so it is a holistic approach to development.

Sudhamahi Regunathan

*The Times of India-Reproduced from Seeds of Peace (INEB) Thailand*

# Liberation theology for a new era

Liberation theologians are applying their theory to new forms of solidarity.

Nearly three decades after Peruvian theologian Gustavo Gutierrez published the article that gave Liberation Theology its name, and long after the revolutionary effervescence that marked the 1960s and 1970s in Latin America, this current of Catholic theology is seeking new ground, forging links with ecology and defence of the rights of minorities.

When Liberation Theology as such was born, thousands of Christian base communities already existed in Latin America, and "progressive" winds were blowing in the Catholic Church, inspired by the so-called Political Theology that had arisen in Europe in the 1960s.

Those were the years of the Cold War, when humanity saw the confrontation between two antagonistic socio-political and economic systems. During that era, Marxist thought had a strong influence on Christians who sought to synthesize the Christian ideal of solidarity with a political theory aimed at building a new society, a view that received great support from the Latin American church hierarchy.

Syncretism was strengthened, in Brazil taking the form of fusing the Catholic liturgy with Afro-Brazilian rituals, and in Spanish-speaking America with indigenous rites and customs. In the same way, Liberation Theology today promotes the rights of women, who are generally neglected in Marxist ideology, and defence of the environment.

Brazilian theologian Joao Baptista Libanio, author of several books about this movement, which many once called the "revolutionary church," says categorically that "Liberation Theology is still the same in its essence, which is solidarity

The collapse of the 'socialist' system has not been the only cause of the changes through which Liberation Theology has

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**The difference, in this new century dominated by the gods of the marketplace, is that the poor are no longer the heirs of a longed-for new society that will be socialist and egalitarian, but defenceless victims of supply and demand, of huge capital flows and the whims of a centralised market that excludes them.**

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passed. Theologians acknowledge that throughout Latin America there is a "mystical resurgence" that emphasizes spirituality to the detriment of solidarity. They add, as a form of apology, that the deterioration of activism extends to all sectors of society, not just the progressive church.

Former Franciscan friar Leonardo Boff, who with more than 60 published books is the most prolific author on the subject, agrees with Libanio that solidarity with the poor continues to be, as in the beginning, the central issue of Liberation Theology.

The difference, in this new century dominated by the gods of the marketplace, is that the poor are no longer the heirs of a longed-for new society that will be socialist and egalitarian, but defenceless victims of supply and demand, of huge capital flows and the whims of a centralised market that excludes them.

"Solidarity today is synonymous with the fight against social exclusion," Boff says, one of the rare points on which he agrees with the hierarchy in Rome.

The Brazilian theologian links defence of the environment to demands for social equality.

"Ecology is not just a question of environmental matters, 'green' issues or species in extinction. It represents a new way of organising human beings' relationships among themselves, with nature and with their sense in this universe," he says.

"We have discovered that it's not only the poor who must be liberated; the earth must also be liberated from the captivity of a kind of development that denies its dignity, destroys its resources and disrupts the equilibrium that has been built up over millions of years of cosmic work. The cry of the poor is connected with the cry of the earth, so the theology is broadened to a liberation that is truly integral and universal, embracing everyone and the entire planet," he says.

"The ecological experience allows a new understanding of the sacredness of creation, a new image of God, a broader and cosmic understanding of the Christian mystery and a new spirituality," he says.

Libanio underscores the "pluralistic" nature of the present form of Liberation Theology, saying, "We better perceive the multiplicity of society."

Pointing out that the "socialist" society "did not create the new man" and the solidarity of which its proponents dreamed, Libanio says that the collapse of the walls of "real socialism" was accompanied by self-centredness and unbridled consumerism.

"There really hadn't been any cultural change," he says.

Despite the changes it has undergone in recent years, this turn-of-the-century Liberation Theology has not renounced the old idea of changing the structure of the Roman Catholic Church.

On the contrary, the discovery of pluralism and adherence to participatory democracy are accompanied by a vision of a church with structures that are less rigid, more permeable, more participatory and more democratic.

According to the most recent writings on Liberation Theology, "Instead of a church 'with' base communities, there must be a church 'of' base communities.

- From Rio de Janeiro, Ricardo Soca  
Courtesy, *Latinamerica Press*

# THE YEAR 2000

## Statement of the European Christians for Socialism on the occasion of Jubilee Year Christmas 1999

The end of a century appeals to our imagination. This is even more the case for the turning of the millennium. Thus transition is also an occasion for reflection. The year 2000 gives us the impression we are turning a page in history. But is this really so? The importance given to this fact will depend largely on the position one has in society or **from which position one chooses to look at the society**. Does one choose the viewpoint of the wealthy and winners of this world? Or does one choose the point of view of the poor and of the losers?

