

# A CONSTITUTION IN CRISIS



## POLARISATION OF CLASS FORCES

- The Need for a New Constitution. *Dr. Laksiri Fernando*
- Police Commission or Total Police Reform? *Kingsley Wickremasuriya*
- Why Poverty Persists. *Dr. Nimal Sanderatne*
- Testing time for Trade Unions? *TMR, Rasheed*
- Human Rights Issue to Surface again. *MCM, Iqbal*

## To Our Readers

We have been compelled to bring out a double issue of *Christian Worker* to cover the first two quarters of 2001 because of the delay in purchasing new pre-press equipment for the production of our magazine. This was due to the sharp rise in prices following on the 'floating' of the rupee and the need to wait until prices had stabilised before making our purchases.

The issue was however further delayed while being printed in the press owing to the unsettled political climate consequent on the postponement and later cancellation of the Referendum which did not make any definite comment by us possible for some-time. This delay was of course beyond our control. We are sorry for any inconvenience caused to readers. **However subscribers who have paid for 2001 will receive four issues of the magazine.**

**Due to the rise in the costs of printing we will be forced to increase the price of the magazine from next year.** Those who are in arrears are kindly requested to pay the current subscription along with the arrears. Please note that last digits on your postal address label indicate the last quarter and expiry year (eg. 4/2000) of your subscription.

Editorial Board of *Christian Worker*,  
Kamakaru Sevana,  
10/1 CV Gooneratne Mawatha (Attidiya Road),  
Ratmalana,  
Sri Lanka.

Congratulations and Best wishes to  
***Christian Worker***  
on the completion of 21 years of  
Courageous Advocacy!

-A Friend

# A CONSTITUTION IN CRISIS

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## FROM OUR READERS

### Our Intellectuals

The other day one of my "Old friends" actually a past student of mine, had asked another "Old friend" a million dollar question:

"What has happened to the intellectuals in Sri Lanka today?"

One could answer this vital question in various ways subjectively or objectively, idealistically or in terms of cynical materialism, etc.

I would rather choose to answer this question in the way I have been trained to think, and that is "as objectively as possible", knowing that human as I am, this is a very tough task.

The intellectuals of Sri Lanka are mostly performing various jobs locally and overseas

that could conveniently be classified as "intellectual labour" legally and morally permitted by the present day social order.

And this category of "intellectual labour" includes, the old profesetonal classes, such as doctors, lawyers, teachers,, engineers, professors, lecturers of universities, and the clergy , etc. It includes also all the "new professional categories" of scientists, researchers,, technologists, foremen, technicians and all other kinds of skilled labour known in the modern global society. Add to these the managers, accountants, directors, consultants and a host of specialist advisers in the world of trade and industry.

There is one category missing from this list, and that is the job of "professional politician" and "professional revolutionary".

In today's world of mass social discontent, as a result of the rapid impoverishment of all classes excluding the bourgeoisie and

their professional politicians, it may happen in the near future, that all the intellectuals now performing the various tasks of "intellectual labour" in the modern capitalist Global Society, may be converted into a "revolutionary class".

For this to happen, the global economic depression due to over-production and excess capacity of modern industry -results of modern science and technology, has to aggravate further the "anarchy of the market economy" visible in terms of mass unemployment and poverty.

This is a pessimistic view but there is a ray of hope if the entire class of "intellectual labourers" can reflect on their own conditions of life and realise the need for revolutionary change!

**L.U.C.Kuruppu**

Panadura  
12.08.2001

## Young Warriors

All wars are meaningless.  
This more meaningless than the rest.

The young unemployed,  
Kill the unemployed young.

Poverty driven they volunteer  
To die as cattle in a slaughter.  
For their motherland-- their homeland,

They fight each other.

Mothers, sisters, young wives, children,

In anguish await their return.  
Young men by poverty driven  
Fighting each other.

✍ Nimal Sanderatne

## Graveyard of the Victims

*(Poem dedicated to 5. 18 Monumen at Kwangju, South Korea June, 1999)*

All things  
Perish

That's the law  
Ancient, eternal

The tanks and guns  
Too are perishable

As the wounded  
Bodies

What then is this  
Graveyard

What is the revelation  
Here

The imperishable tears  
Feeding the grass

And the grasshopper  
That keep the guard

And this sand  
Which defies all tyranny



✍ Basil Fernando

## Giving

When the economy is booming,  
"Giving to the poor" is another name  
For "clearing your junk"  
Giving is for grabbing!  
"Give the old, grab the new"  
Give to the poor to feed your greed  
Giving is hurting  
And wounding  
Not the giver  
But the poor  
Ending in falsehood and mockery!

In the more real sense,  
"Giving" is another word for "sacrifice"  
Genuine giving hurts  
And wounds  
Not the poor  
But the contributor  
True giving heals the meager  
And creates more space  
Not for wealth in giver's coffer  
But for joy in donor's heart  
Leading to righteousness and peace

21.03.2001

✍ Henry Victor

## To agree to disagree

Respect for the multiplicity of fact  
And alternative visions of intellect  
Justify my yielding to that new craft  
Imperfect it may appear now  
Needing more work, and follow  
Intimate relationship with the other fellow

Engaged now, therefore, i am in dialogue,  
Mutually uplifting one another  
Elevating images, and concerns of the other  
Regarding, with equal import, if not more, the neighbour  
Affectionately supporting, and considering as brother  
Loving not by mere word, but in deed, the other  
Delivering all that dormant creativeness

Challenging my own concealed prejudices,  
Half task, but the worst  
And this begun leads to the pleasant  
Networking of heart with heart  
Doing continuously that  
Rigorous, fairly stressful art,  
Analyzing and arguing with care

Vocalizing the new creed  
Imaginatively is not a simple task  
Creative communication is the goal  
Towards which you need to work  
Optimistically organising, and celebrating pluralism,  
Reaching the sacred agreement to disagree

20. 03 2001

✍ Henry Victor

## Change

"No one twice enters  
The very same river"

Two point five millenniums ago  
Buddha, succinctly, said so  
Which has been too true  
More than any other truth

Change, for me, not  
From dog to horse  
Neither from that simple  
Travois to mighty truck  
Nor from carrying spear to take up AK  
But sure change is my worth

From considering my breed  
More important than the other  
Is that little, I left behind  
Begun to think, for sure  
With my big learning, I  
Equal with that janitor so couth

✍️ **Henry Victor**

03.05.2001

## Is the Church Racist?

It is very strange; that nearly 500 years after evangelising the People's inhabiting Africa, South Asia and South East Asia, that the church has not elevated to the status of sainthood any of its faithful, who had lived and died for the Church in these parts of the Globe. But the number of white men and women including Kings, Queens, Popes Bishops, Priests & Nuns, elevated to the statue of saint is legion. Does this not imply that the Kingdom of Heaven is out of bounds for coloured races?

In view of the assurance given by Jesus Christ, whose teachings are eternal, it is clear as clear could be, that this discrimination takes place in the minds of the hierarchy of the Church; dominated by white ageing men who have still not got rid of the Colonial mind-set of considering coloured races, as inferior, although these coloured races were civilized and believed in a Moksha or Heaven or Nirvana centuries before the birth of Jesus Christ. In fact it is now believed that the historical Jesus had spent a good part of his youth in India, imbibing the rich religious and cultural heritage of India, the teachings of whose Sages and Lord Buddha are in consonance with the teachings of Jesus Christ i.e., love of neighbour as oneself or universal love of all living beings.. It was this lack of 'Universal love' displayed by the early Christian conquerors who came with the Bible and sword to evangelize, the coloured races, more with the sword than the Bible, which was immortalized by Mahatma Gandhi when he said " There was only one Christian in the world but he died on a cross about 1900 years ago".

✍️ **C,S, Anthony**  
23, Templers Road,  
Mt. Lavinia.

## Cross of Jesus

Cross was a symbol of condemnation.  
It was a terrible punishment.  
It was inflicted on political rebels and slaves.  
It was imposed on Jesus by the hierarchy of Jews  
And the authority of Romans.  
Jesus transforms the cross,  
From a symbol of slavery  
To a symbol of Liberation.

Oppression, Poverty, Injustice.....  
Are crosses forced and imposed  
On people of Sri Lanka by the Oppressors.  
Those who fight against,  
Oppression, Poverty, Injustice today,  
Are the Jesuses and Christs.

Therefore,  
The meditations on "Good Friday" and "Way of the Cross"  
Are not really cultic practices of  
Christian communities.  
But,  
They should be the reflections of our society.  
They are the signs of Liberation

✍️ **Fr. S D P Selvan**

Church of the Holy Spirit

Vavuniya

23.03.2001

## Resurrection of Jesus

The death of Jesus was a crime  
By the Oppressors .  
The resurrection of Jesus was a sign,  
Which proves that  
God has taken the side of oppressed,  
Poor, Marginalised and Victims.

The death of Jesus was a 'punishment',  
By the Jewish and Roman authorities  
The resurrection of Jesus was a protest,  
Against the Jewish law and Roman law,  
Which proves that,  
They were unjust oppressors.

The death of Liberators,  
Innocent people; peace workers.....  
Are the crimes against humanity.  
The resurrection of Jesus Christ is  
A warning to the Oppressors of the world today,  
A protest to the Oppressors of the world today.  
A call for repentance to the oppressors of the world today.

✍️ **Fr. S.D. P Selvan**

Church of the Holy Spirit

Vavuniya

23.03.2001

## Prof. Carlo Fonseka and the UGC

With reference to the letter to the Editor under the above caption in the last issue of *Christian Worker* I have to draw attention to the following.

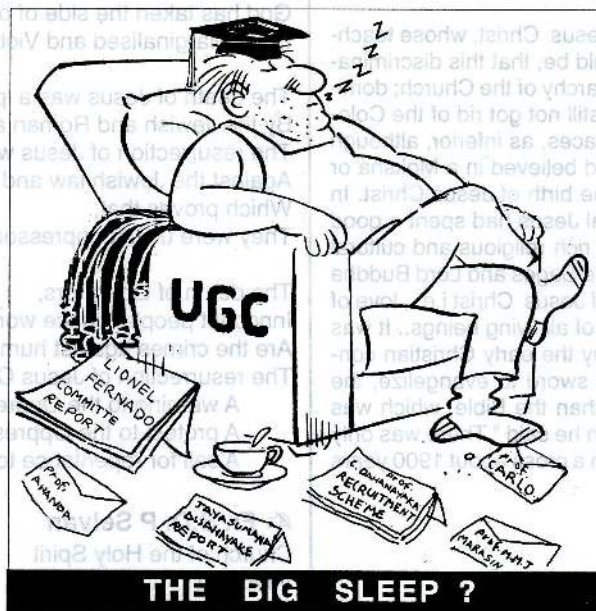
1. The letter, reported to have been sent by Prof. Carlo Fonseka to the UGC was apparently not sent by the authorities concerned in the Institute of Aesthetic Studies, nor was the copy of the same letter addressed to the Vice Chancellor of the Kelaniya University posted, since both these places would otherwise have received the letter.
2. Fortunately I was given a signed copy of the letter personally as President of the Teachers Union by Prof. Carlo Fonseka. An inquiry at both the UGC and the Kelaniya University revealed that this letter had in fact not reached them. I was able to give the new University Grants Commission (UGC) Chairman Prof. B.R.R.N.Mendis a photocopy of the letter given to me by Prof. Carlo Fonseka.
3. While it is not necessary for me to recount the history of the grievances of the Pioneer Teachers at the Institute of Aesthetic Studies since this has been succinctly set out in the letter to *Christian Worker*. Any one interested is at liberty to read and study the facts set out, and get a clear picture of the injustice meted out to these teachers who silently suffer.
4. The dispatch of the letter of Prof. Carlo Fonseka calling upon the UGC of which he himself is a Member, to implement the Lionel Fernando Committee recommendations has in my opinion been wilfully sabotaged so as not to reach the Institutions concerned. I say this in all responsibility in the light of the prolongation of this issue for several years—also the result of petty functionaries bent on achieving their own agendas and deliberately misleading those at the helm of the institutions concerned. It is sad to think that intellectuals of the calibre of Prof. Senaka Bandaranayake, Prof. Sirisena Thilakarathne and Prof. Carlo Fonseka could have been bamboozled by some petty non-academic flunkies serving in their offices. It would appear as pointed out in the letter to *Christian Worker* that they have not been unlike many Ministers of government who have tended to be heavily dependent on such petty functionaries without examining issues properly themselves. To Prof. Carlo Fonseka's credit it could be said that at least he made attempts at first through Prof. Sharon Bell of Australia and later on by examining the issue fully himself and attempting to send his letter to the UGC, which attempt has been sabotaged by the non dispatch of his letter by his own office where he served as the

Director of Institute of Aesthetic Studies, for a short period.

5. I can only hope that the UGC (of which Prof. Carlo Fonseka and Prof. Senaka Bandaranayake are both Members) will even now ensure that justice done to the Pioneer Teachers of the Institute of Aesthetic Studies, in place of the attempt so far made, to use them to teach degree courses in non academic posts to produce graduates for the first time in Sri Lanka in aesthetic disciplines (Art, Music, Dance) and then throw them to the scrap heap like overused and unwanted discards in a factory. This is hardly the treatment that could be expected of University academics who have been entrusted with the development of Higher Education in the field of Aesthetics.
6. What otherwise is the meaning of having taken them in as pioneer teachers to carry out the task entrusted to them of producing graduates and then depriving them of a chance to obtain post graduate qualifications in their relevant fields abroad, in the absence of such practical oriented courses in Sri Lanka, on the specious ground that they were not graduates themselves! On the contrary, their own students who are presently in the academic staff were given opportunities to follow such courses abroad. Do the UGC academics not know that these pioneer teachers have also been deprived of their increments on the same ground and thus been doubly penalized? They were compelled to follow irrelevant courses to their fields of study in post graduate research simply for the purpose of increments and promotions. Even teachers in design fields such as leather, metal, textile, ceramic etc.: were compelled to select archaeology for post graduate studies. I may be permitted to ask this question: will these post graduate studies benefit the design students, teachers and Institute or will it benefit by way of upgrading the product designs (furniture, shoes, table ware etc.) in this country at least.
7. I believe that this action strongly violates a requirement in the UGC regulations which sets out that post graduate studies should strictly be on the relevant subjects of each

teacher. There are still probationary lecturers who have been serving for more than 17 years without obtaining post graduate qualifications. This is another violation of UGC regulation which limits the period of service for probationary teachers who do not acquire post graduate qualifications within a specific period. The UGC appears to be a house of confusion, in which distinguished Intellectuals, do not use or and not allowed to use their common-sense even in sorting out vital issues. Let the UGC now wake up and give even an unjust decision on which we could go to law and expose this inhuman treatment and so obtain redress.

✍ **Ranjith Liyanage**  
Institute of Aesthetic Studies  
Colombo 7.



# THE NEED FOR A NEW CONSTITUTION

✍ Dr. Laksiri Fernando

**A** New Constitution undoubtedly is the need of the hour. It has proved again and again that the present Constitution has become an absolute fetter and obstacle to the development of this country both politically and economically. Drafted with scant respect for democracy and constitutional principles, the present Constitution was amended sixteen times during its first ten years (1978-1988). The amendments not only exposed but also exacerbated the intrinsic inconsistencies of the Constitution detrimental to the smooth functioning of the political system. The rate of amendments in fact was 1.6 per year until 1988! Then it came to a grinding halt.

At the time of the 13th Amendment, even the Supreme Court was perplexed whether the proposed amendment was consistent or not with the Constitution. The Constitution had become completely deformed and distorted by that time with extraneous amendments added to the already paradoxical legal conundrum. This was one major reason why the intentions of the 13th Amendment, a commendable effort to resolve the ethnic conflict, through the devolution of power, could not be achieved.