The first group will for example be inclined to praise the **capitalist globalisation** and to state that at the end of the twentieth century we have seen the definitive defeat of socialism along with the end of the theology of liberation and of the option for the poor. People such as Fukayama have even spoken of the victory of capitalism and thus of definitive "the end of history". This point of view of the winners is largely passed on by the media, education and the public opinion. In this way the twentieth century is presented as a series of victories and a large step forward in the history of humankind.

The churches also do not want to let the turning of the millennium pass unnoticed. Pope John Paul II has invited the Christians to celebrate the year 2000 as a **Jubilee Year**. For this occasion he wrote the letter *Tertio millenio adveniente*. (At the dawn of the third millennium). This document places Christianity and the church itself in the centre. The poor and the social outcasts are only mentioned by the way and certainly not as an essential theme. This reminds us of Assisi. A fortune was spent to restore the basilica which had been damaged by the earthquake of

1997. It had to be ready to celebrate the Jubilee and to receive the pilgrims. But meanwhile several thousands persons will have to spend their third Christmas and winter in containers and temporary shelters.

"And you shall count seven sabbaths of years for yourself, seven times seven years; and the time of the seven sabbaths of years shall be to you forty-nine years. Then you shall cause the trumpet of the Jubilee to sound on the tenth day of the seventh month; on the Day of Atonement you shall make the trumpet to sound throughout all your land. And you shall consecrate the fiftieth year, and proclaim liberty throughout all the land to all its inhabitants. It shall be a Jubilee for you; and each of you shall return to his possession, and each of you shall return to his family." (Leviticus. 25. 8-10).

"The spirit of the Lord is upon me, because he has anointed me to preach the gospel to the poor. He has sent me to heal the brokenhearted, to proclaim liberty to the captives and recovery of sight to the blind, to set at liberty those who are oppressed; to proclaim the acceptable year of the Lord" (...) And he began to say to them: "Today this Scripture is fulfilled in your hearing" Luke 4. 18-19, 21).

It is difficult to recognise the biblical conception of the Jubilee Year in the interpretation John Paul II gives. **For the Bible and Jesus** a Jubilee year is a time of total liberation. It is a year during which the just relations have to be re-established, in other words a year of reconciliation between God and humans, between humans themselves, and between humans and nature. That is why during the Jubilee which took place every fifty years, the land had to be

returned to its original owners, **slaves** had to be liberated, **debts** had to be forgiven and **the land** had to lay fallow during a year.

And the poor and the losers how do they look at the beginning of a new century? What can they expect of it? What do the words "jubilee" and "reconciliation" mean to them? What has to happen before the poor and oppressed can really be jubilant?

In order to enlighten our research, let us first look at the state of this word (see). Then we will ask ourselves what should we think of this situation in the light of the Gospel (judge). And finally we shall examine what should we do (act).

### I. To see "good" or "evil"?

The optimistical view on human progress accomplished during the twentieth century - which was the most murderous of the whole history - is contradicted by several elements. **The 1998 annual report of the United Nations Development Programme publishes terrifying figures. We quote a few:**

- The three richest persons of the world possess a fortune that is larger than the gross national product of the 48 poorest countries (that is 1/4 of all countries in the world).

- In 1960 the 20% of the world population living in the richest countries disposed of an income 30 times larger than the 20% of the world population living in the poorest countries. In 1995 this proportion had risen to 82 to 1.

- In more than 70 countries the income per capita is lower than 20 years ago.

- Three thousand million (half of the world population) live of an income lower than 2 dollars a day.

- Of the 4,5 thousand million people living in developing countries one third does not have drinking water.

- In Asia 1 million children survive on prostitution.

- In Russia life expectancy has descended below the level of a hundred years ago. Between 1988 and 1994

the amount of very poor people has multiplied by 7.

- The 200 corporations controlling the planet have doubled their profits between 1982 and 1992.

These facts illustrate the widening gap between the North and South of the planet, between West and East-Europe. Between the centre where the levers of power are situated and the dependent periphery. And this phenomenon of **a widening gap between rich and poor does not only occur on a world level but is repeated in every nation, region and city.** This is the conclusion of several West European poverty reports:

Those who are on the "good" (winning) side will admit that everything is not perfect in this world. They will probably acknowledge that the worst inequalities should be dealt with. They will even be prepared to donate money to projects in that sense.

The rejected people and those who in solidarity with them manage to escape the dictatorship of public opinion will however refuse to look upon these inequalities and breaks as separate problems which have to be solved one by one in a specialised way. **They become aware that these elements are part of a coherent system. The logic of the system will have to be changed in order to get a grip on the problems mentioned.** The logic of the capitalist system and the origin of the social inequalities is the **pursuit of profit and the idolisation of a market** that has no boundaries nor restraints.

But there is more to it than figures. In Europe we are more and more confronted with the living witnesses of this world adrift. Not only **capital has no boundaries**, but this is **also the case for hunger** as was once said by a survivor of one of the rickety sunken boats trying to cross the Straits of Gibraltar. In the ocean of the worldwide need the European continent appears to be a fortress that has to be protected from all sides. The white man fears to be overrun by migration and to be obliged to share his wealth with newcomers from other continents. More and more he closes his borders and **raises walls everywhere:** walls of steel (at the Rio Grande), walls with barbed wire around closed centres for

asylum seekers, walls of paper, walls of policemen...

The poorest amongst us, those who have suffered the most from the **neo-liberal politics** of the last years and from exclusion, they are the ones who for different reasons feel threatened. But not only them. The rich also find it more and more necessary to defend themselves from the poor. They withdraw to their own areas with private guards.

In this way our societies begin to look like large prisons where **fear dominates.** Against this background an obsession about our own identity and security grows. This is exploited and fed by the **extreme-right.** And the centre parties also work further on these ideas. Unawarely the whole society evolves to the right and rascism creeps in. That is why we call the **refugees and asylum seekers** the living witnesses of the chaos and inequalities in our world. Their presence confronts us with a world wide problem as well as with home politics, with what happens in our world as well as with what happens in our neighbourhood.

But, not everything is chaos. **Many movements try to find alternatives and try to organise a counter-movement.** We can mention the liberation movements, the critical social movements, labour organisations and left parties, the different Kairos movements, the Zapatist movement, the World Forum of the Alternatives, and many others. There is not enough space here to make a larger inventory of all hopeful and worthy initiatives.

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**The viewpoint from which one looks is indeed essential when examining the word "reconciliation". One who looks from the viewpoint of the poor and victims will be less inclined to minimize the conflicts in our society. On the contrary, he or she will try to understand and approach them thematically ..... This requires an analysis of society.**

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## II. To Judge

Let us now, after this short description of the general situation and in view of the gospel's light, investigate what the meaning is of the words "reconciliation" and "Jubilee".

*The Bible* teaches us to look at a situation not as inhabitants of the fortified bourg "BOURGEOIS" but from the viewpoint of the people who are on the outside, the excluded. Not from a eurocentric viewpoint but from the viewpoint of the periphery. *The Bible* after all tells the Jewish people again and again: (...) "you were strangers in the land of Egypt" (Deuteronomy 10,19). In other words do not let your view be troubled by the fact that you now own land, hold on to God's perspective.

The viewpoint from which one looks is indeed essential when examining the word "reconciliation". One who looks from the viewpoint of the poor and victims will be less inclined to minimize the conflicts in our society. On the contrary, he or she will try to understand and approach them thematically in order to be able to overcome them. **This requires an analysis of society.** And this analysis is not made cut off from the world but starts from a specific social position. The analysis of the Marxist type is the one which correspond best to the gospel's option for the poor. It has the advantage of clearly outlining the fundamental contradictions and the mechanisms which produce winners on one side and losers on the other side.

From biblical viewpoint **"reconciliation" does not mean:**

- to try to appease the waves of a possible stormy social agitation
- the cooperation of all men and women of good will and of all the ranks of society
- to reject or to ignore the class struggle
- to be indulgent so that everything will be placated and gained positions will be kept. "Reconciliation" does not mean: to accept or live with a certain situation. "To reconcile" in this last meaning is really a perversion of this word.

On the contrary "reconciliation" will amongst others mean:

- tear down the walls, every valley shall be filled, and every mountain and hill brought low, the crooked places shall be made straight and the rough ways smooth... (Isaiah. 40,4 and Luke. 3, 45)
- to change a situation radically
- to share the goods of this world. What belongs to everybody and has been appropriated by some shall be returned
- the remit of foreign debts that place serious mortgage on the future of many countries
- to guarantee every human being bread, health, respect and dignity

#### That is the essence of the Jubilee.

This change, this "reconciliation", this "Jubilee" will not be cheap. **Good will and good intentions will not be sufficient to change the present situation with its increasing unjust social relations.** The history of the labour movement and other social movements like the feminist and ecological ones, teach us that **nothing can be obtained without a struggle.** The labour and left movements have fought for more than hundred years in order to impose restrictions on a wild capitalism. In our neo-liberal years these restrictions are being withdrawn one by one. In order to obtain new social relations the tide will have to be turned and we will patiently have to build other balances of forces in the different areas. **The ultimate aim is to affect the very logic of the capitalist system which continues producing injustice.** It is self-evident that the word "solidarity" in that perspective has a complete other meaning than the solidarity between classes and the national - and in some cases ethnical - solidarity on which appeal is made to safeguard the competitiveness on the corporations.