The result was the continuation of the ethnic conflict and the war, devastating the economy and the country. **The Constitution consists of 117 pages, but the amendments 102 pages, nearly 87 per cent of the main document.** This is another example for the distorted legal character of the Constitution. (Editor's emphasis)

## Human Rights

A Constitution of a country is the foundation of its political and governmental system. A Constitution, therefore, should base on sound democratic principles and should safeguard fundamental rights of the citizens in no uncertain terms. Although some fundamental rights are incorporated in the present Constitution, that incorporation is limited to five articles and few principles of civil and political rights, a mere fraction of human rights that Sri Lanka has ratified under the international human rights law. **The right to life, the most sacred of all rights, is not recognized. No recognition of economic, social or cultural rights, or the most important rights of women or the children are accorded at all.** (Editor's emphasis)

**It has proved again and again that the present Constitution has become an absolute fetter and obstacle to the development of this country both politically and economically. Drafted with scant respect for democracy and constitutional principles, the present Constitution was amended sixteen times during its first ten years (1978-1988). The amendments not only exposed but also exacerbated the intrinsic inconsistencies of the Constitution detrimental to the smooth functioning of the political system.**

Sri Lanka is obliged under Article 2 (3) of the International Covenant on Civil and Political Rights (ICCPR) to ensure "effective remedies" for those persons whose rights or freedoms are violated. There is a checkered procedure under the present constitution to file fundamental rights cases before the Supreme Court. However, these cases should be filed within one month's time of the violation and the procedure is so entangled in legal intricacies, the ordinary people, the rural folk or the poor of this country are kept largely out of the system. There is no procedure for public interest litigation where a third party could request for "effective remedies" on behalf of those who unable to take legal action due to economic or other difficulties.

**Democracy**

The present Constitution is a complete aberration in terms of democracy. Unfortunately it was drafted to suit certain "whims and fancies" of particular political personalities, namely J. R. Jayewardene and R. Premadasa. When political personalities changed, the Constitution proved difficult to operate. This uneasiness was seen even under D. B. Wijetunga, in fact a UNP President (1993-94), and became insurmountable after Chandrika Kumaratunga came to office in 1994.



*Chandrika Kumaratunga appointed Prime Minister in 1994*

However, the Constitution had become so rigid and legally intricate, it was not possible to change even after so many efforts. (Editor's emphasis)

The idea of the drafters of the Constitution was to create a weak and chaotic Parliament and a strong Executive President. The Constitution was created on a philosophy of autocracy, despotism and authoritarian rule. It was argued that this sort of authoritarian rule was necessary in a developing country where its people could not afford or understand full democracy. The philosophy behind the Constitution was akin to the regimes of Ne Win in Burma, Suharto in Indonesia and Ferdinand Marcos in the Philippines. The fruits of the full operation of this Constitution were explicit during the period between

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1983 and 1993 when many thousands of people became killed, disappeared or their human rights were brutally suppressed.

**Fundamental law**

A Constitution in a country is the fundamental law. The fundamental law should stay above the ordinary law and should give structure and framework to the country's diverse institutions. The fundamental law or the Constitution should be impartial and should reflect aspirations and desires of all communities in society.

It should be a true reflection of the balance of relations between various communities. The rigid unitary character of the Constitution, although slightly adjusted by the 13th amendment, does not reflect adequately the aspirations of different communities, other than the majority Sinhalese. When ambiguities are vast in all directions, even the majority community can be apprehensive about their rights and aspirations.

It is almost a universal Constitutional principle today to devolve power and create autonomous regions or provinces when there are cultural communities living in contiguous areas. Although the 13th Amendment intended to do this in an ambiguous manner under the pressure of the international community, the amount of power devolved to the provinces and the mechanisms set up as safeguards have not been to the genuine satisfaction of the minorities.

The Constitution does not recognize cultural rights of the minorities. No safeguards are afforded under the chapter on language rights. The chapter itself is ambiguous and partial to the majority community.

Although the last or the sixteenth amendment to the Constitution had tried to remedy the situation in respect of the language of administration and official record in the country, different formulations have rendered ambiguity and confusion. Without a new Constitution these ambiguities will not be remedied to resolve the language issue, a major facet of the ethnic conflict.



**Simplicity**

A Constitution, as a country's fundamental law, should be neat and clear cut. All the legal details and procedures should not be incorporated in a Constitution. Those can be detailed out in subordinate laws. For example, if only the main electoral principals are incorporated in the Constitution and if the subordinate electoral law governs the details, any ambiguity of the electoral system can be remedied through a simple majority in Parliament. At the same time, through interpreting the changes in the subordinate law within the framework of the fundamental principles in the Constitution, the judiciary can easily check any abuse of the fundamental law and that means the Constitution. It appears that many constitutional drafters find it difficult to decide on what is fundamental and what is not? Why should the "words and music" of the national anthem be incorporated in the Constitution?

A Constitution of a country should be a readable document even for the ordinary folk. It is not only a legal document but also a (consensual) political manifesto that should charter the country for a future period of time. It should give flesh and blood to the institutional structures of the political system, so agreed by the people, and should clearly demarcate the powers and functions, checks and balances of those various institutions.

**Stability**

A Constitution of a country should ensure political stability in the system and the country at large. This stability is important particularly in a developing country like Sri Lanka where the economy and the well being of the people will depend largely on the stability of the system. In respect of the executive presidency and the electoral system, and also in many other aspects, it has been proved that the incorporation of principles completely alien to the local soil is superfluous. Sri Lanka should not risk large experimentations in the future but should base on recent and past experiences, simple and clear. The rigidity and inflexibility are the most outrageous in the present Constitution in terms of its amendment. The Constitution was promulgated with four fifths in Parliament in 1978 obtained under the previous "first-past-the-post" electoral system.

**The clear sufferers are the people, as the power seekers obstruct the smooth functioning of the system under the circumstances. While preserving the good elements of proportional principles to allow small party representation in Parliament, the electoral system needs to be changed to ensure stability of government and the flexibility of the Constitution.**

The promulgated Constitution introduced a system of proportional representation with no possibility of a party or a coalition of parties obtaining a two-thirds majority in order to change the Constitution. Having realised this problem during his own tenure, President Jayewardene extended the life of Parliament in 1982, with his four fifths majority intact until 1988. It was under this undemocratic measure that thirteen amendments to the Constitution were possible between 1982 and 1988. After the holding of elections under the present proportional representation system there was no possibility of changing or even amending the Constitution. The Constitution has become rigidified and monolithic.

A Constitution of a country like Sri Lanka should be flexible apart from being stable. To ensure the continuity and stability, a special majority is always required to change a Constitution.

However, this special majority should be politically feasible within the electoral system. Sri Lanka is a country with rapid changes. Especially given the complexities of the ethnic conflict, new constitutional arrangements may always be necessary to adjust and readjust the interests and aspirations of all communities. A party or coalition of parties with people's mandate should be able to ensure this constitutional flexibility apart from governing the country in a stable manner. What the electoral system at present has created is not only the rigidity in the Constitution but also the hazardous instability in the government.

The clear sufferers are the people, as the power seekers obstruct the smooth functioning of the system under the circumstances. While preserving the good elements of proportional principles to allow small party representation in Parliament, the electoral system needs to be changed to ensure stability of government and the flexibility of the Constitution.

Courtesy: *Daily News*

**About the writer:** *Dr. Laksiri Fernando is Head of the Department of Political Science and Public Policy at the University of Colombo*

**Open letter to the JVP from International Leninist Current**

# 'REFUSAL OF DEVOLUTION A GRAVE POLITICAL ERROR'

## *Telling the JVP.....*

**Dear comrades of JVP,**

After many years of steady attempts to convince you of the fact that the only way to win the poor Tamil masses for an alliance with the Sinhalese workers and peasants for Socialist revolution is by granting them the right of self-determination (as a general principle which has to be applied according to the concrete circumstances and which does not necessarily mean secession), you have taken decisive steps in the opposite direction - a campaign against even the slightest minority rights for the Tamils as the "devolution" would provide for.

In order to prevent you from entering an outright bloc with the chauvinist and pro-imperialist Sinhalese bourgeoisie which is actually the driving force of the most bloody civil war against the Tamils, we have no other possibility than to resort to this open letter urging you to reconsider your alarming steps taken in the last year.

In a call for a demonstration in front of the Sri Lankan embassy in Rome on September 7, 2000, you affirmed: "Our party decided to initiate a national and international campaign to force PA to definitely withdraw the draft constitution and to organise free and just elections. (... ) We think that the draft constitution eventually will lead the country into chaos. It is only creating States alongside ethnic borders which is in the sole interest of the imperialists like in the Yugoslav case.

"Therefore we oppose any form of devolution of popular power to the separatists. We struggle for the unity of all the nationalities". (our own translation)



*JVP Parliamentarian Wimal Weerawansa (R) with his General Secretary Tilvin Silva*

Obviously communists cannot stay neutral facing reactionary changes of the constitution of bourgeois States.

**Now we ask you: the timid devolution proposed by PA - that is to say the concession of some elementary and partial rights to the two main national minorities of Sri Lanka (Tamils and Muslims) - had a democratic or a reactionary meaning?**

They must resolutely oppose them. On the other hand we must support any democratic modification strengthening and increasing the rights of the oppressed masses and the proletariat while preserving our full independence and without falling into opportunism. Now we ask you: the timid devolution proposed by PA - that is to say the concession of some elementary and partial rights to the two main national minorities of Sri Lanka (Tamils and Muslims) - had a democratic or a reactionary meaning?

According to us it had a democratic meaning insofar as it conceded elements of democratic rights to the notoriously oppressed minorities. Which? The pos-

sibility to speak and use their own language in communicating with the authorities, a timid self administration in the provinces where the minorities are in majority and some granted rights where they are minorities.

Different to democratic countries those elementary rights did not exist in Sri Lanka where the Sinhalese majority indisputably enjoys a privileged position not only due to the ruling Sinhalese comprador bourgeoisie but also due to the racist Buddhist clergy.

Opposing the devolution i.e. the transmission of very limited powers to the Provincial Councils with the pretext that it would lead the country into chaos and to a Yugoslav scenario is at least grotesque. Actually Sri Lanka is already in the most extreme and devastating chaos.

The civil war raging for more than 18 years has been much more cruel than what we have seen in Yugoslavia during the 90's. One third of the country is in the hands of the Tamil Tigers and the army - in the vain attempt to reconquer it - absorbs one third of the gross national product. The slaughters, massacres and tortures leave the Bosnian tragedy far behind.

Therefore, the point is not how to avoid to precipitate the country into chaos but how to end it. The crucial point in Sri Lanka is how to stop the carnage, how to achieve a just peace. In other words the problem of the problems in your country is the national question.

If there is a country in the world where the national question is absolutely fundamental and inescapable then it is Sri Lanka. The entire political life of your country is turning around the war and the struggle of the Tamils.

A correct position on this matter is therefore essential for all Sri Lankan revolutionaries. It constitutes the litmus test whether the Sinhalese revolutionaries are democratic and internationalist or chauvinist and nationalist.

We insist that your refusal of the devolution is a grave political error. This refusal even if it gives you some support in the most nationalist and depoliticised sectors of

**Opposing the devolution i.e. the transmission of very limited powers to the Provincial Councils with the pretext that it would lead the country into chaos and to a Yugoslav scenario is at least grotesque. Actually Sri Lanka is already in the most extreme and devastating chaos.**

**Therefore, the point is not how to avoid to precipitate the country into chaos but how to end it. The crucial point in Sri Lanka is how to stop the carnage, how to achieve a just peace.**

the Sinhalese population. It creates a deep hostility against you among millions of oppressed Tamils.

It is not legitimate to decorate oneself with the label Marxist-Leninist if one supports the chauvinism of the dominant nationality and does not support the oppressed nationality. This is the point, comrades.

Your ultra-leftist arguments regarding the national question appear as a mask for a fundamentally chauvinist position. It is not only us who is reproaching this to you. And it is not only the NSSP (with that you had been until one year in a common front which fell apart facing the national problem). The entire left of the Indian subcontinent from Pakistan to Bangladesh, from India to Nepal is doing so.

We insist: here we do not speak of supporting what you call "separatism" of the LTTE (a reactionary term never used by Marxists) we do not speak of supporting the birth of Tamil Eelam and to split Sri Lanka. Here we speak of devolution i.e. how the parity of rights can be granted to all the nationalities of Sri Lanka.

The reality is that you do not have a democratic political line on the national question, you do not advance any solution that would help you to approach the poorest and most oppressed sectors of the Tamil nation. Defending the unity of Sri Lanka as impeachable, considering the borders as saint left as a heritage of British colonialism, you risk to appear as an appendix of the racist and extremist Sinhalese right-wing.

The revolutionaries do not defend the current state borders of a country as a principle: they defend them if this is functional for the socialist revolution and the struggle against imperialism. They do not defend them if they are not in the interest of revolution.

The point is not the national problem considered in an isolated way.

The point is how to apply a correct line facing the national question in order to build mass support for a future

revolutionary victory. Sri Lanka will never see a revolution without the a unification between the oppressed of the Sinhalese and the Tamil nation.

How to achieve this? Appealing to unity against any nationalism? Invoke the unity of all the labourers? These kind of appeals are rhetoric, moralist and abstract in a country torn apart by a war lasting for 18 years.

There is one single democratic and just way to set an end to this blood bath: recognise the right of self determination of the oppressed Tamils (which does not mean secession!). Demand from the Sinhalese Government to withdraw its troops from the areas populated by a majority of Tamils.

Ask for peace negotiations basing them - as we have been saying it for so long - on the proposal for a democratic State on a federative ground i.e. a constituent assembly which is to change the racist and chauvinist constitution of Sri Lanka.

Instead of becoming the champion of the revolutionary democratic struggle against Sinhala chauvinism and the ultra-nationalist position of LTTE you have decided once again to ride the dangerous tiger of the Sinhala-Buddhist nationalism.

We are not here to tell you that this has nothing to do with the Leninist tradition, you know it quite well. This policy is leading you into a blind ally, into an abyss like in 1987 when you were launching a patriotic and nationalist guerrilla war under the pretext of chasing away the Indian troops (which was not less nationalist than the war led by Prabhakaran). We all know how it ended.

Maybe we are wrong. We would like to be wrong. But we fear that behind your dogged intransigency defend at any cost the "Fatherland Sri Lanka" (which for the Tamils is no Fatherland but a horrible prison), there is the disposition to build a patriotic anti-Tamil block together with the most reactionary and chauvinist sectors of the comprador bourgeoisie, the Buddhist clergy and the Sinhalese lumpen proletariat.

This would be at tragedy for the entire international communist movement whose unprejudiced advices you

**Instead of becoming the champion of the revolutionary democratic struggle against Sinhala chauvinism and the ultra-nationalist position of LTTE you have decided once again to ride the dangerous tiger of the Sinhala-Buddhist nationalism.**

obstinately refuse to consider. You risk to fall back into the tragic isolation of 1987-89 that you claimed to have left forever.

We hope to be mistaken. However, from the "defence of the Fatherland" - as if this "Fatherland" would be threatened by the advance of the Tigers (that have been wrongly liquidated by you as "fascist in the service of imperialism") and the decay of the army - it is only a little step to the formation of a patriotic front with the reactionary nationalist Sinhalese forces. We hope that this will not happen and the errors committed with the DJV in the year from 1987 to 89 will not be repeated.

Unfortunately your letter of January 19 does not meet any of the points urged by us. On the contrary. It affirms irrevocably: "We unconditionally oppose separatism not only in Sri Lanka but in other countries too."

This seems to be a punch in the face of the entire Marxist-Leninist movement of the world.

We deeply hope that the quoted phrase is a mistake due to the fire of polemics. If this is not the case, if you really think that today - while with imperialist globalisation the national question once again assumes paramount importance - it is necessary to refuse as a principle and everywhere the right of self determination you really want to build an insuperable abyss between you and the revolutionary movement.

We neither can overlook the position taken by you recently asking, together with the majority of the bourgeois parties of Sri Lanka, some imperialist govts (USA, Great Britain and Norway) to put out of law and even to incarcerate the Tamil exile organisations close to LTTE. If we are not mistaken you even transmitted felicitations to the English government for having forbidden the pro-Tiger organisations. For the same purpose you received a delegation of the European Union in your office in Colombo. Don't you think to exaggerate? Don't you think that it is a bestiality to walk hand in hand with the imperialists? Don't you see that such kind of absurdities let you appear in front of the Tamil masses as a chauvinist and even pro-imperialist force? With communist greetings"

**International Leninist Current**

June 27, 2001.

**Warning from a Senior Judge**

**OMINOUS SIGNS OF A  
BREAKDOWN IN THE  
JUSTICE SYSTEM**

– Justice Asoka de Silva

*[Ed. Note: The speech below was given during the induction of the new President of the Bar Association of Sri Lanka, Ajantha Atukorala, in March 2001. The speaker who was then President of Sri Lanka's Court of Appeal is presently a Judge of the Supreme Court.]*

**L**adies and gentlemen, I am here with you today on this important occasion of the induction of the newly appointed President of the Bar Association by reason of the demand of custom. May I take this opportunity to extend my personal best wishes to the new President and Secretary.