#### III To Act. What has to be done?

Let us remember the words of the Gospel according to Luke quoted above. (Luke. 4: 18-19,21). Today also these words of the Scripture are fulfilled. For example Bishop Leonidas Proano, of Riobamba in Ecuador has returned large pieces of land owned by his diocese to the indigenous population who were the original owners of the land. In this way the

church of Riobamba chooses the side of the poorest in their justified battle to obtain the rights over their land. The Jubilee also offers us the opportunity to perform such acts which are more than symbolic ones. We mention here acts like e.g. "Jubilee 2000" that wants to obtain a decrease or even a complete remission of the unjust foreign debts of the poor countries. This Jubilee should also stimulate us to struggle for human migratory policies concerning refugees and asylum seekers, for the abolition of the Schengen agreement (on common European migratory policy. Ed.) in order to make possible for all humans to travel and establish themselves where they wish.

This Jubilee should encourage us to engage ourselves with firm determination in the struggle of the different social movements and left parties **in order to obtain a change of balances of forces.** Against the capitalist globalisation we should place the globalisation of solidarity. And here we would like to mention specifically the struggle against exclusion, the struggle for employment, for the retention of social security, for a decrease in working time without loss of wage, for a fair tax system.

As Christians we also wish to question our churches. If they are serious about the option for the poor they cannot remain neutral in the war on the poor provoked by the rich. It is time that they get rid of mystifying opinions over a so-called "Christian" Europe and over a Europe whose construction is inspired by the brotherhood of peoples. These considerations hide the fact that the European Union which has now been constructed is in its essence a capitalist construction.

Let us first and foremost - and **against the current uniformity of public opinion - keep on believing that another world is possible.** In our times a reflection on the meaning of the Jubilee cannot be made without reflecting at the same time on the global economic system in which we live. If we desire justice on a world level then another system - which we call "socialist" is needed. That is why we are and remain Christians for Socialism.

Translation: Patricia Laforce and A. Abascal  
Editor's note: emphases are editor's.  
Courtesy: **Coeli** (Belgium)

#### MORE FACTS TO REMEMBER

## Billion and a half of World's poor live on less than a dollar a day

GENEVA WEDNESDAY 21 JUNE (AFP)

**A quarter of the world's six-billion population lives on less than a dollar a day, the International Labour Organisation said Wednesday.**

In the course of the last five years the world's poor have increased by 200 million, mainly in sub-Saharan Africa, eastern Europe, central Asia and South-East Asia, the ILO's annual report said.

**In the developing world nearly a third of the population lived on less than a dollar a day,** 30 percent of adults were illiterate, 30 percent had no access to drinkable water and 30 percent of children under five years of age were beneath normal weight. The ILO reported that more than 40 percent of the population of sub-Saharan Africa and Asia lived in poverty, and the proportion was increasing.

Out of the world's 150 million unemployed, no more than a quarter had some sort of unemployment benefit.

'The vast majority of the population in many developing countries, including informal sector wages earners and self-employed persons, have no social protection whatsoever,' the report said. 'The major focus must be on the extension of coverage to these workers.'

Contributed by the Christian Workers Fellowship (CWF)

## UNIQUE RESTRUCTURING PROCESS - 3

This is the third report on the ongoing process of Restructuring of CWF and covers the period from April to August 2000.

The First Report appeared in the *Christian Worker* of 3rd Quarter (December) 1999 on pages 50 - 51. The Second appeared in the 4th Qtr 1999/1st Qtr 2000 on pages 70 - 71. While the First covered the period from June to December 1999, the Second covered the three months from January to March 2000.

During the current reporting period of five months, the following activities were carried out.

1. The English version of the Evaluation Report of 1996 was printed and circulated.
2. The Sinhala version of the Evaluation Report was being printed.
3. The Tamil version of the same was being finalised and prepared for printing
4. The follow-up Workshop to digest and further discuss the Draft Restructuring Guidelines was held as previously agreed on 1st April at the Cathedral of Christ the Saviour in Colombo.
5. The Visit of Jim Davis of PWRDF, Canada
6. Finally we have three sets of comments two from CWF members and one from the Rev Paul Caspersz s.j. who was among the group of thinker-theologians who were specially consulted for their views on CWF for the 1996 evaluation. The CWF members are Ananda Dissanayake, of the Anuradhapura Branch, and Kalhara Wijesinghe, of the Colombo Branch, who were among the several CWFers who attended the two workshops. CWF is very thankful to all three commentators for their views.

### 1. The Evaluation Report of 1996 in English

The evaluation was done by a team consisting of Susil Sirivardana (chairperson), Anita Fernando, Devanesan Nesiiah and Asoka Gunawardena. It is an independent and incisive scrutiny of the whole evolution of CWF. While it frankly attempted to probe and diagnose the internal and external causes of CWF's malaise, it made one central recommendation to

restructure the movement. It is this restructuring which is being now implemented and which forms the subject of this report. The report is 64 pages. Copies are available on request.

### 2. The Evaluation Report of 1996 in Sinhala

The original translation by Piyal Somaratne has been revised. The printed version should be out by early September.

### 3. The Evaluation Report of 1996 in Tamil

The translation was unexpectedly delayed. Now it is in its last stages. Thereafter it will be printed. This too should be available in September.

### 4. The second follow up Workshop to discuss the Draft Restructuring Guidelines

The revised version of the Draft Guidelines (after the first workshop in March) was discussed with a larger group of 70 CWF members. The following branches were represented. Anuradhapura, Badulla, Batticaloa, Hatton, Kandy, Kantale-Trincomalee, Katunayaka, Kegalla, Ratmalana, Wattala and Colombo. The participants divided themselves into four groups, and each group carefully went through and discussed the revised Draft Guidelines and came up with their comments. Ample time was had by the groups. In the afternoon, each of the group reports were presented in the plenary and discussed. As planned, by this exercise, the Draft Restructuring Guidelines were exposed to a much broader group than those who came for the first workshop. Almost all those who came for the first workshop were also there.

### 5. Visit of Jim Davis of PWRDF, Canada

PWRDF has been a staunch supporter and funder of CWF for the last 13 years. Therefore, the visit of Jim Davies from May 1st to May 7th 2000 had a special significance in that, at a time when CWF's chief foreign donor agency had withdrawn funding support, PWRDF took a unique and strategic decision to continue to fund the restructuring process, which was the core activity coming out of the Evaluation Report of 1996. PWRDF has contributed US \$ 14,160 to be used exclusively for restructuring.

Jim's visit was to make a first hand appraisal of CWF's activities within the overall framework of restructuring in order to make out an updated case to his Board for another phase of support for the remaining restructuring steps. After visits to the branches at Batticaloa, Badulla, Hatton and Kandy there were extensive discussions at Headquarters about action being taken to confront the critical problems of sustaining operations. The CWF welcomed the central outcome of Jim's thinking, which was to field an independent consultant known to both CWF and PWRDF to work out a three year action programme, which will be integral to the core process of restructuring and which will take it forward. Currently, the terms of reference for their assignment are being discussed. Every member of CWF is extremely grateful to PWRDF for the empathy and solidarity demonstrated at a difficult time of renewal and re-spiritualisation.

### 6. The Rev Paul Caspersz's Comment

I have read in the recent issues of the *Christian Worker* the reports on the re-animation and re-structuring of the CWF. These reports make good reading and fill old friends of the CWF like myself with joy and hope. However, my own feeling is that more than the restructuring and re-animation of the CWF, we need the CWF itself. We need the CWF, the Church needs it. So does our country, our region, the entire third world, even — and why not? — so does the world need CWF.

Re-structuring and re-animation are certainly important for the CWF. I belong to an Order which has a history of nearly five hundred years. Our experience has been that re-animation is an ongoing need. That is why every Jesuit goes through the Spiritual Exercises over the period of one full month of silence and reflection at least twice in his life-time. We have also found the Annual 8-Day Exercises or the Retreat important — just to make sure that the water is always on the boil, and that we will be there at the drop of a hat to respond to the signs of the changing times.

It is to maintain this sensitivity to the needs of the times that re-structuring is something that must periodically be made. (Satyodaya re-structured after its first 25 years). Sri Lanka and the Asian Region are today not what they were in 1957 when the CWF began. We did not then have the Theology of Liberation, the Second Vatican Council, the free market, the open economy the awesome power of the International Financial Institutions, the independence of several African countries. So, do re-animate in order to re-structure and re-structure in order to re-animate, but, above all keep the CWF vibrantly alive.



May I end rather selfishly? Keep the **Christian Worker** going. I personally re-read past issues, especially the yellow pages, whenever I have to speak and write on matters that are of concern to Church and Society.

**Paul Caspersz S.J**

Satyodaya Kandy,  
25.07.2000

**8. Ananda Dissanayake's Comment - (Anuradhapura Branch)**

The following is my personal response to the CWF's process of restructuring. While firstly expressing my satisfaction regarding the restructuring process itself, I think the facts focused on by the comrades selected for this task are extremely important. In the course of the self-criticism of ourselves as a movement, the recognition of failures and shortcomings not sufficiently appreciated earlier, is I think a positive step forward. So also the matters set out under para 9.6 of the Draft Restructuring Guidelines in regard to the building up once more of our institutional culture as a movement.