After much contemplation on the nature of this occasion, I decided it opportune to draw your minds to a burning issue in the current legal and social scene: the emergence of the ominous signs of a breakdown in effective law enforcement and the rule of law. For instance, a lawyer is shot down in the vicinity of a provincial court. A judicial officer is manhandled by an unruly element inside the court premises. The accused are cut down and murdered in public places in the vicinity or, indeed, inside the precincts of the court. Witnesses are threatened and abused. Investigators are shot down in organised violence. The list is long and varied, but the central theme in these activities is the same: the disruption of proper law enforcement and legal process.

The criminal legal arena comprises three elements: two mighty gladiators-the official bar, which or-

dinarily represents the prosecution, and the unofficial bar, which ordinarily represents the accused-and the indomitable judiciary, which is the referee and dispenses justice endeavouring to strike a balance between the two antagonists. In the middle of all this are the law enforcement agencies and the litigants without whom the gladiators would have no battle to fight and the referee would have no issue to decide.

**After much contemplation on the nature of this occasion, I decided it opportune to draw your minds to a burning issue in the current legal and social scene: the emergence of the ominous signs of a breakdown in effective law enforcement and the rule of law.**

Combating crime is no simple matter. Again, the task is threefold. It cannot be done by law enforcement agencies alone. Overwhelming evidence gathered by the investigator can be turned into a shambles by a shrewd defender unless effectively and diligently prosecuted and protected by the prosecutor. Weak presentation of a prosecution can disgruntle a competent investigator, just as a shoddy investigation into an otherwise formidable case can dishearten the prosecutor. The role of the defence is also paramount-punching holes in the prosecution's case, thereby raising the standard of the next prosecution-if all are willing to learn from experiences.

Hence, I say that the prime responsibility of combating crime rests on the law enforcement agencies,

the bar and the bench working together with understanding and cooperation. By cooperation, I do not mean that the defence must cooperate with the prosecution. What I mean is that a diligent defence will result in a diligent prosecution or vice versa, and both will ensure diligent judgement and better investigations in the future.

Now, to come to the main theme of my address today, while the bench, the bar and the investigators act out their respective roles on stage, very little consideration is given to the most important pieces in the game: the victims and the witnesses, on one side, and the accused person and witnesses, on the other. Let us give a moment to the reporting of a crime.

Reporting a crime means activating the law enforcement authorities by giving them the relevant information of the commission of a crime in order that the culprits may be apprehended. The information of a crime may come in numerous forms: by a victim, by a witness to a circumstance or by an interested party. It may come via the media, by anonymous petition, by a telephone call. The motives for reporting a crime may be quite diverse: the victim or his kith and kin may seek their vengeance through justice, the bystander may be moved by civic consciousness, the petitioner may seek to nurse a private grudge by informing on a third party and so on.

Of these, a vital role is played by the civic-conscious person. Generally, such people form the backbone of a case by providing independent and indifferent evidence. The present trend of criminal activity strikes hard at the civic-minded person who also entertains some degree of self-preservation. The term "underworld" has clawed itself into our vocabulary during the past decade and is wedded to the term "contract killer." The ruthless and frequently fatal assaults on people by criminal elements on contract is quite sufficient to deter civic-minded people from continuing to be so. Thus, the continued availability of the civic-minded witness appears to be rather doubtful, if not non-existent, in this scenario.

This leaves us with the vengeance-seekers and petitioners. It would appear from current news reports that the vengeance-seekers prefer to settle their differences on the way to or from court or inside the court premises with their own brand of savagery that is far removed from

**... we are in the midst of great danger, not really to our physical being, which is a secondary issue, but to the moral structure of our society. We are gradually approaching that stage where complaints of crime to law enforcement agencies will be few and far apart and summary justice may become the order of the day.**

the law. They little realise that, apart from achieving a notoriety and some perverse self-satisfaction, if at all, the damage they do to the social fabric which they themselves live in is, with each passing incident, fast reaching irreparability. Here again we find the words "contract killings," "underworld clashes," scorched into our minds and into our once gentle society.

The petitioners, of course, are a law unto themselves.

Legal delays may be irksome, but the root causes for the serious deterioration of law and order are far beyond that. They are fast becoming embedded in the fabric of our society. The reintroduction of the death sentence, enhanced punishments, draconian bail laws and other such measures do not, to my mind, really eradicate the root causes but, at the most, may cause some deterrence. The adoption of these measures is akin to using a disinfectant on a cancer. I shall not to any degree endeavour here to identify these root causes. Let it suffice if it tickles your imagination.

The identification of the dangers I have set out are neither novel nor dramatic. I am merely voicing with authority the concern that all of us have had for some time now that we are in the midst of great danger, not really to our physical being, which is a secondary issue, but to the moral structure of our society. We are gradually approaching that stage where complaints of crime to law enforcement agencies will be few and far apart and summary justice may become the order of the day.

This worrisome situation is not confined or special to this system alone. I would venture to say that this gun culture which has begun to plague the system was born and nurtured elsewhere in foreign jurisdictions, and it is the virulence that has now spread and caught up with us and is threatening to overwhelm us. We of the law must now apply our legal minds to the subject. It is our duty to our nation, our society, our children and to ourselves to endeavour to curb this rising trend of lawlessness to suggest solutions and remedies now although that is not the intent of this speech. I only hasten to say that the time for hastening has come.

(Reproduced from *Human Rights Solidarity*)

# IMPEACHMENT MOTION AGAINST SRI LANKA'S CHIEF JUSTICE

With the Speaker of the House deciding to place the Impeachment Motion before a Select Committee and reject the order of the Supreme Court to the contrary, on one hand, and with the government losing its majority in Parliament due to the withdrawal of its coalition partner, the Sri Lanka Muslim Congress (SLMC), on the other, an unprecedented political situation has broken out in the country. This situation has tremendous implications for the human rights of the people of Sri Lanka and the country's human rights community in particular.

The Speaker's decision was inevitable, given the unreasonableness of the Supreme Court order that was rightly seen as interference with the functioning of the legislature. The ensuing open confrontation between the legislative and judicial branches of government is a challenge that the three Supreme Court judges have brought upon themselves. That the direct issue was the Impeachment of the Chief Justice himself makes the situation worse as the Chief Justice selects the panels to hear Supreme Court cases. In addition, the allegations against the Chief Justice included arbitrariness in deciding some cases.

Popular dissatisfaction against the judicial institutions in Sri Lanka is sadly common and is even reflected in the speeches of some judges. In a country which has acquired a reputation for massive human rights violations, such as disappearances, torture, war crimes, extra-judicial killings, etc., judicial intervention to protect human rights has been negligent. The increase of crime everywhere has undermined the people's belief in the rule of law, and the judiciary has not responded to this deterioration in law and order in any visible way. Moreover, the delays and inefficiencies of the system discourage people from availing themselves of it.

In fact, the degeneration of the judiciary has been rapid since the promulgation of the 1978 Constitution. With the promulgation of this Constitution, Sri Lanka broke away from the liberal democratic tradition while keeping only the facade of democracy. The executive presidency introduced by this Constitution could survive only with a subservient judiciary. The conflict with the judiciary at an early stage was inevitable. However, with time, as the judiciary gave in to the situation, friction has become less

and less until the recent developments which led to the impeachment. The political factionalism among some judges has even earned comments from some reporters in the international press.

Judicial reform, including changes at the highest judicial levels, has now become a primary need for the recovery and survival of the democratic process, basic justice and the rule of law. Without judicial reform, the reforms of other aspects of the justice system, such as the police and prosecution system, is not possible. (In past statements of the Asian Human Rights Commission [AHRC], the need for reform of the police and prosecution system have been pointed out and specific suggestions have been offered.)

However, neither the Government nor the Opposition is facing this issue seriously. The absence of serious approach to the issue can contribute to a further degeneration of the situation and the development of further anarchy. Such development will have a negative impact on all aspects of the country, including the peace process.

The primary responsibility for initiating reform of the judiciary and other aspects of the Justice system in circumstances like this rests with the community. It is for the community to intervene responsibly and decisively. The judiciary is too precious an institution for the community not to take action and it is the most important instrument for the defence of Human Rights and Democracy. Consequently this institution needs the community's scrutiny and the critical support. The community must now make its suggestions for reform and get these suggestions heard and discussed. If society does not keep watch over its guardians, then the guardians may become its worst enemies. The political crisis which has come into the open is likely to last for quite some time. This offers an opportunity for the community to make its presence felt. It is time for the community to create its own moral, ethical and legal foundations for a justice system that is capable of returning democracy to Sri Lanka and of protecting the rights of the Sri Lankan people.

ASIAN HUMAN RIGHTS COMMISSION

# POLICE AND PUBLIC PROSECUTIONS

✉ **Basil Fernando**

Executive Director  
Asian Human Rights Commission

and less until the recent developments which led to the impeachment. The political factionalism among some judges has even earned comments from some researchers

In the last issue of *Christian Worker* the Asian Human Rights Commission (AHRC) statement suggesting the establishment of the Public Prosecutor's position as against the present arrangement of the Attorney General was discussed. That the criminal investigations by the police must be brought under the scrutiny of the Public Prosecutor was also discussed. The Commissions appointed to investigate the problems of police in Sri Lanka and suggest suitable reforms since 1947 have unanimously made the same suggestion. We reproduce extracts from Soertz Commission-1947, Basnayake Commission- 1970, including extracts from Criminal Justice Commission 1953 and Jayalath Committee 1995.

## FROM THE SOERTZ COMMISSION REPORT

### Public Prosecutor

We have no definite knowledge of the shape of things to come in the New Constitution in regard to the Legal Departments of Government, but we would commend to the authorities the consideration of a department similar to the Department of the Public Prosecutor in England to deal with criminal cases in the manner in which those cases are dealt with in England with such modifications as local conditions may require. In our view this change is desirable for many reasons and will, undoubtedly, serve to reduce the inordinate delays that occur to-day in the trial and disposal of cases.

### Police Legal Department

In regard to the actual conduct of trials and inquiries, there is no difficulty so far as the defence is concerned, for the accused is entitled to be represented by a pleader. The difficulty arises in respect of the case for the prosecution in which the Police and not the aggrieved party makes the charge. There are conflicting views, in regard to the right of the aggrieved party to be represented by his pleader. In several instances, this right has been challenged by the Police, although in the generality of

With the Speaker of the House deciding to place the Impeachment Motion before a Select Committee and reject the order of the Supreme Court to the contrary, on

cases the Police acquiesce in pleaders leading the evidence of the prosecution. We consider it desirable that this matter should be put upon a certain footing and provision made either for the Police to lead the evidence in such cases or for the evidence to be led by the pleader of the actually aggrieved parties if they have their pleaders. If it is decided by the Legislature that in such case the Police should lead the evidence, then, in our view, the Police Department should take adequate measures to see that a Police Officer who has been trained for the purpose should be attached to each Magistrate's Court to conduct cases of any importance at all. The prosecution of the smaller cases may be left as they stand now. The alternative is to have Police Proctors doing only Police work in each Magistrate's Court, but this alternative will necessitate a big vote. On the whole we are in favour of the first alternative, but we think it will be very useful for the Police to have a Legal Department of their own to advise them professionally, but not officially, on such matters as require professional advice or make such advice desirable. The only resort now available to the Police in this respect is to the Attorney-General, but that officer is so burdened with work that, except in exceptional cases, the Police do not go to him, or if they do, are unable to get their advice from him as expeditiously as may be desirable. It must be clearly understood that this Legal Department will be made up of private lawyers paid out of Police funds and having no official status at all.

## FROM THE RIDER BY H. SRI NISSANKA

### Police Prosecutions

In Chapter IV, page 32 of the Report, the Commission addresses itself to the subject of actual conduct of inquiries and trials and discusses at length the difficulties that beset the Police in this sphere. Since it is agreed by the Commission that the duties of the Police as defined in page 26, are, *inter alia*, the prevention, investigation, and detention of crime and offences, the function of the successful conduct of cases should be left in the hands of the Law Officers of the Crown.



I suggest that a Panel of Senior Proctors and Advocates practicing in any particular Court should be assigned by the Crown to conduct cases brought by the Police on behalf of the aggrieved party especially if they are poor and unable to retain Counsel. The Police should be present to assist and instruct Counsel. I do not think that a Policeman with his limited training should arrogate to himself the functions of a member of a learned profession, or enjoy the same status as a member of that profession in a duly constituted Court of Law.

It has been brought to our notice during the sittings of this Commission that successful prosecutions by Policemen are rewarded. This is yet another reason why Policemen should be kept away from the temptation of securing convictions at the expense of justice. Whilst on this subject I may be permitted to observe that the care and custody of the prisoners should be in the hands of the Fiscal and not of the Police after the prisoners have been brought before a Court. We were informed that a Court Sergeant exercises a considerable amount of control even in the matter of their diet. For these and other reasons too we have known, it is altogether desirable that the Police should keep their hands off the prisoners brought before Court by them.

**FROM THE BASNAYAKE COMMISSION REPORT**

**Director of Public Prosecutions**

184. The Attorney-General's role as public prosecutor which began in the colonial days is no longer compatible with the present constitutional set up. The time has come for the Attorney-General's functions of Public Prosecutor to be handed over to a Director of Public Prosecutions. The Attorney General has many quasi-judicial functions to perform in regard to criminal proceedings. He is therefore unable to direct prosecutions in the same way as a Director of Public Prosecutions may. The absence of such a functionary is also disadvantageous from the Police point of view. It was sought to overcome this disadvantage by setting apart a number of Crown Counsel whom the Police may consult direct without the usual formalities. For some time they were provided with Chambers in the Police Headquarters, but that arrangement no longer obtains. That arrangement is by no means satisfactory as Crown Counsel are representatives of the Attorney-General and their functions too have to be discharged with the same detachment as is expected of the Attorney General.

185. With a Director of Public Prosecutions functioning, prosecutions can be speeded up and the Police can from the outset act according to the instructions of the Director.

186. The Criminal Courts Commission, which was appointed in 1950 and issued its report in 1953, examined this very matter and recommended the appointment of a Director of Public Prosecutions and appended a draft of the necessary legislation. It is regrettable that recommendation has not been carried out all these sixteen years. As that report is not readily available we quote below that Commission.

48. "In dealing with the administration of the criminal courts, proposals that tend in any degree to lessen the sense of the responsibility of the individual citizen actively to assist in the day-to-day enforcement of the law should be critically examined before they are accepted." So said Sir Theobald Mathew, Director of Public Prosecutions, in a lecture delivered by him before the University of London. These remarks were made in connection with suggestions that the scope of the Department might be extended and the responsibilities of the Director increased. We can find no argument against the proposal to set up such a Department.

Such an appointment will not abolish the right of private persons to institute criminal proceedings and to conduct them with the assistance of lawyers of their choice. A large proportion of the cases filed in Magistrates' Courts in this Island are what are commonly termed "private complaints." The private citizen will continue to exercise that right but the Director of Public Prosecutions will be able to exercise his influence in two ways. He will be entitled in the public interest to take over a private prosecution at any stage; and his consent will be required for the institution of certain proceedings. The former step may be taken to assist a private prosecutor by retaining a counsel or a proctor, or by authorising the payment of special expenses such as expert's fees and the cost of preparing evidence. The latter provision is necessary in order to prevent oppressive prosecutions.

49. In the case of the more serious offences the Police at present take action after making their investigations and collecting the necessary evidence. But there are weaknesses in the present system which should be eliminated as far as possible. The Police will surely benefit if there is some authority to which they can go for advice and assistance in difficult and important cases such as culpable homicide, rape, and grave sexual offences against children and young persons. Not only will the Director have the duty of giving counsel in such cases, but the Police will be under a legal obligation to report such cases to him so that he may, if he thinks it advisable, take over the conduct of the prosecution.

tion. But the greater advantage will lie in the duty of the Director to institute, undertake and carry on criminal proceedings in 3 classes of cases:

- (1) All offences punishable with death,
- (2) Offences which affect the community as a whole rather than a particular individual, when he considers his intervention is required,
- (3) All matters referred to him by a Government Department where he considers that criminal proceedings should be instituted. Owing to the legal necessity to report such cases to the Director this legal department will be kept informed of all grave crimes as they occur, and will assist in handling their prosecution

50. We anticipate that there will result a considerable tidying up of the business of investigation and the later stage of presentation of cases in Court where serious crimes form the subject of the charge. The guidance of trained lawyers with the ability "to brush aside inessentials and drive to the heart of the case" will always be available. The Attorney-General does not now perform these important functions in the same way. We do not know whether it is because no duty is cast on the Police to consult him, or because the machinery does not exist in the Attorney-General's Department to carry out all the obligations which the Department of Public Prosecutions will fulfill. But the defect of the present set-up is that the Attorney-General does not in practice play a part in many cases which require handling by lawyers until after the inquiry in the Magistrate's Court has terminated. The Attorney-General will superintend the work of the Department of Public Prosecutions and the Director will be subject to any directions that the Attorney-General may decide to give him. But there is at present no particular branch of the Attorney-General's Department, whose officers give their undivided attention to the same functions as the new Department which we wish to see established. We think it essential that those functions should be performed by a distinct and identically authority whose rights and obligations will be definite.

The existence of such a separate Department will mean (1) that the Police could be advised, while inquiries are being made, as to the directions in which further inquiries should be made, (2) that the Police, where they have made all the

inquiries themselves, will make all the evidence available to the Department, who will present the case in Court either themselves or through counsel specially engaged for that purpose, in cases of particular importance and difficulty.

If our proposals in this connection be adopted, some of the statutory functions now exercised under the Code may conveniently be delegated to the Director.

We believe that the establishment of a Department of Public Prosecutions under the general superintendence of the Attorney-General will considerably promote sufficient presentation of cases for the prosecution in non summary inquiries; it will eliminate the delays which now occur when Crown Counsel discovers too late, i.e., after the stage of committal, that some essential evidence has not been led at the proper time; it will put an end to the practice by which the police are content to place all the conflicting evidence before the Magistrate, leaving it to some one else to decide at a later stage what should be presented at the trial as the case for the Crown. In our opinion the prosecution should be in a position to state its case when the non-summary inquiry commences with as much precision as prosecuting counsel can when the actual trial commences.

51. The Director will exercise a watch over the course of prosecutions instituted in the Magistrates' Courts because he will be informed of any prosecution which has been withdrawn or is not proceeded with in a reasonable time. If there is a *mala fide* discontinuance of proceedings which should be continued, he will be entitled to proceed with them if it is in the public interest to do so. We believe that there are many advantages to be gained from such a Department. Ultimately its success will depend on the confidence it inspires, and not merely on the increased efficiency in the handling of criminal matters. The public would like to feel that prosecution on grave charges will not be heedlessly launched; they would also like to see that grave crimes do not go unpunished because the earlier stages of the investigations or of the institution of criminal proceedings were managed by incompetent hands or without adequate professional directions.

52. There has been in operation for some time a scheme whereby a certain number of Crown Counsel, while continuing as members of the Attorney General's Department, function exclu-

sively as legal advisers to the Police Department. Whether or not this scheme is to continue, it must in no way be regarded as carrying into effect our proposals for the independent establishment of a Department of Public Prosecutions. Each scheme is designed to fulfill an entirely separate purpose in the same way as, in England the Solicitor to the Police Commissioner in London functions independently of the Director of Public Prosecutions. Indeed the practice in England is for the Police Solicitor himself to obtain advice from the Director in regard to all problems of sufficient magnitude and of general application.

53. We understand that until about a year ago Crown Counsel functioning as legal advisers to the Police were accommodated in the offices of the Police Department, and came to be regarded as members of the Department. This practice gave rise to some legitimate criticism, and we are very glad to hear that it no longer obtains. So long as a Crown Counsel retains his connection with the Attorney-General's Department, his professional activities should not be directed in such a manner as to create the false impression that he is in truth a "Police lawyer" Such advice as he gives to the Police should be given in the name of the Attorney-General, and his work should come under the general supervision and direction of the Attorney-General.

54. It is very desirable, we think, that, even after the establishment of the Department of Public Prosecutions, the Police should continue to have the benefit of professional advice, and legal representative, in cases which do not require the intervention of the Director. But we are not in favour of a system whereby a legal adviser to the Police Department should at the same time retain his connection with the Attorney-General's Department. If the services of a Crown Counsel are required as legal adviser to the Police, he should for the time being be seconded for service. This would be a better way of preserving the essential distinction between the true functions of the Departments concerned. There is no reason, however, why a Police Lawyer should not, in the interests of economy, be instructed by the Department of Public Prosecutions to appear in Court on behalf of the Department in cases which it has undertaken.

CHAPTER XXXV

A. The Director of Public Prosecutions, his powers and duties

Office of Director of Selections to Assist Attorney General

393A. (1) There shall be, in the Department of the Attorney-General, an officer to be called and known as the Director of Public Prosecutions (hereinafter referred to as the Director)

(2) A person shall not be qualified to be appointed as the Director unless he is an Advocate of at least ten years standing.

(3) There may be appointed such officers as may be necessary for the purpose of assisting the Director to exercise and perform his powers and duties under this Act or any other law.

(4) The Director shall in the exercise and performance of his powers and duties under this Chapter or any other written law be subject to the directions, whether general or special of the Attorney-General.

Powers and duties of criminal proceedings

393B. (1) The Director may, on behalf of the Attorney-General, exercise, perform or discharge any power, duty or function vested in or imposed on the Attorney-General by this Code, other than the power of entering a NOLLE PROSEQUI or of pardoning an accomplice or of sanctioning appeal from acquittal.

(2) It shall be the duty of the Director to institute, under-take or carry on criminal proceedings on behalf of the Attorney-General in the following cases, that is to say—

(a) in the case of any offence punishable with death;

(b) in any case referred to him by a Government department in which he considers that criminal proceedings should be instituted; and in any case which appears to him to be of importance or difficulty or which for any other reason requires his intervention.

(3) Nothing in the preceding provisions of this section shall preclude any person from instituting, or carrying on any criminal proceedings if the instituting or carrying on of such proceedings by such person is authorized or permitted by any other section of this Code; but the Direc-

tor may undertake at any stage the conduct of those proceedings if he thinks fit.

393C. (1) The Director shall give advice, whether on application or on his own initiative, to the Police and other Government departments and to such other persons as he may think proper in any criminal matter which appears to him to be of importance or difficulty, and such advice may at his

Advice on criminal matters discretion be given either orally or in writing.

(2) The Director may authorize a pleader to act as his agent in the conduct of a prosecution and determine the fees to be paid to pleaders so authorized.

(3) The Director may assist prosecutors by authorizing the payment of special expenses, including the cost of preparation of evidence, and the payment of fees to counsel and to scientific or professional witnesses if he is satisfied that such expenses are necessarily incurred for the proper conduct of any criminal proceeding.

393D. The Superintendent or Assistant Superintendent of Police in charge of any area shall, as respects offences alleged to have been committed within that area, report to the Director—

(a) every offence punishable with death;

(b) every offence in respect of which a prosecution is by law required to be instituted by or with the consent of the Attorney-General;

(c) every cognizable offence in which the prosecution is fully withdrawn or is not proceeded with within a reasonable time;

(c) every case in which a request for information is made by the Director;

(e) every case in which it appears to such Superintendent or Assistant Superintendent that the advice or assistance of the Director is desirable;

(f) every case of any other offence

specified by the Attorney-General by order to be an offence in respect of which a report under this section is necessary.

393E. (1) The Minister of Justice may make regulations containing all such incidental or supplementary provisions as may be necessary to enable the Director to exercise and perform his powers and duties under this Chapter.

(2) Every regulation so made shall be brought before the Senate and the House of Representatives for approval, and if so approved shall be published in the GAZETTE and come into operation upon the date of such publication.

393F. Nothing in this Chapter shall be construed to be in derogation or restriction of the powers and functions of the Attorney-General under this Code or any other law.

187. We agree with the recommendations and the draft legislation except that in our view the Public Prosecutor's Department should be a separate department and not a branch of the Attorney General's Department; creation of a separate department will, not in any way affect the functions of the Attorney-General. if on the ground of expense the creation of a separate department is not considered with favour we strongly urge that at least the recommendation of the Criminal Courts Commission should be carried out.

**From the 1995 Report**

The Committee is in agreement with the recommendations of the Basnayake Commission that a Department of the Director of Public Prosecutions should exist to advise and assist the Police and other Government Departments in instituting criminal proceedings and take over the prosecutions, particularly in major criminal cases,

A Department of the Director of Public Prosecutions was established under the Administration of Justice Law no. 45 of 1973. It is regrettable that on the repeal of this Act by the Court of Criminal Procedure. Act No. 15 of 1979, the Department of the Director of Public prosecutions was not re-established.

Regulations as to Director's powers and duties

Police reports to be made to Director

# INDEPENDENT POLICE COMMISSION OR TOTAL POLICE REFORMS?

✍️ Kingsley Wickremasuriya

## Introduction

A democracy is heavily dependent on its police to maintain the degree of order that makes a free society possible. Police, therefore, perform the vital democratic function of keeping and maintaining the good order of the society. In fact, one may even argue that the strength of a democracy and the quality of life enjoyed by its citizens are determined to a large extent by the ability of the police to discharge their duties effectively without fear or favour.

Admittedly police are one of the main bulwarks of a democracy. This is in theory. But looking at what is in practice particularly in this country, one wonders as to how credible this theory is. The demonstrations that were held against the police not very far back in several places and the cry for an 'Independent Police Commission' by certain political groups in recent months are manifestations of this doubt. What has come to be questioned is the impartiality of the police. Does this mean that there is serious erosion of public confidence in the police? Anything that undermines public confidence in police, however, is a national danger and a threat to democracy. This article will address two of the main issues that could help restore public confidence in the police. They are namely, the establishment of an 'Independent Police Commission' and the position of the Inspector General of Police.

## The Problem

We have already referred to the police as one of the main bulwarks of a Democracy. As such, the importance of keeping the Executive from arbitrarily interfering in their duties goes without saying. But, arbitrary interference by the executive unfortunately has become rather the norm than the exception since we gained independence. Much has been written about the genealogy of this malady with regard to the Public Service. The general view of writers like Gunnar Myrdal and Niel Fernando was that constant political interference and attacks had contributed to the reduction of the effectiveness of public bureaucracy and weakening of its morale. The police have not been left untouched by this general malady. The 'Daily News' in an editorial written in 1982 said that the demoralising effect of political pressure under government after government eroded the authority of every division of the police. There was a time that at least one outstation Superintendent of Police declared in exasperation that the Inspector-General in Colombo may be his boss, but that he had to take orders from his Member of Parliament.

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Basnayake Police Commission as far back as 1970 went to great length in analysing the problems confronting the police and even produced a completely reoriented 'Police Act' to rectify the many shortcomings in the 'Police Ordinance' of 1865. The Commission said that a prerequisite to the efficient

maintenance of law and order by the police is non-interference with the performance of their duties. The members of the Service should have the freedom of discharging their duties without the fear of pressure from outside. They said that available evidence went to suggest that there was political interference in appointments and promotions. Such interference affects the independence of the members of the Service and the impartial discharge of their duties. They further said that such interference would also induce the members of the Police Service to invoke the aid on their behalf of the politicians whom they oblige and pointed to evidence that disclosed several known instances where members of the Police Department invoked the aid of politicians. This, they said undermines the morale of the Service.

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

### Remedies

Remedies were suggested as far back as 1970. In fact, it is the 'Basnayake Police Commission' (1970) that suggested for the first time, the establishment of a 'Police Service Commission' to control the police service, as one of the remedies. The Committee having considered the vulnerability of the Police to political pressures as one of major hindrances to their efficiency and effectiveness made two specific recommendations. One was the setting up of a special Commission to be known as the 'Police Service Commission', to deal with appointments, transfers, promotions, and the disciplinary control of the Police Service. The second was the steps to be taken to secure the tenure of office of the Inspector General of Police.

Commenting about the position held by the Inspector General of Police, the

Commission said that, "today the Inspector General of Police is in the same position as any other public servant in regard to his liability to be retired from the Public service. This is in spite of the fact that there is no other public servant that is called upon to bear so great a responsibility as the Inspector General is". The Commission further said, that an Inspector General who has reached the age of optional retirement or who has only a few years to reach that age is haunted by the fear that if he does not please those in power he may be retired either at once or the moment he reached the age of optional retirement. That such fears should haunt the Head of so important a Department in the performance of his very responsible duties, they said is not in the public interest. Therefore, they recommended that the Head of the Police should be suitably protected against irresponsible exercise of the power of removal.

Quoting the example of the immunity enjoyed by the Judges of the Supreme Court, the Auditor General, and the Commissioner of Elections, they provided in their draft Police Act that the Head of the Police cannot be removed except for proved misconduct, and then, only after a resolution by both Houses had been passed and tendered to the Governor General. Thus they felt that the appointment of a Police Service Commission coupled with the provision that the head of the Police should not be removable except for proved misconduct, and then only after an address of both Houses should go a long way in securing that objective. The Subasinghe Committee in 1979 made similar or even more far-reaching recommendations and proposed the elevation of the head of the Police Department to the status of the Secretary of a Ministry, with safeguards concerning the tenure of his office.

**Thus they felt that the appointment of a Police Service Commission coupled with the provision that the head of the Police should not be removable except for proved misconduct, and then only after an address of both Houses should go a long way in securing that objective.**

Even Jayasinghe Committee (1995) endorsed these views. Tracing the circumstances that led to the development of a sensitive relationship between the police and the Member of Parliament of the ruling Party, Committee pointed out the dilemma that every government had to face as a result. They said that in this situation it would greatly help the government itself if a Police Service Commission were established, as was first recommended by the Basnayake Commission in 1970. Almost all the officers who appeared before the Committee were vehemently in support of this proposal. On the one hand, they said, that establishing of such a commission would give relief to the Government in dealing with the several

complaints now made by Members of Parliament. On the other hand, it will go a long way to restore the morale and confidence in the Police Service itself.

It would thus be seen that several 'Police Commissions' appointed in the past have dwelt with these questions and made recommendations. While some recommendations received the attention of the government, those crucial to the effectiveness of the Police remained either neglected or ignored. It is, therefore, not surprising that political interference continued regardless. What are at stake are the democratic rights of the citizens. The danger is axiomatic.

### Looking Beyond

True enough that an IGP who is given a contract renewable every year will be haunted by the fear of threat of retirement. It is not unusual, therefore, for him to be inclined to secure his position by pleasing those in power. But the recent experience has shown that this argument is somewhat flawed in the present context of things considering the tendency some incumbents have shown to overreach themselves to secure their position even after reaching the age of retirement so that they could continue to remain in office. The temptation not only to prolong his stay in office as long as possible, but also to try and secure high office even thereafter, has been reinforced by the recent practice of the governments offering prestigious postings abroad to the retiring Inspectors General. This encourages 'you scratch my back and I scratch your back' kind of attitude. Remedy may, therefore, lie in the appointment of the IGP for a fixed period of contract, say for 3-4 years with a 'Retirement Package' that will enable him to live comfortably well, without the lure of ambassadorial postings or other high office and do his duty by the people.

These, however, are safeguards against an IGP in office. What are the safeguards against the chances of an unscrupulous aspirant getting into office through political lobbying? This has often remained an open question probably until the next IGP stakes. So, safeguards have to be built not only against undue political pressure on the incumbent IGP, but also against aspirants from getting to the top post by the backdoor through political lobbying. These are realities that cannot be ignored considering

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the precedents set in the past. This is the stage at which the safeguards are necessary most, more than at any other time. All other safeguards that have been proposed would be set at naught, for having secured the post after lobbying, it will be natural for the incumbent to feel obliged to his political Godfathers, howsoever secure he is in his office. So when we are discussing ways and means of building public confidence in the police, what should be uppermost in our minds is not only an 'Independent Police Commission', but also an independent Head of the Police who can by the circumstances of his appointment alone can infuse confidence in the public. Selection procedures that are transparent enough to infuse public confidence in the appointment of the Inspector General have to be put in place in the future towards this end, without delay. Therefore, the need of the hour is not to rush with deadlines for reasons of expediency but to study the problem in depth and bring meaningful reforms that will restore public confidence in the police, in due process, and democracy.