While the above matters and what is set out also under para 12.00 of the Draft Restructuring Guidelines as being within its framework are extremely valuable, it is a matter for regret that the comrades who have so thoroughly comprehended the position of the movement and expressed such valuable ideas should have failed to appreciate one matter especially. For it is stated that those unable to accept the restructuring process or accommodate themselves to the changes brought about by it should be regarded as those who are beyond its pale. Instead of sending comrades out of our movement, it should rather be our endeavour to win them over with love and understanding. ( This involves the ability to act in love towards those who disagree with our views and the ability to resolve conflicts creatively ).

As stated in the Restructuring Guidelines too if the process of restructuring has to start with oneself and not with the other, the putting of this into practice in the course of restructuring itself should successfully result in winning over comrades who are presently not fully in accord with the restructuring framework.

**9. Kalhara Wijesinghe's Comment - (Colombo Branch)**

Any people's movement or organisation, from time to time, needs to review its past, its life, work, successes and failures and its impact on the people in order to correct the past mistakes and to become relevant to the present and the future in the context of its mission. This kind of exercise will be successful to the extent

to which they are inclined and willing to correct their past mistakes with honesty and sincerity.

Having taken into consideration the above, the Evaluation Report of the CWF prepared by a team assigned for this purpose, which has closely examined the forty year history of the Christian Workers Fellowship, its stages of development, and the problems it had to face during the course of its history, has become a vital and indispensable document providing meaning to the on-going restructuring process undertaken by the Christian Workers Fellowship. Having clearly examined the causes for the present unfortunate situation, the above report unambiguously points to the future direction of the movement provided it fulfils a thorough going restructuring.

However, it is not surprising that notwithstanding the dissenting opinions of some individuals in this regard, the majority of the membership of the CWF have placed their confidence in the restructuring process. At the same time, this is the only step taken so far by the CWF to realise the vision, mission and goals of the CWF in the context of the present situation.

However, it is unfortunate that this on-going restructuring process is being stalled. Here our strongest support is our conscience. It is the paramount duty of all of us members of the Christian Workers Fellowship, to persevere in this attempt, a fact overlooked by some sections.

According to the opinion expressed by the Restructuring Committee elected for this purpose, now is the appropriate moment to embark on such a process taking the Evaluation Report as a guide. We are grateful to the PWRDF for providing the funds needed for this purpose. We do not lack anything to go forward in this process.

*In thanking the above for their comments, the CWF will be grateful for any other responses from readers of Christian Worker and also useful resource inputs by way of texts. These could be addressed to the CWF*

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**10/1 Attidiya Road,**  
**Ratmalana.**

**Two Important Events**

The second quarter of this year saw two important national level events of the CWF namely the Easter Programme on April 22nd (Easter Eve) at Kamkaru Sevana, our Ratmalana Workers Centre, and the May Day Mass on May 1st at St. Michael's Church Polwatte in Colombo.

**Easter Programme**

The Holy Week Programme of the CWF normally spread over three days from Holy Thursday to Easter Eve with study sessions during the day combined with liturgies in the evenings was this year again cut down to Easter Eve only in view of financial constraints.

The theme of the Programme this year was "No living without dying!" which was so pertinent to our country's national situation as well as to CWF's own on-going process of re-structuring.

We had two important presentations at the study sessions in the morning, the first by Fr. Hilarion Dissanayake omi on the Christian Passover and its implications and relevance for our times. Fr. Disasanayake dealt with the Passover in ancient history when Hebrew nomadic shepherds celebrated the "passing over" from winter to spring and then their later "passing over" experience when settled in Egypt of liberation from slavery into freedom as the liberated people of Israel - this passover becoming their greatest event and feast in history. It was the celebration of this feast that was linked to the Passover of Jesus - his life - passion - death and resurrection. In association with Christ this "Passover" becomes actualised in Christian life by living out the meaning of the two biblical sacraments of Baptism and the Eucharist in dying to self and rising to newness of life lived in community. "Whenever there is any kind of death (destruction) which leads to a higher life, then a "Pasch" takes place. In this sense all existence is Pascal," explained the speaker. Jesus taking an example from nature illustrates what "Pasch" is. It is through the death of the grain and only on condition that it dies, that a plant can sprout up. "This is a 'Pasch' the passing over from death to a higher form of life. We therefore see 'Pasch' taking place in nature and all around us. However for us, as it was for Jesus, the paschal mystery is primarily enacted in our socio-economic context. It is in daily living that we can experience it most authentically" said Fr. Dissanayake. And it is precisely here - in the liturgy of life - that the paschal mystery of Christ is continued in the lives and struggles, in the deaths and triumphs of his members - all those who accept the values of the Reign of God/ Dhamma.