If the concern for an 'Independent Police Commission' is to give the public a fair deal, then let us put the cards on the table and let them know what this 'Independent Police Commission' is all about. Appoint a Police Commission (like those we had in the past eg. Soertz Commission and Basnayake Commission) to go into all aspects of policing since no Police Commission has sat publicly for nearly three decades. Basnayake Police Commission was the last Police Commission that had public sittings. Before that it was the Soertz Police Commission. There are many issues concerning the police to be publicly debated. Let the stakeholders make their views known and let them decide what is good for them. If we could have put up with the police without an 'Independent Police Commission' for thirty long years only to be woken up to the recommendation of the Basnayake Police Commission now, why not wait for a little longer until the stakeholders re-examine all the issues concerning the police thoroughly and decide what kind of police they want without rushing to do ad hoc patchwork? The need of the hour is total police reforms and not just an Independent Police Commission. ■

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# TESTING TIME FOR TRADE UNIONS?

✍ T.M.R. Rasseedin

The trade union movement in Sri Lanka is entering a crucial phase at the present time with Chandrika Bandaranaike Kumaratunga Government opting for a more aggressive neoliberal role. With mounting pressure from international lending institutions and its own financial compulsions the Government is on the road to further curtail the public sector, cut social costs and reduce expenditure on public utilities.

With the private sector designated as the "engine of growth" power brokers in touch with investor lobbies are demanding that the Government be firm with workers and trade unions and reform the labour market in favour of private capitalists. In fact this demand was incessant from the very day the People's Alliance assumed office in 1994 when there was an upsurge in trade union activity. President Chandrika adroitly handled the situation with the help of unions sympathetic to her Government. Despite her reneging on the public pledge to abolish the Executive Presidency, make law the Workers' Character prepared by the National Labour Advisory Council and submitted to Parliament, her rough-handling of strikes in the Ceylon Electricity Board, the Postal Department and the Ports, etc. the divestiture of national assets and the decline in real wages there was no significant mass protest by workers or their trade unions. Whatever opposition there was to these measures was muted protests contained in feeble public pronouncements tucked away in innocuous corners in some newspapers. In an attempt to appease worker sentiments the Government allowed passage into law a longstanding amendment to the Industrial Disputes Act which

permitted compulsory recognition of trade unions but at the same time ensured through administrative bottle-necks that the amendment was not brought into force in its true spirit. To her credit Chandrika Bandaranaike Kumaratunga succeeded in keeping the trade unions divided.

Now that the donor agencies, investor lobbies and employers are exerting greater pressure on the Government to free the labour market of what they term as 'restrictive labour laws' but which provide some modicum of protection to the employed in Sri Lanka, the situation in the labour front is bound to change.

Some of the more important labour protection legislation came into the Statute Book owing to the blood, sweat and tears shed by workers in bitter struggles with employers and Governments over the years. These are now coming under threat. The IMF which granted a Stand-by Loan of US\$ 253 million to the Sri Lankan Government recently has attached stringent conditionalities including reform of the labour market, freezing of wages and acceleration of privatisation of remaining national assets. The employers have listed the following as their demands for generating growth and employment:

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1. Repeal or amendment of the Termination of Employment (Special Provisions) Act of 1971, which restricts employer's right to dismiss his employees.
2. Secret ballot for strike action.
3. Extension of daily working hours.
4. Reduction of holidays and leave



that workers presently enjoy.

5. Repeal or amendment of Wages Boards Ordinance that stipulates minimum wages, Industrial Disputes Act that lays down procedure to be followed in industrial disputes; the Factories Ordinance and the Trade Union Ordinance.

All indications are that the Chandrika Bandaranaike Kumaratunga Government now in its second term with a faltering economy made worse by a meaningless war is bound to give in to these demands for its survival. A process has already been set going to whittle down the effectiveness of some of the most important labour laws which have been identified as disincentive to prospective investors. The trade unions are beginning to slowly realize the dangers inherent in the present situation. But the trade union movement taken as a whole (with the possible exception of unions in the plantation sector where they are better organised and united) stand too divided, disoriented, dis-spirited and lack coherence of purpose. On the one side is to be seen unions that belong to the ruling P.A. parties. These unions are unwilling to "rock the boat", that is, go against the present Government as they perceive such a course to be one that would provide the much needed opening to the major Opposition Party, the United National Party (UNP). The UNP rule is not to be easily forgotten.

**One of the most glaring injustices and crimes that characterized the 17 years in which the UNP ruled (1977-1994) has been the persistence, assiduousness, determination and ruthlessness with which it set out to destroy the trade union movement and the success with which it achieved this task.**

**The defeat of the 1980 Strike broke the backbone of the militant trade union movement of the country. The UNP regime believed that an export-led development strategy within the framework of an 'Open Economy' necessitates the resort to repressive anti-trade union methods and measures.** The workers were to be policed through extra-legal means such as preventing workers becoming organised, prohibiting picketing,

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banning distribution of leaflets, even tearing down union posters and physical violence on those who dare to openly display their protest. This dark period is indelibly inscribed in the memory of workers and trade unions which suffered the most under the UNP regime

On the other side, unions outside the influence of P.A. are working at cross-purposes. Their leaderships are preoccupied with petty, parochial, egoistic and sectarian interests. However, the growing burdens of living with escalating prices of commodities and services essential for everyday life and the steep decline in real wages brought about by sharp devaluation of the Rupee and shrinking services of public utilities are turning more and more people away from the Government. A widening gap between the people and the Government is now developing at a faster pace than anticipated. This has impacted upon the trade unions too not excluding even that segment of the trade union movement that was up to now basically sympathetic to the Government. The trade union movement as a whole cannot acquiesce in bartering away their hard won rights for the sake of living with the 'lesser-evil'. The Government's attempts to appease capitalist interests and the readiness with which it seeks to give into the pressures of imperialism by implementing the policy matrix of the World Bank and the IMF in the field of labour have to be resisted by the entire trade union movement. The division, the disorientation, and the dis-spiritedness that presently pervade the trade union movement have to be cast aside along with the obsessive preoccupation of its leaders with petty, parochial, egoistic and sectarian interests. The Government's attempt to ram through the so-called labour reform in favour of employers both present and future have to be defeated. If this situation fails to galvanise our trade unions into united action their very existence on behalf of workers would be brought into question. Our trade unions have truly arrived at the cross-roads. ■

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# WHY POVERTY PERSISTS

## AN ANATOMY OF POVERTY

✍ Dr. Nimal Sanderatne

**“For ye have the poor always with you”**

St. Matthew Chapter 26 verse 11

**“For everyone that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath.”**

St. Matthew Chapter 25, verse 29

### Introduction

About one billion persons in the world are estimated to be in abject poverty. Another one billion are estimated to be very poor. South Asia and Sub-Saharan Africa have the acutest levels of poverty. The persistence of poverty in the third world, in particular, poses many important questions. Within South Asia, Sri Lanka's levels of poverty may seem more tolerable. Yet, by any objective standards, the level of poverty is unacceptable. More so as the country's rate of economic growth of about 5 per cent a year on average over the last 20 years makes the issue of why poverty persists a very pertinent issue for concerned citizens. This paper seeks to address some of the issues, which may elicit further discussion on the causes of persistent poverty in Sri Lanka. The main thrust of this paper is an enquiry into the causes of poverty, not its definition, measurement or incidence of poverty. Yet, a superficial discussion of these is needed as a background to the analysis of the problem of poverty. The next section deals with the definition and dimensions of poverty. A conceptual framework for an analysis of poverty follows it. A profile of poverty in Sri Lanka sketches the main features of the country's poverty. This is followed by an attempt to apply the conceptual framework to understand why poverty persists in Sri Lanka. The penultimate section discusses the implications of the analysis for policy. The paper ends with a few concluding reflections.

### Definitions and Dimensions of Poverty

Poverty has many dimensions and definitions. The most commonly used and probably the easiest to measure and understand is income poverty. Those not obtaining an adequate income for their needs are defined as the poor. However poverty has many other dimensions not necessarily covered by income poverty. The most articulate exponent of this is Amartya Sen. Let him speak: ...poverty must be seen as the deprivation of basic capabilities rather than merely as lowness of incomes, which is the standard criterion

of identification of poverty. The perspective of capability poverty does not involve any denial of the sensible view that low income is clearly one of the major causes of poverty, since lack of income can be a principal reason for a person's capability deprivation. (Amartya Sen, *Development As Freedom*) Such a holistic concept of poverty includes the deprivation of education, access to basic amenities of living such as pure water supplies, health facilities, and human freedoms, inter alia. Such deprivations could be measured by levels of literacy, life expectancy, maternal and infant mortality rates, access to water, health facilities, schooling, electricity etc. Such deprivations are not confined to economic goods and services. Social exclusion is also a relevant component of poverty. This broader view of poverty is extremely pertinent not only because it encompasses very relevant constituent elements of poverty but also are themselves causes of income poverty and reasons for the persistence and sustainability of poverty. Income poverty itself has at least two dimensions. Absolute and relative poverty. Absolute poverty is defined as a minimum amount of income which a person or household should have to meet basic needs consisting mainly of food. This is sometimes calculated, as the income required obtaining a minimum amount of calories, say 2500 calories per day.

A similar definition is the amount of income required to obtain a basket of food for a minimum nutrition level and for a few other essentials like transport and clothes. Those who spend 80 per cent of their income to obtain only food have also been used by some to define income poverty. The World Bank has used the criterion of One US \$ per day as a cut off point for poverty. Any of these definitions are adequate for the purpose of this paper, as the objective of this exercise is not to measure poverty, but to explore why poverty persists. The other concept of poverty relates to the distribution of incomes. It's a concept of relative poverty and deals with the issue of equity. A more egalitarian distribution of income is considered a socially desirable goal. Therefore extremes of poverty are frowned upon. The measures of relative poverty, includes the proportions of income which different

deciles of the population obtained. This distribution is often summarised by the statistic known as the Gini coefficient, which gives a measure of the extent to which the income distribution deviates from an equal distribution. We will refer to this too in the Sri Lankan poverty profile more in order to gain a broad understanding of the equity issue than to delve deeply into it..

A closely related issue is that of perceptions of poverty. Poverty is perceived differently by different societies and differently by the same society at different times. What is deemed as poverty in the United States may well be relative abundance in Sri Lanka or India. A poor household of today may have more material things than of his forefathers, but be considered poor because other sections of the population have much more. Martin Wickramasinghe in his novel *Ape Gama* observes: "Despite the relative abundance of money, poverty increases because the needs of the peasant have also multiplied". This perceptive observation is more relevant today than when Wickramasinghe wrote in the early twentieth century. What needs to be stressed is that perceptions of poverty do matter for all societies. Shared poverty has different implications to that of poverty amidst conspicuous consumption. They have implications for social tensions, unrest and revolutions.

### A Conceptual Framework for Poverty Analysis

The fundamental causes for income poverty are the lack of adequate income generating resources. These resources could consist of ownership or access to land, finance or other capital assets, skilled or semi skilled labour, entrepreneurial or management skills etc. Amartya Sen has used the phrase "inadequate entitlements" to discuss the issue of poverty. The significant insight this provides is that the productivity of the resources and the price it can command in the market are also brought into the equation. For instance an unskilled worker in America may be able to command a wage of US\$ 40 for 8 hours of labour, while a labourer in a plantation in Sri Lanka could obtain less than US\$ 2 per day. This disparity is due to many reasons, but primarily owing to the demand for labour and its revenue productivity being low. Overall economic conditions, the types of goods and services produced, the modes of production, economic structure and performance and the terms of trade of a country, among other factors determine the productivity of labour. In a given economic context an individual must have the resources which could command an adequate income

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for basic living to avert poverty. It must however be recognised that the macro economic conditions as well as the industry or local conditions bearing on the demand for the resources are important determinants of the actual incomes derived. In a country like Sri Lanka the only resource which a large proportion of people have is their labour. Therefore the wage they could command is an important determinant of their income. Since labour is abundant, unskilled or semi skilled labour often commands a low wage. Therefore skill development becomes an important factor in escaping poverty.

To illustrate this point, which has already been partially illustrated with the example of labour wages in the US and Sri Lanka, we may take the situation which sometimes

prevails in developed countries with respect to even highly skilled labour. In recent years the US had a surplus of pilots. These pilots could not find employment in the US or some of them even in other countries. A once highly remunerative skilled labour became unemployable. Similarly there was a surfeit of engineers in Europe in the mid 1970s. and unemployment was high among engineers. This did not mean that these pilots and engineers became very poor and destitute. There were three safety nets for them. One, they had related skills that could be employed. They could drive taxis, or manage an air line company or take to some other form of employment, which may not have been as remunerative, but would yield an adequate income. Second, many of them were paid compensation that could be invested to provide an income. Third, they could re-train themselves into another job for which their earlier training helped, In short the economy provided other opportunities for deriving an income and in some instances these opportunities were in other countries.

Three important factors determining poverty emerge from this approach:

- First, the productive resources which an individual possesses is an important determinant of income levels and therefore of poverty.
- Second the productivity of those resources matter. The productivity of the resources is not solely determined by the physical productive capacity of the resource, but also the demand for the resource and its revenue productivity.
- Third, the economic conditions, structure and performance of the economy plays an important role in not only determining the productivity of the resource, but also in

determining the alternate income generating opportunities but also the ability to face structural or frictional problems of the economy.

All societies have a section of the population unable to procure an income owing to physical, mental or age related disabilities. This issue is outside the above framework in a strict sense, though there are clear implications for our discussion. One implication is that the policies adopted for reducing poverty of the able bodied will not apply to them. Clearly they must be provided transfer incomes to enable them to obtain their basic needs. The capacity to provide such a safety net depends on the productivity of the economy, the extent of such needs and the political philosophy that governs the country. An economy with low per capita incomes and a high proportion of households in poverty would lack a capacity to provide effective safety nets for the large numbers in poverty.

### Profile of Poverty in Sri Lanka

Although statistical estimates of poverty vary, the overall profile of poverty in the country is fairly clear. The features of poverty in Sri Lanka are:

- About one fourth of the population live below the poverty line. Even though there is some evidence to show that the level of poverty may have declined somewhat in recent years, the statistic of one quarter of the population remaining poor has been a feature for the last two decades.
- Most of the poor live in rural areas. This has two dimensions:
  - \* First, the simple statistical fact that since about 70 per cent of the population live in rural areas, the bulk of the poor is in rural areas.
  - \* The more important statistic for our purpose is the fact that the incidence of poverty is highest in rural Sri Lanka.
- About 27 per cent of the rural population are estimated to be poor compared to only 14 per cent of the urban population being poor. The poverty on the estates is estimated at slightly lower than in rural areas.
- There are significant variations in poverty with the highest incidences of poverty being in Uva, Central, North Western, Sabaragamuwa and North Central Provinces. The North East is no doubt suffering the worst deprivations.
- There is a close correlation between income poverty and human deprivations. It will be argued that this correlation is not uni-directional but a two-way relationship. With income poverty being both a cause and effect of human deprivations and vice versa.
- Conversely, income poverty as well as human deprivations are least in the Western Province, which is the

most industrialised and has the best economic and social infrastructure.

### An Anatomy of Sri Lanka's Poverty

The analysis of poverty uses the conceptual framework to look at fundamental factors affecting poverty, rather than the conventional approaches of ascribing reasons for poverty related to current economic policies or performance. Some of the most obvious reasons for poverty and deprivation, such as the war in the North and East is not discussed, This is not because it is unimportant, but because its impact on economic growth and poverty reduction is well known and documented in several recent studies and reports. It is hoped that this approach would get to the nitty gritty of the problem rather than the manifestations of poverty.

Poverty resides mostly in rural areas. Then we must look to the fundamental reasons for the poverty there. The underlying factor for poverty in rural Sri Lanka is the continuing, in fact growing, imbalance in rural productive resources. And the most important resource for agricultural incomes is land. The massive increases in population in the last fifty years have been a very significant factor in eroding the income generation of the vast majority in the country. Some statistics would dispel any doubts on this. Overall the population density in the country has nearly tripled from 103 persons per square kilometre in 1946 to over 300 this year. More significant for our analysis is the fact that **agricultural land availability per capita has declined from around 0.3 hectares in 1946 to a mere 0.01 hectares today. This statistic would not have mattered if there was a significant diversification in the economy and people had shifted from rural to urban employment.** Although a celebrated statistic is that agriculture (excluding forestry and fishing) contributes only 18 per cent of GDP today compared to about 40 per cent in the 1950s. Still 75 per cent of the population is estimated to live in rural areas and 40 per cent of the work force is in agriculture. **In other words 40 per cent of the population produces only 18 per cent of output. The low productivity per capita accounts for the persistence of rural poverty.** Fundamental to the problem of low incomes and poverty are these man; land ratios. There are two other factors, which intensifies the problem. Even these ratios do not indicate adequately the intensity of the land scarcity. Sri Lanka has not had a land reform, which effectively redistributed land. The land settlement schemes helped a better distribution by giving plots of land to settlers in the dry zone, village expansion schemes gave a marginal extent of land to villagers mostly used for housing, and just 17,000 acres of paddy land were expropriated and distributed by the land reform of 1972. **The bottom line is that there is inadequate land resources for adequate income generation. The problem of inadequate land is compounded by a skewed distribution of land. Those who have inadequate land**

are in most cases the poorest. The escape route in this context is through technological developments, which increase productivity. These did occur till the 1970s, but progress beyond that has been sluggish. Consequently productivity gains have been choked by population increases. **It must not be inferred that Sri Lanka's paddy productivity is particularly low. In fact paddy yields are comparatively high compared to the region but inadequate to provide adequate incomes on small plots. Several regions of the country have low yields on very small plots.** These offer no prospect of adequate incomes for farm households. Rural areas continue to be too densely populated to ensure adequate incomes on the cultivated plots for a significant proportion of the population. However **land scarcity is not the only problem. The scarcity in land implies a need for a far more productive agriculture, including a more intensified pattern of land use.** This has not happened for various reasons. **Inadequate support for agriculture in recent years, in terms of extension facilities, credit, withdrawals of input subsidies, and an ineffective marketing system** are among these factors. Consequently even those who cultivate a hectare of paddy cannot earn an adequate income to cover their basic living costs. There is however one important trend which has at least alleviated the situation. **There has been a fair degree of rural economic diversification. This has resulted in a significant amount of off-farm activities.** In many rural areas off farm activities provide a higher income to households than paddy farming and sustains paddy farming. (See for instance K.T.Silva et al, *Is There A Future in Farming?* GTZ, 1999) The other escape route has already been referred to-shift of population for industrial employment. This too has not been commensurate with the population increases that have been witnessed. Therefore despite the increase in industrial and services activities, these have been inadequate to make a significant dent on the problems in rural areas. **The nature and extent of industrialisation have ensured that industrialisation's contribution to reduction in poverty is rather limited.** The low domestic value addition in industry and most industry being based on semi skilled low wage employment are the reasons for this limited impact.

**Implications for Policy**

The most plentiful resource in the country is its human resources. Yet labour productivity is low. Incomes are highly co-related with education and skills. Yet this correlation is only valid if two conditions are met. First, it must be the skills that are required by the economy at that particular stage of development. Sri Lankan universities producing

**In the past the emphasis in education has been the provision of free education without much concern about its quality or employability. There has also been a neglect of education in practical skills needed by society.**

nuclear scientists would find their graduates to be unemployable in the country. At the other end, producing persons with an elementary education would not enable them to find employment by virtue of such education. It is for this reason that a recent study has shown that the returns to primary education are low. In fact a large number with only primary and secondary education could lead to their large scale unemployment This is especially so if their expectations are for white collar jobs. Paradoxically, if they were uneducated they may have earned more as there is now some evidence that the economy has opportunities for unskilled labour, whose wages have risen. **The important implication is that the country's education must be fashioned to produce the needed skills, not any form of education. The second important issue is that if the economy does not expand rapidly, then the absorptive capacity of skilled personnel would lag behind the numbers trained.** Currently the country needs more medical doctors on the basis of the criterion of an adequate doctor to patient ratio. Yet some medical graduates may not be employed in the public medical service owing to financial constraints. Similarly, an economy may need engineers, accountants, computer technologists and may invest in producing such skills, but if the growth of the economy may be inadequate to absorb them. The point to be stressed here is that one cannot look at income generating opportunities independent of the demand factors dependent on the course and rate of growth of an economy. The implication for policy is that there must be realistic evaluation of the employability of skills related to economic growth performance, otherwise, the skilled unemployed could form part of the poor. Subject to these two qualifications, there is little doubt that education provides the best lever to reduce poverty. The challenge is therefore to impart the relevant skills. In the past the emphasis in education has been the provision of free education without much concern about its quality or employability. There has also been a neglect of education in practical skills needed by society. The emphasis continues to be on literacy and an arts education with hardly any job related skills. **The other very significant reason for poverty is the poor quality education in rural areas.** Consequently education which could provide an important means of extrication from poverty, does not perform that function as much as may be expected. **Nevertheless, it has been education that has enabled economic and social mobility.** And improved incomes to new strata of society. In the future too education could provide the most effective means of poverty reduction and upward social mobility. **Two factors that appear to have had an impact on reducing poverty in rural areas are the transfer incomes from workers abroad and the salaries of army personnel that are mostly remitted to villages.**

Another important implication for policy is that **there could be no significant dent in poverty alleviation without a vigorous thrust in agriculture.** The mistaken view that agriculture is less important now that industry contributes a higher proportion of GDP can lead the country to serious economic strains and social tensions. There is a need to channel resources to this sector in far greater measure than has been the case in recent years. Such a thrust should be strongly supportive of a **technologically advanced agriculture. This is an area where the State must continue to play a lead role. Leaving market forces to determine the fate of agriculture is not likely to yield the expected results.** Sri Lanka's period of dynamic agricultural development in the 1950s and 1960s was due to the emphasis placed on agricultural development and the supportive role played by the government. The need for government interventions in agriculture has a strong rational basis, which has been argued extensively in the literature and exemplified by the experiences of such market economies as the United States and Canada. The off farm economic activities supporting incomes in the rural sector is a healthy development that must be supported. Three of the most needed supports are improvements in economic infrastructure including public transport, educational and skill development programmes that would assist development of such enterprises and improved credit facilities and marketing channels. The mal-distribution of land has been pointed out as an important factor in poverty. To suggest a comprehensive land reform at this stage may be somewhat unrealistic. There is however an urgent need to look at the land situation in various provinces and adopt policies which result in a **better distribution and utilization of land.** Such policies must also look at the issue of changes in ownership and rights of sale of colonized lands, which has been widely advocated as an urgent need to enhance the productivity of these lands. If poverty is to be effectively reduced, there is no better lever than to provide a free, quality, relevant and skill oriented education especially in the rural areas. **Sri Lanka's public education system must be refashioned and a new bias for rural schools must be a part of the educational process. With limited resources, the only way of redressing the imbalance is to discriminate against the affluent by channelling more resources to rural and estate areas, by paying higher wages and providing incentives to teachers to teach in rural and remote areas. What must not be done is to reduce standards for rural children to enter university etc.** Such a policy denies the best talents in the country from being developed on the one hand, and on the other hand, perpetuates the low quality education for the poor. **Since poverty has been defined in terms of access to reasonable living conditions such as health, education, electricity and other amenities, there must be a conscious policy to extend these to remote areas.** Such improvements will not only improve living conditions and capabilities of people, but also assist in increasing their income generating abilities. Therefore the improvement of

infrastructure is an essential and vital component of poverty reduction.

I would like to summarise these policy implications by suggesting seven levers to reduce poverty.

- Redistribute assets in favour of the poor (e.g. Land reforms)
- Improve social and economic infrastructure in remote rural areas
- Develop human capital by enhancing the quality of education available to the poor
- Implement a big thrust for agricultural development with a special emphasis on improving agricultural technology, improving the link between research and extension, and improving marketing channels for agricultural produce.
- Develop agriculture-based industry and agricultural processing facilities.
- Design and implement effective safety nets for the unemployable, aged, handicapped and incapacitated and fund these with funds currently wasted in politicised, inadequate and very poorly targeted programmes.
- Adopt policies which would enhance overall economic growth and improve the climate for investment particularly in industry. An economy that does not grow at a rapid pace would be unable to alleviate poverty effectively.

### Concluding Reflections

**The reasons for the persistence of poverty are fundamental and structural. Palliatives cannot remove these.** Certainly overall economic policies and economic growth have important contributions to make to poverty reduction. **Yet the nature and extent of poverty are such that only reforms that fundamentally change the access to resources, improve the quality of those resources and enhance income-earning capacities that can eradicate poverty.** The plain truth is that all persons are neither born equals nor have access to equal opportunities. It is only a more equitable distribution of resources and a more equal access to opportunities that can reduce poverty significantly. **There is a need to design policies that are pro poor** if a serious dent is to be made in diminishing poverty. Unless there is such a thrust which redistributes resources, the poor shall be with us always and to them that have more shall be given and from them that have not, that which they have shall be taken away! ■

*This is the text of a presentation made by Dr. Nimal Sanderatne at the Open Forum on Poverty organised by the Poverty Impact Monitoring Unit (PIMU) on 8th September 2000 at the Boardroom of the Faculty of Arts, University of Colombo.*

**About the writer:** *Dr Sanderatne is Visiting Senior Fellow at the Postgraduate Institute of Agriculture (PGIA) University of Peradeniya and Chairman of the Centre for Poverty Analysis (CEPA)*

# REVENGE OF CANNIBAL-COWS

## Mad cow disease from globalism, greed and complacency

MAD cow disease is the nightmare that is haunting poorly regulated, corporate dominated transnational agriculture. Many have called the disease the revenge of the cannibal-cows, thirsting after blood and money, both of which have been and will be lost in epidemic proportions.

It is a new world order disease, one perpetuated by corporate greed and political complacency.

### Apocalypse cow

Since mad cow disease, or bovine spongiform encephalopathy (BSE) was diagnosed 1986 in Britain, only three details about the disease have been established.

One, that it is spread through the use of meat and bone meal, two, that it can be passed on to humans, and three, that the disease agent - the prion - is indestructible.

A disgusting aspect of agri-business that has surfaced since the outbreak of BSE is that for decades, cattle, poultry, pigs, pets and zoo animals have been fed **meat and bone meal (MBM)** - a nice word for animal feed made from slaughterhouse and restaurant scraps, dead farm animals, animals killed on roads, cats and dogs euthanized in some animal shelters, and as such.

This practice of rendering, waste meat and other animal body parts was first began in the United States around the turn of the century, and was adopted by Britain during World War

11 when it became impossible to import vegetable protein and all the available farm land was needed to feed the human population.

For years now grass-feeding cows have been turned into carnivores. As grazing ground became used up for food crops, the need for more and more feed meal for the animals increased the need for MBM.

This practice proved to be the undoing of the cattle farmers.

In the initial stages of the BSE epidemic, a link was suggested between BSE and Scrapie, a similarly brain-wasting disease that had infected sheep for over 400 hundred years. In all that time the disease had never jumped species - sheep was its end-host - until sheep remains became part of MBM and fed to cows.

Some scientist, have refuted that BSE is caused by scrapie and postulate that BSE can occur spontaneously in a cow. However, similarly, this BSE-infected cow would inevitably become MBM and fed to other cows, thus spreading the infection.

Scientists are also claiming that it takes only 1 gram of BSE infected material to infect a cow with the disease. The international manager of Britain's Meat and Live-stock Commission said that there is compelling evidence that even tiny residues of MBM in the ma-

**Since mad cow disease, or bovine spongiform encephalopathy (BSE) was diagnosed 1986 in Britain, only three details about the disease have been established. One, that it is spread through the use of meat and bone meal, two, that it can be passed on to humans, and three, that the disease agent - the prion - is indestructible.**

chinery at feed mills or on the bottom of trucks can cause a problem.

What happened in Britain (and probably in the EU countries too) was that cattle infected with BSE were probably made MBM and fed to other cattle, thus creating a domino effect of BSE infection across the country.

**Demented Cow**

The agent of the BSE disease attacks the cow's brain and spinal cord, causing dementia and loss of coordination. But BSE infected cows, do not show these symptoms immediately after they are infected.

BSE has an incubation period of 4 to 5 years, but when stricken with the disease, the cow often dies quickly. Evidence has shown that BSE infected cows do not have to be stricken with the disease to pass the agents on. Thus, a BSE infected cow may not display BSE symptoms when it is slaughtered but its offal and meat can be BSE infected.

How would the meat be infected if the agents are only said to attack the central nervous system - the brain and the spinal cord? Researchers and health officers say that when a carcass is split down, there will be bits of central nervous system that get scattered over the rest of the meat.

Vets have also proven that when captive bolt stunners are used to knock a cow out before it is slaughtered, potentially infectious brain tissues are literally blown throughout the cow's body.

So even if offal - brain, spinal cord, intestines and spleen - is removed, there is the possibility that the meat still has infected material clinging to it.

**BSE jumps to humans**

BSE is not like scrapie in one big way - it can be passed to humans. Scientific research has established that BSE is a zoonosis (a disease that can be passed from animals to humans). This means that if you eat BSE-infected meat, you can become infected with the disease.

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**More specifically, humans who eat BSE infected meat become infected with a disease called vCJD - variant Creutzfeld-Jacobs (pronounced Krotzfeld Yakobs), a disease that causes the human brain to become a spongy mass full of holes.**

More specifically, humans who eat BSE infected meat become infected with a disease called vCJD - variant Creutzfeld-Jacobs (pronounced Krotzfeld Yakobs), a disease that causes the human brain to become a spongy mass full of holes.

CJD (Creutzfeld -Jakobs Disease) is a recognised disease. One form of this disease occurs throughout the world at the rate of about one per million people. Another form of CJD is hereditary.

In contrast to CJD, vCJD affects younger patients (average age 29 years, as opposed to 65 years), has a relatively longer duration of illness (median of 14 months, as opposed to 4.5 months) and is strongly linked to exposure to meat infected with BSE..

Since it first surfaced in 1995, vCJD has claimed over 94 lives in Britain, 3 in France and one in Ireland, and the number is steadily climbing

**Super prions**

Another not less horrific aspect of BSE and its human variant, vCJD, is that both diseases are "prion" diseases -prions are defective proteins which cause fatal brain damage.

Prion diseases are frightening because scientists are saying that it is extremely difficult to destroy a prion. For reasons scientists don't understand yet, the human body cannot break down prions the way it can break down normal proteins.

A scientist has even found that the methods commonly used to destroy other infectious agents can make prions even stronger. In fact, prions survive the rendering process that turns parts of the cow's carcass into MBM. On top of that, prions can resist alcohol, ultraviolet light and ionizing radiation.

Surgical instruments that come in contact with prions can remain contaminated after normal sterilization procedures. More worryingly, prions can also survive years of being buried in the soil, which is worrisome because cattle remains are also ending up in landfills.



Most recently an investigation group released an official report that stated that the deaths of five people from vCJD in the village of Queniborough, released on 21 March 2001, were probably caused by the way butchers in the area prepared meat in the 1980s.

According to the report, the butchers had used traditional methods when butchering the whole cows, including the animals' heads. The investigators said that when the skulls were split to remove the brains, tainted brain material would sometimes ooze out and could have contaminated knives and other meat on the butcher's block.

Entering first through the stomach, prions travel through the body's network of nerve cells to the brain. Slowly at first, and then within increasing speed, they turn the victim's brain into a spongy mass of useless tissue that looks like Swiss cheese.

Prions can pass the defect to normal proteins and turn them into prions, so once prions, make their way into nerve tissue and begin spreading, there's no stopping them.

Analyses of the BSE prions also show that it changes very little from one species to another, leading some scientists to formulate that "BSE may be a kind of super

strain" of brain wasting diseases.

Prions don't behave like viruses or bacteria which tend to replicate very quickly and make their presence known. In fact, scientists are now saying that they are not sure how long the incubation period for vCJD could be – it could vary from 10 to 20 years.

This long incubation period is alarming in itself, as a person could carry the disease over a long period of time before it actually surfaces. One vCJD victim became a vegetarian in 1991 and died from the disease in 1997 - he had contracted the disease before 1991 and the prions had been replicating in his body over the ensuing years. Another victim was also a vegetarian when he died at the age of 20.

Thus, although the number of BSE cases in Britain has fallen steadily, the long incubation period means that the number of patients is now rising - by about 40% since the last 6 years.

Scientists are predicting the number of infected people to rise to the thousands over the following decade.

Courtesy: *Utusan Konsumer* (Consumers' Association of Penang) Malaysia

# Cow eat cow, Sheep, dog, cat, pig & more....

*Renderers in the US pick up 100 million pounds of waste material every day - a brew of feet, heads, stomachs, intestines, hooves, spinal cords, tails, grease, feathers and bones - consisting of slaughterhouse scraps, dead farm animals, animals killed on roads, cats and dogs euthanized in animal shelters, and as such. All of which to be recycled as foods, products and feed.*

RENDERING is a billion-dollar industry that dates back to the early Egyptians and operates in the shadows of

polite society, persisting because it provides an essential service: disposing of millions of pounds of dead animals every day.