Then next presentation was by Fr. Duleep de Chickera who did a reflection on "A Journey from death to Resurrection". He pointed out that

death and Resurrection are concurrent. Although we live in the Resurrection age we have not lost our potential to hurt and bruise each other. We are all bruised people, with our country and our institutions too carrying wounds and we touch and heal the other, but not in a triumphalistic spirit rushing from death to resurrection. We have to soberly accept our wounded position and reflect on our mortal state while we try humbly to touch the other with healing. At the institutional level we may have disagreements but fighting to destroy ourselves is futile and counter-productive. He referred to Henri Nouwen's book *"The Wounded Healer"* pointing out that we are all called to be wounded healers in our society and groups. As a final thought Fr. Duleep pointed to the resurrected body of Christ which nonetheless carried the wounds of his passion. Significantly Christ asked the doubting disciple Thomas to touch his wounds thus renewing the intimacy which was lost through the desertion of Jesus by his disciples who had pledged to walk with him to the end. With this renewal of intimacy they were able once again to resume their Journey together. A lively response through questions and group discussions followed these presentations. Both speeches were translated into Tamil.

The afternoon had a presentation in Tamil (translated into Sinhala) by Joseph Yogarajah of the Spirit Communities whose members made a significant contribution this year with their opening worship and singing. Dealing with the Sinhala - Tamil problem Joseph Yogarajah reminded the participants that the aim of Christ was to proclaim God's love and that love must be transmitted by us in our country to enable Sinhalese and Tamils to show their love for one another - to transcend all that separates us from one another to go across or 'pass-over' all that obstructs us as persons, as families, leaving behind also the racial divide which is the real meaning of 'Pasch' - 'Passing Over'.

The Easter Eve Observances followed in the evening the clergy assisting being Frs Yohan Devananda and Hilarion Dissanayake. Proceedings began with the Vigil outside the hall. Readings were done alternately in Sinhala and Tamil the participants following them from the booklets provided. The Festival of Light commenced with the kindling and Blessing of the New Fire. Thereafter the Pascal Lamp was blessed and lit by the clergy from the fire. Then led by the Lamp bearer and the Red Flag of the workers symbolising also the Blood Red Standard of the Crucified Son of Man, the participants moved into the hall with the cry "The Dharma Our Light!" responded to by the people with "Thanks be to God!". The Pascal Lamp after being placed on its pedestal was censed by the Clergy and the Exultet sung in Sinhala. The candles of the participants were then lit from the Pascal Lamp with the words "Dharma our Light - Take Light, Spread Light". The lights then came on and the

Gospel (Mark 16:1-8) was chanted in a blaze of light ending with the cry: "The Dharma is risen!" responded to by "He is truly risen". This was followed by a burst of festive drums and the acclamation of the crowd.

The Festival of Water followed with the blessing of the water with its accustomed ceremonial. The Tisarana (Three - Fold Refuge) was taken by the participants with hands joined together and the blessed water sprinkled on them. After the Exchange of Peace, the First Mass of Easter commenced with the offertory and with the accustomed indigenous ceremonial of the CWF ending with the Communion with the singing of the local equivalent of the Internationale and the cry "the Dharma is Risen!" "He is Truly Risen!" followed by traditional drumming.

### The May Day Mass

The CWF's May Day Mass this year which was the 42nd we have had uninterruptedly over the years since 1959 had a large congregation many of our members travelling overnight so as to save expenses and be present on May 1st morning to participate in the Workers' Mass and Workers' Meetings held later that day.

This Workers' Mass which was held at St. Michael's Church Polwatte in Colombo has become a regular part of the May Day Festivities in Sri Lanka and significantly is covered by the national media - press, radio and television. It is ecumenical in character and indigenous in cultural form, music, chant and ceremonial complete with drumming and dancing with strong worker participation too. Clergy from all the mainline Churches - Roman Catholic, Anglican and Protestant concelebrate the Workers' Mass 'which this year was led by Bishop Andrew Kumaraage of Kurunagala. The Mass was preceded by a colourful procession through the neighbouring streets in which the Workers' Litany was sung to the Chant, used by Buddhist pilgrims climbing the Sri Pada peak to venerate the Buddha. The Ministry of the Word of the Mass was conducted by lay persons with the First Lesson read from the Buddhist Scriptures by a leading Buddhist Monk - The Ven Vijitha Chief Sangha Nayaka of the Western Province and Incumbent of the Vijitharamaya in Ratmalana. The CWF's take-home May Day Message replaced the sermon. As in past years leaders of working class parties and trade unions were present at this Mass as also adherents of other religions who participated in the Service which was open to all.