Renderers in the United States pick up 100 million pounds of waste material every day - a brew of feet, heads, stomachs, intestines, hooves, spinal cords, tails, grease, feathers and bones - consisting of slaughterhouse and restaurant scraps, dead farm animals, animals killed on roads, cats and dogs euthanized in some animal shelters, and as such.

Half of every butchered cow and a third of every pig is not consumed by humans. In addition an estimated six million to seven million dogs and cats are killed in animal shelters each year. All these meat go to rendering.

At least 250 rendering plants operates in the United States. While there are still a few small operations on the outskirts of some cities, modern rendering plants are large and centralized, and the industry's revenues amount to US\$2.4 billion a year.

After the trucks deliver the wastes to the plants, the material is minced and fed into a vessel where it is steam-cooked to 250 degrees or more, and then the stew is

cooked for 20 to 90 minutes. In the resulting mash, heavier material drops to the bottom and the lighter stuff floats to the top.

Fat is siphoned off the top, filtered and sent through centrifuges to further refine it. Chemical manufacturers turn much of it into fatty acids for lubricants, lipstick, cement, polish, inks and waxes.

Other fractions, including gelatinous layers, tallow and grease, go into thousands of products, including soaps, candles, pharmaceuticals, homeopathic medicines and gummy candies.

The heavier protein material on the bottom goes through a separate process. It is dried, squeezed to remove more fat and dried again. The resulting powder - known as Meat and Bone Meal (MBM) - is the major ingredient in pet and animal feed.

Renderers call themselves the original recyclers. Burning the carcasses would cause a terrible air pollution problem and if put into landfills there would be a colossal public health problem, not to mention the stench - so rendering is the obvious choice.

Rendering practices in the US and the UK may differ, but the essentials are the same.

Australia (Malaysia imports a whole lot of cows from Australia) also uses MBM. Although Australia in 1996 banned the feeding of sheep remains to cattle, a practice linked to BSE, some States in this Country still feed their cattle rendered or powdered kangaroos, pigs, horses, poultry and fish. This practice is under review now.

Courtesy: **Utusan Konsumer** ( Consumers' Assaioaion of Penang) Malaysia



**“The New Straits Times** recently quoted a scientist who had worked at Britain’s Farm Ministry at the height of the BSE crisis in Britain as saying that the countries that stick out because they were importing animal feed at the height of the epidemic in the 1990s are Indonesia, India, Thailand, Taiwan and **Sri Lanka**.

**Profits above all**

“Although the British government banned MBM use in Britain in 1988, it saw no economical use to ban the import of MBM and beef products to other countries. British export and other records show that the potentially infected meal was shipped in varying amounts to dozens of countries, including the U. S., Thailand, Taiwan, **Sri Lanka**, and parts of Eastern Europe and Africa.

The Director- General of the Food and Agriculture Organisation (FAO) of the United Nations said that between 1986 to 1996, Europe (including Britain) exported MBM to more than 100 countries. Some countries also re-exported MBM to third countries.

Britain stopped these exports in 1996, but the other European Union countries carried on the exports and only stopped in December 2000. Indonesia, for example, imported MBM from Britain and Italy until 1997.”

Courtesy: **Utusan Konsumer** ( Consumers' Assaioaion of Penang) Malaysia

# Pay heed to the ecological crisis

*Whilst a global economic slowdown may be brewing, this should not divert attention from an even more serious problem - the crisis of the global environment. A recently published report highlights new evidence of ecological stress and its effects.*

✍ **Martin Khor**

**M**any people have been engrossed with the possibility of global economic slow-down. The downturn on the stock market indices of the United States recently added to fears that the downturn may be imminent.

But there is another set of problems that should receive at least equal attention and action. The global environment is in crisis and may in fact face a meltdown if trends are not reversed soon.

The ecological crisis is not a new phenomenon. It had been highlighted during the Earth Summit of 1992 where over a hundred heads of government pledged to do something about it.

The problem is that nothing much has been done, interest in the subject has waned, and the situation has got worse.

Recently, the Worldwatch Institute released its *State of the World Report for 2001*, and it makes sombre reading.

It warns that global environmental trends have reached 'a dangerous crossroads as the new century begins'.

Signs of accelerated ecological decline have coincided with a loss of political momentum on environmental issues, as evidenced by the recent breakdown of global climate talks.

This failure calls into question whether the world will be able to turn these trends around before the economy suffers irreversible damage.

The Institute laments the fact that governments squandered an opportunity to reverse environmental decline during the prosperity of the 1990s.

'If in the current climate of political and economic uncertainty, political leaders were to roll back environmental laws or fail to complete key international agreements, decades of progress could unravel,' it says.

## Dangerous signs

The report puts together scientific evidence showing that many global ecosystems are reaching dangerous thresholds.

The Arctic ice-cap has already thinned by 42%, and 27% of the world's coral reefs have been lost, suggesting that some of the planet's key ecological systems are in decline.

Environmental degradation is also leading to more severe natural disasters, which have cost the world \$608 billion over the last decade, as much as in the previous four decades combined.

Natural disasters in 1998-1999 alone resulted in over 120,000 people being killed and millions displaced, mainly poor people in regions such as India and Latin America.

Unless fossil-fuel use slows dramatically, the Earth's temperature could rise to as high as 6 degrees above the 1990 level by 2100, according to the latest climate models.

Such an increase could lead to acute water shortages, declining food production, and the proliferation of deadly diseases such as malaria and dengue fever.

Another sign of ecological decline is the threat of extinction that hangs over dozens of species of frogs and other amphibians around the globe, due to pressures that range from deforestation to ozone depletion.

Other signs of environmental degradation include the following:

The transportation sector is the fastest-growing source of carbon emissions that cause global warming. Road traffic, which accounted for 58% of worldwide transportation carbon emissions in 1990, claimed 73% by 1997. And the US uses more than one-third of the world's transport energy.

\*The US Environmental Protection Agency estimates that 100,000 underground storage tanks in the United States are leaking

\*In the United States in the 1990s, nearly 60% of wells sampled in agricultural areas contained synthetic pesticides.

\*Sixty per cent of the most hazardous liquid waste in the United States - 34 billion litres of solvents, heavy metals, and radioactive materials - is injected into deep aquifers via thousands of 'injection wells'.

The report says that with many life-support systems at risk of long-term damage, the choice before today's political leaders is historic: whether to move forward rapidly to build a sustainable economy or to risk allowing the expansion in human numbers, the increase in greenhouse gas emissions, and the loss of natural systems to undermine the economy.

## Encouraging News

Fortunately, there is also some good news.

Following the adoption of the Montreal Protocol on Substances That Deplete the Ozone Layer, global production of the harmful chemicals called CFCs dropped by 85% between 1986 and 1997.

In December 2000, negotiators from 122 countries agreed to a historic legally binding treaty that will severely restrict 12 persistent organic pollutants.

Organic farming, which avoids the use of synthetic fertilisers and pesticides, has surged to a worldwide annual market of \$22 billion and may get a further boost from strict organic farming standards issued by the US government in December.

In many regions, renewable energy is now the most economical and inflation-proof energy source available, and can be installed much faster than the three-year minimum for a natural gas-fired power plant.

**Worries**

But the biggest worry, which the report also brings out, is that there is a lack of

political will to tackle ecological problems.

Failure to enforce many existing international environmental agreements is hampering progress on many fronts.

The report calls for stronger enforcement of treaties, and for increased North-South cooperation, particularly among the environmentally and economically influential countries.

Chief among the worries is that the new US President, George W Bush, is not environmentally aware and may indeed be environmentally unfriendly.

'If the US retreats to a more defensive view of global environmental threats, it would create a leadership vacuum,' says the report.

'International negotiators are worried by the anti-environmental rhetoric of the

Bush campaign, but hopeful that once in office, the new administration will follow through on the climate treaty and other policies that were launched by the earlier Bush administration a decade ago.'

The report is understating the worry about President Bush. Many environmental groups, and leaders of developing countries, are fearful that Bush is so beholden to corporate interests that he will initiate the unravelling of domestic and international environmental policies and laws.

That just means that everyone with an interest in the environment will have to be that much more vigilant and work harder to get the environmental problems really tackled in the next few years.

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

- **Third World Network Features** ■

# UN Votes to Implement Kyoto Protocol

In July, notwithstanding the opposition of the US Government, the other States in the UNO unanimously resolved to implement the Kyoto Protocol on global warming even if it involved the cutting down on the emission of noxious gases in woefully low percentages for a start.

*Newsweek* of 23 July carries the following excerpt from an interesting comment under a sub heading titled:

**'One effect of global warming: a very hot global protest movement'**

GLOBAL WARMING brings people together. The seas have not yet risen dramatically and the tides are not yet lapping at the Alps where the tree line used to be, but the threat of catastrophe seems real enough to make many people with very different political agendas find a common cause. Without global warming, the growing protest movement against "globalisation" would be even less coherent than it already is. Because this slow-motion apocalypse can be

traced to enormous multinational corporations, who market the fossil fuels that generate carbon dioxide, it is a perfect unifying force for global protest. And activists know it.

American environmentalist Jeremy Rifkin, who has made a career warning about the dangers of scientific arrogance, looks back on the creation of the Global Greenhouse Network in the late 1980s as "the first time NGOs from around the world worked together around a central theme." Until then, says Rifkin, "environmental issues, and economic and social issues, could for the most part be addressed regionally and locally. Here we had a situation where the whole globe was affected."

But time—and media interest—wait for no one and no cause. "I think we thought we'd get more done than we did," said Rifkin. "And we didn't anticipate how successful the [first] Bush administration would be. It did a good job of defusing the issue." Rifkin and others found themselves up against scientists who treated global warm-



**Greenpeace activist protests Bush's visit to Brussels last June**

ing as a theoretical joke. The gulf war diverted people's attention, and when the war ended, journalists felt that the environment was an old story.

Many activists credit George W with bringing global warming back to the fore. "Greenpeace would never have done as much good as he did on March 13 when he rejected the Kyoto Protocol," says Michel Raquet, a climate adviser to Greenpeace International. "Now, even in countries like Australia, Canada and the United States, the polls show that the Kyoto Protocol and global warming are important to people." ■

# Disasters will outstrip aid effort as world heats up

**Peter Capella** in Geneva

International aid will not be able to keep up with the impact of global warming, the Red Cross said yesterday, after reporting a sharp increase in the late 1990s in the number of weather-induced disasters.

In its annual World Disasters Report the International Federation of Red Cross and Red Crescent Societies says that floods, storms, landslides and droughts, which numbered about 200 a year before 1996, rose sharply and steadily to 392 in 2000.

"Recurrent disasters from floods in Asia to drought in the Horn of Africa, to windstorms in Latin America, are sweeping away development gains and calling into question the possibility of recovery," the report says.

Blaming the trend on global warming, Roger Bracke, its head of disaster relief operations, said: "These are also the most deadly events; it is probable that these kind of disasters will increase even more spectacularly.

"There is a natural limit somewhere to what humanitarian assistance can do; we are afraid that there will be a point where we can no longer provide assistance."

## Low-lying islands at risk

Scientists working for the United Nations say that more frequent ex-

treme weather is one of the signs of global warming, and low-lying island States are the first at risk, because of the predicted rise in sea levels and their exposure to harsher tropical storms.

With 41% of its population of about 380,000 killed or affected between 1991 and 2000, the Solomon Islands heads the first league table compiled of countries struck by disaster.

Two other island groups in the south-west Pacific, Tonga and Micronesia, are in the top eleven.

Floods accounted for more than two-thirds of the 211m people a year on average affected by natural disasters in the past decade.

The federation said the impact of climate change in poor countries placed an enormous responsibility on aid-giving States, commenting: "The latter commonly both create the problem and set the terms by which it will be managed." It suggested that poor countries might seek legal compensation to pay for reconstruction through an "international tort climate court", adding: "Increasingly sophisticated analysis of climate change means that ignorance of the consequences of industrial consumption and pollution can be no defence for inaction."

The report points out that the poor are the most vulnerable to disasters, 88% of those affected and two thirds of those killed in the past 10 years living in the least developed countries.

But emergency international aid to the poorest countries declined in the late 1990s and the amount sent elsewhere rose sharply.

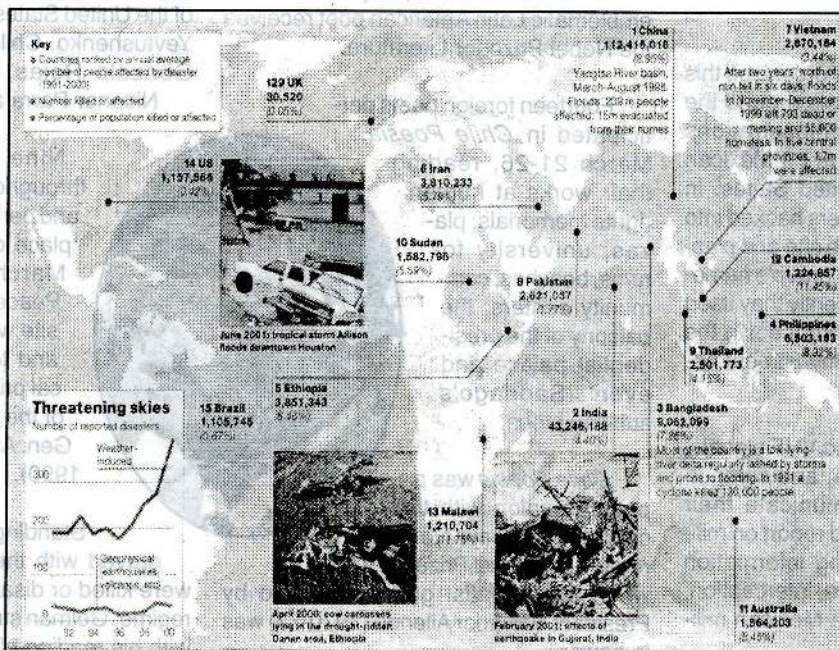
The federation criticises the quality of most emergency aid, saying that donors focus on high-profile projects, to "rebuild infrastructure, not people's livelihoods", and often fail to keep long term commitments to affected countries.

"We feel very often there is lack of understanding of what really works, and very often donors want visibility," M Bracke said.

The chance of recovering from a disaster is weakened by "the widespread leakage of aid dollars".

Nearly two-thirds of the funds spent on a flood action plan in Bangladesh in 1990-9 left the country to pay foreign aid consultants, thereby undermining the local economy, the report comments.

Courtesy: *The Guardian (UK)*



Famine caused by drought affected nearly a fifth, and accounted for most deaths: about 42% of all those caused by natural disasters.

# Land and Freedom dot com

## The Zapatistas march into the World's consciousness

Despite brutal military defeats since first appearing on 1 January 1994, the day the North American Free Trade Agreement took force, the Zapatista Army of National Liberation, or EZLN, a group of mainly indigenous, poor rural people are waging a worldwide information war with unparalleled success.

The Zapatista movement can mobilise hundreds of thousands of people using the internet. This month streets were lined to support a march from jungle strongholds in Chiapas to the Zocalo, the main square in the Mexico City stormed by Emiliano Zapata 90 years ago. The crowds were swelled by thousands of international supporters including human rights ambassador Danielle Mitterand, Nobel-Prize winning author Jose Saramago from Portugal, and Jose Bove the French anti-multinational activist.

Using the 'Net they have organised this and numerous other protests around the world. In February '97 demonstrations were held simultaneously at 29 Mexican consulates across the United States. In February '98 rebel supporters hacked into a Mexican government Web site and plastered it with pictures of their group's namesake, Emiliano Zapata. Recently they used the Internet to temporarily shut down the multilateral agreement on investment negotiations.

Handling shortwave and VHF signals, phone lines, walkie-talkies, and computers the Zapatistas communicate their message of resistance, and report on military attacks, disseminating information quickly, eluding surveillance, interception, and jamming efforts by the Mexican military.

Using low-frequency transmissions that cross oceans and continents, their shortwave radio enables people to hear information that is censored by the State

and giant TV networks such as Mexican Televisa. One Chiapas programme transmits at 6,975 kHz, at a signal beyond 300,000 watts - a strength too powerful for the Mexican army to jam. Two other broadcast frequencies, 15,050 kHz and 21,460 kHz, can also be heard well into Mexico and around the world.