Significantly our Mass provided a moving vision of an alternative sharing society as opposed to the present globalised capitalist (dis)order. During the Ministry of the Sacrament at this Mass the Offertory Procession was preceded by slogans of working people's demands and of national issues especially peace shouted

out from the back of the church building. This was from where the Offertory Procession started bearing the Bread and Wine reinforced by the Red Flag of Labour and implements of work representing our whole life and struggle, together with the unjust and social and economic structures we live in - offered to God to be refashioned and transformed into Christ's Body - the sharing community we are called upon to be as evidenced in the Act of Communion. (Sharing). The Holy Communion thus becomes the symbol and foretaste of the Reign of God/Dharma - the future classless society we are pledged to build up outside, now strengthened by our participation at this service. The Mass ended with the Red Flag and implements being received back after the Communion and carried out to the hearty rendering of the local equivalent of the Internationale - thus linking this Mass with the on-going mass struggles.

A fellowship breakfast with milk-rice followed in the parish hall, with ginger tea provided by St. Michel's parish in addition to the wine for the Mass as its special contribution.

### THE PASSING OF TWO PIONEERS

Two pioneers of the Socialist left in this country from the early days of the Samasamaja Movement in the thirties passed to their rest recently.

The first was Doreen Wickramasinghe who in 1933 became President of the anti-imperialist Suriya Mal Movement (Suriya being a local flower used to rival the poppy on November 11 - Poppy Day). She was then Principal of Ananda Balika Vidyalaya in Colombo and wife of Dr. SA Wickremasinghe himself. Samasamajist pioneer who later became leader of the Communist Party of Sri Lanka.

Although English in origin, Doreen for a time even became a Member of Parliament representing a constituency in the deep south of the country. In accordance with her wishes, her body was handed over to the Medical Faculty for scientific studies without any fuss or ceremony.

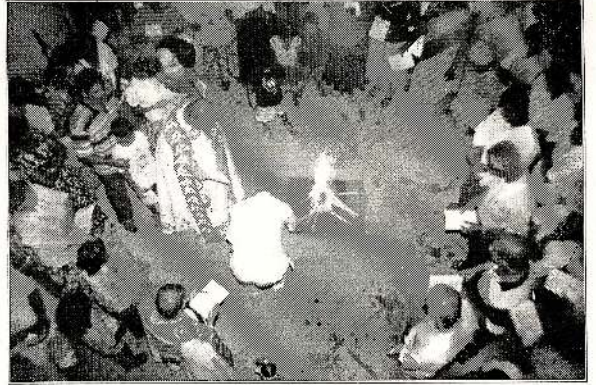
The other left veteran who passed away in early August was M G Mendis, himself an original member of the Lanka Sama Samaja Party who joined Dr. SA Wickramasinghe later in founding the Communist Party. "M.G." was both a Municipal Councillor and Member of Parliament for a time, but will mostly be remembered as a veteran trade union leader identified with the Ceylon Federation of Trade Unions.

**Christian Worker** in paying tribute to their memory extends its sympathies to the members of their families and the Communist Party of Sri Lanka.

## C W F Easter Programme



*Study Session: Group Discussion*



*Easter Eve Observances*

## May Day Mass



*Street Procession*



*Lighting the Lamp of God's Presence*



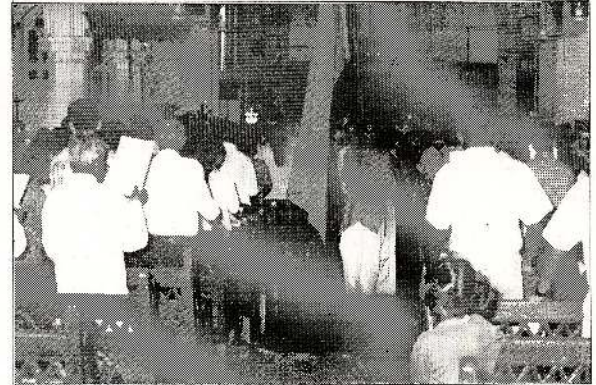
*The Eucharistic Prayer*



*Sung Responsively*



*The Communion (Sharing)*



*Going out into the World*

World Conference against Racism , Racial Discrimination,  
Xenophobia and Related Intolerance  
South Africa, 31 August - 7 September 2001



World Conference Against Racism  
**MUST TAKE**  
**A FIRM POSITION TO**  
**ANNIHILATE CASTE**