President Vicente Fox, an ex-Coca Cola executive, was snubbed by Zapatista

leader Marcos who wouldn't meet him at the Presidential Palace. Showing just as much media know-how as the President, Marcos accused Fox of trivialising the indigenous cause and trying to turn a serious movement into a hollow prime-time event.

The Zapatistas are struggling for constitutional rights and autonomy for the country's 10 million indigenous people, 10% of the Mexican population, who speak more than 150 languages between them.

**Link:** "Zapatistas in cyberspace" is a guide to some of the hundreds of Zapatista resources on the 'Net. See: <http://www.eco.utexas.edu/Horn/epages/Faculty/Cleaver/zapsincyber.html>

Courtesy: **Action** (WACC)

(See also under 'World Affairs' inside)

## Tribute to Neruda

In a week long conference, poets from around the world paid tribute to Pablo Neruda, 30 years after the emblematic Latin American poet received the Nobel Prize for Literature.

Fourteen foreign poets participated in *Chile Poesia* March 21-26, reading their works at human rights memorials, plazas, university forums, beaches, community centers, the balcony of the presidential palace and even Santiago's subway stops.

*Chile Poesia* was a poetic reunion with the country that, saw Neruda receive the Nobel Prize in 1971, when the socialist government led by President Salvador Allende (1970-73) was in power.

More than 20,000 Chileans attended readings by the poets, who included Ernesto Cardenal of Nicaragua, Juan Gelman of Argentina, Germany's Hans

Magnus Enzensberger, Antonio Cisneros of Peru, Alberto Blanco of Mexico, Uruguay's Amanda Berenguer, Adrienne Rich of the United States and Russian Yevgueni Yevtushenko. Chilean poets Raul Zurita, Gonzalo Rojas, Miguel Arteche and Nicanor Parra also took part.

Nine readings were held throughout the week. The first, and perhaps most moving, took place on the cold morning of March 21 at the Park for Peace in Villa Grimaldi. The site was used as a detention and torture centre for political prisoners in the first years of the dictatorship headed by Gen. Augusto Pinochet (1973-1990).

Standing before a memorial engraved with the names of those who were killed or disappeared by the military regime, Gelman struck an emotional chord with his reading of *Un niño (A Child)*. Human rights were a constant theme of *Chile Poesia*, especially in the work of Gelman, the Argentine poet and journalist whose son and daughter-in-law were killed by that country's military regime. Last year, after



a long search, he found his granddaughter now living in Uruguay, who was born after his daughter-in-law's detention.

Cardenal paid tribute to the memory of both the president, who committed suicide during the Sept. 11, 1973, military coup, and Neruda who died just days later.

While living in the Nicaraguan archipelago of Solentiname in 1973, Cardenal began to write a poem in homage to Allende. He read that work March 23 from a balcony of the presidential palace before about 10,000 people who filled Constitution Plaza.

"There are things of which citizens may not be aware, but the fact that poetry is peacefully invading the country is simply marvelous," said Claudio di Girolamo, director of the Ministry of Education's culture division. "Beauty is finally taking revenge on violence, returning the country's soul."

Rich said she traveled to Peru from the United States to express her opposition

## In a historic literary gathering, poets place their art at the service of human rights.

to the US intervention in Chilean politics during the Allende government.

Three thousand people gathered March 25 in Anibal Pinto Plaza in the

port city of Valparaiso, 120 kilometers west of Santiago, for the penultimate session of *Chile Poesia*.

At the conclusion of that presentation, the poets dined at the Cerro Castillo palace; in the neighboring beach city of Vina del Mar where President Ricardo Lagos and his wife, Luisa Duran, joined them for an official farewell.

"This event will go down in the annals of Chilean poetry," President Ricardo Lagos said, thanking the poets for their visit. "We need to grow and develop economically, but that only makes sense if there is a desire for something more. The search for a better world is expressed in the words of the poet, who be

comes spokesperson for people's demands and dreams. It is through you that dreams and utopias appear."

The poetic gathering also demonstrated the attraction the literary form has for young Chileans.

"This has been a fantastic opportunity," said Maribel Fernandez, president of the student center at a school in the community of El Bosque, where Zurita and Yevtushenko gave a reading on the last day of *Chile Poesia*.

Jose Antonio Memet, who organized the event, said that in the future such gatherings will be held every two years.

— *Latinamerica Press*

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# Britain's 2001 General Election Labour's Victory, Democracy's Defeat?

✍️ B. Skanthakumar

In the British general elections on June 07, *Labour* scooped 413 seats, while the main opposition *Conservative* party trailed with 166 seats and the *Liberal Democrats* won 52. No one, not even the most ardent supporter of *New Labour*, could have predicted in the first flush of victory in May 1997 that Tony Blair's government would be able to preserve its three-figure majority in the House of Commons for a second term: but it has. *Labour* has a majority of 167 in the 659-member legislature, a small decline on the whopping 179-seat majority that startled it, as much as everyone else, in 1997. The *Conservatives* gained just one seat on their previous tally, and by common agreement the best result has been had by the *Liberal Democrats*, which increased its small band by 6 at the expense of both main parties. There were only 115 women elected (95 of them *Labour*), down from 121 in 1997.

More revealing data is this: the share of the vote was largely unchanged from 1997, with *Labour* capturing 42% (down 2%), the *Conservatives* holding onto 33% (up 2%) while the *Liberal Democrats* raised its share to 19% (up 2%).

The corruption and arbitrariness of the first-past-the-post electoral system is starkly apparent for those who wish to see it: *Labour* received over 40% of votes cast but claims 70% of parliamentary representation.

The most important statistic: only 59% (71.4% in 1997) of those entitled to vote did so – the lowest turnout since franchise

was extended to every woman and man. Therefore *Labour* has been returned to office with the support of 25% of the total electorate.

## Heartlands

Even this figure doesn't tell the whole story. In so-called *Labour* "heartlands", mainly in the metropolitan inner city districts, turnout was even lower than the national average – a shocking 34.08% in Liverpool Riverside.

Millions of working class people did not vote in this election. According to the mass media they are "apathetic", according to *Labour* they are "content". In fact they are neither.

They are disenfranchised by a political system in which they have no representation because of the convergence of the main parties and because (particularly in England) they rightly do not see a credible alternative either inside or outside Westminster.

Probably for the first time there was a subterranean campaign for electors to abstain, declaring that "none of the above" merited their vote and denying the political establishment the legitimacy of electoral competition.

There is no great hostility towards *Labour*, as there was to the *Conservatives* in 1997 but the enthusiasm that greeted its landslide victory four years ago has also evaporated. The mood on the streets following May 1st 1997 was one of eupho-

ria. Then, the British electorate did the unthinkable; it ended the eighteen-year tyranny of the *Conservatives*, and revelled in its naughtiness afterwards.

The mood now is one of indifference, even relief that the four-week election campaign is finally over, and television schedules can get back to what they were before.

*Labour* received the support of virtually the gamut of the broadsheet and tabloid press including Rupert Murdoch's stable of the mass circulation *Sun* and the establishment *Times* newspaper.

In a remarkable editorial (June 05 2001) the *Times* attempted to convince its pro-Conservative readership that *New Labour* may turn out to be the "vehicle by which Thatcherism is consolidated and extended" and pointed out that the "central tenets of the economic settlement of the 1980s — a fierce resistance to inflation, a recognition that taxation at a certain level inflicts more harm than good and a distrust of trade union power — are further entrenched today than they were four years ago."

So far as the wider electorate were concerned, a buoyant economy and falling recorded unemployment; the injection of cash into public services in the last two years of the previous term (after sticking to *Conservative* spending plans for the first two years); the high approval rating of Tony Blair as against *Conservative* leader William Hague; the right-wing trajectory of the *Conservatives* in opposition; and residual antipathy to its savaging of the public sector whilst in government, explains the *Labour* victory.

## Health and Education

More people trust *Labour* to increase spending on health and education than they do the Tories. This is *Labour's* best card but one that might be played out over the course of its second term if it succeeds in its privatisation by stealth of schools and hospitals. The intensity of popular concern over the provision and funding of health services was manifest in the contest in Wyre Forest where a retired hospital doctor standing as an independent challenged the incumbent *Labour* MP over his unwillingness to prevent the closure of its gen-



eral hospital, and in an astonishing upset was elected with a thumping 17 630 majority.

Elsewhere the *Liberal Democrats* who campaigned for a rise in tax of one pence (to be spent on education), as well as for greater social welfare spending, was the main beneficiary of those disappointed with the slow pace of progress in those areas. In the safe *Labour* seat of Chesterfield, whose Member of Parliament, veteran socialist Tony Benn, stood down at this election, it was the *Liberal Democrats* who wrested the seat from a Blairite candidate.

### Conservatives

William Hague's inability to make inroads into the *Labour* majority and to enthrone even former *Conservative* strongholds in the election campaign made his resignation inevitable. As Margaret Thatcher discovered to her distress in 1990, the Tories are ruthless, even to those they adore, when it comes to safeguarding their political fortunes. There were only two small consolations to the Conservatives. They picked up one seat in Scotland (though none in Wales), after the humiliation of the 1997 result when they were wiped off the electoral map in Scotland and Wales and reduced to what they had become in the Thatcher and Major years – an English nationalist party. Also they made sweeping gains in county elections coinciding with the general election as rural communities hit badly by 'foot and mouth' disease sought to punish *Labour* as did those complaining against lack of improvement in public services.

The outcome of the leadership contest in the *Conservative* Party will clarify its profile and electoral strategy in the coming period: whether to be the standard bearer of the populist right as William Hague had recast the party during the last three years or whether it should, borrowing a leaf from the Bush brothers in the US, wear the clothes of 'compassionate conservatism' (an oxymoron beyond compare!) which shadow Chancellor of the Exchequer (and leadership challenger) Michael Portillo has sported in his wilderness years.

The *Conservative* campaign in this election, implicitly recognising that *New Labour* occupies the ground once staked

by them on macro-economic management, 'law and order', social policy, foreign policy (Blair remains the only EU leader to encourage the US Republican administration's National Missile Defence abomination), had two key strings: to accentuate their Euro-scepticism ("in Europe not run by Europe") with the "*Keep the Pound*" campaign; and to promise that even more asylum-seekers would be deported than under *Labour* and those whose applications were being processed would be compulsorily housed in detention centres.

These issues certainly played very well with *Conservative* activists and their core constituency but had limited appeal among middle-class people who had previously flocked to it; voters who timorously voted *New Labour* in 1997 and awoke the next morning to find that the sky had not fallen on their heads, nor socialist revolution broken out in Whitehall, and who found to their satisfaction that not only was their way of life secure but their incomes were to rise under the new government.

Though regardless of the eventual victor in the leadership contest, the Tories will retain these lines of attack on the government; they will also be compelled to move to the centre-right and campaign on economic and social issues to restore their electoral fortunes. The party's parliament-

**The outcome of the leadership contest in the Conservative Party will clarify its profile and electoral strategy in the coming period: whether to be the standard bearer of the populist right as William Hague had recast the party during the last three years or whether it should, borrowing a leaf from the Bush brothers in the US, wear the clothes of 'compassionate conservatism'**

tary caucus is overwhelmingly Thatcherite in instinct and disposition and won't like that, but then again politicians like being in opposition even less.

### Left Challenge

All the above might suggest that those organised to the left of *Labour* are in the doldrums after this election. On the contrary they are far more upbeat than after the May 1997 election.

At that last contest their small forces were able to do little but mouth that tired refrain "Vote *Labour* – and fight for Socialism" which in practice meant very little, not even a propagandistic campaign, and certainly no different in their strategic orientation from the preceding two decades, which were years of neo-liberal ideological hegemony, the crisis of credibility of socialism, exhaustion of social movements (the anti-Poll Tax struggle notwithstanding), decline into irrelevance of the socialist left in the *Labour* party, decomposition of the revolutionary left etc.

These objective conditions have not in my opinion been overcome. However in 2001 the socialist left has a political-organisational project that it did not four years ago, through which it has achieved a degree of convergence, common work and goodwill alien to the British left; and its morale has been revived, as has that of the international Left generally, through the explosive growth in the citadels of imperialism of the global justice movement post-Seattle 1999.

The experience in Scotland where the *Scottish Socialist Party* has strengthened its unity, political coherence and grassroots work after transforming itself from a loose alliance; the election of a representative (Tommy Sheridan) in the first devolved parliament there; Sheridan's visibility and popularity through extra-parliamentary campaigns (he has twice been arrested in recent months for demonstrating against the Faslane nuclear base) and in parliamentary campaigns (against warrant sales and for a service tax) has had a salutary effect on the Left south of the border.

In England, and to a lesser extent in Wales, the *Network of Socialist Alliances* which have existed for some years as a space for leftists inside and outside the

*Labour Party*, some alliances engaging in electoral campaigns while others were exclusively campaign coalitions, has in effect been re-launched in the last year.

Two developments account for this: the peeling away of layers of staunch *Labour* activists especially sitting and former councillors, branch officials and Constituency Labour Party stalwarts who are looking for a new political home which allows them to maintain their beliefs; and the 'turn' made by the largest far left organisation in Britain, the *Socialist Workers Party*, to collaborate not only with 'reformists' but also other currents on the revolutionary left.

### Scottish Socialist Party

The *Scottish Socialist Party* (SSP) contested in all 73 constituencies in that country. An audacious enterprise for a party just over two years old, which began the campaign with 2500 members and 50 branches, and with limited financial and human resources campaigned in areas where the Left has not, historically had an organised presence (e.g. Highlands and Islands).

It polled 72 518 votes in a country of 5 million people, falling short of its own target of 100 000 votes. While receiving 3.1% of votes cast on average, it did exceptionally well in Glasgow Pollok where its candidate won almost 10% and 7.8% in Glasgow Springburn. It also fielded more women candidates than any other Scottish party and has promised gender parity in the next Scottish parliamentary election.

While the SSP must be disappointed about the shortfall in its target, it has made advances on several fronts: it recruited 1 000 new members in the course of the campaign; it built new branches and strengthened older ones; its weekly newspaper is now stocked in newsagents throughout that nation; it received significant and serious print media coverage both in Scottish and British dailies and is recognised as Scotland's 5th party.

The SSP is upbeat about the second devolved parliamentary ('Holyrood') election in 2003 aiming to increase its representation there as well as in the European Parliamentary elections the year after. Both employ a proportional representation

system of voting which will favour the SSP.

### Socialist Alliance in England and Wales

The *Socialist Alliance* (SA) contested in 101 seats in England and Wales, supporting its constituent member, the SSP in Scotland. It polled 56 000 votes – an average of 1.59% where it stood.

This result is disappointing for its activists but not disastrous considering that this election was the first time it stood candidates across the country under the same banner; and that it has really only developed organisational and political form in the last year, following the 'demonstration effect' of joint work among the London Left in the Greater London Assembly (GLA) elections in May 2000.

Whereas last year the London left was divided into three left slates, this time groups and individuals involved in all three slates were united in support of the SA.

A crude dissection of its results confirms the trend from the GLA results: where SA candidates stood in areas with no previous history of left electoral campaigns its score ranged from 0.6% to 1.8%; where candidates stood in areas where there had been previous campaigning and/or electoral work as well as stood a candidate with a local or national profile the score ranged between 2.4% and 4.6%; where candidates with years of campaigning and electoral presence contested specifically former *Labour* MP (and present councillor) Dave Nellist in Coventry, he polled 7.1% while former *Labour* councillor and

fire-fighter, Neil Thompson scored 6.9% in St. Helen's.

At any rate the electoral breakthrough for their small forces under prevailing conditions was never going to begin at national politics. Local government will be more fertile in this respect as council elections on the same day as the national election in Hackney, East London revealed. In two of three wards the SA received 6% of votes and in the third (a *Tory* stronghold), 3%. The SA already has a dozen councillors – mainly individuals who defected from *Labour* but some elected as socialist candidates.

Even though the *Labour* victory was preordained in the opinion polls, the SA received far greater media exposure in this election than any previous left of *Labour* challenge. Their party election broadcast on the major television channels and directed by filmmaker ('Bread and Roses', 'Land and Freedom') and supporter Ken Loach reached an audience of millions, there were numerous articles supportive and disparaging of it in the broadsheets, the election manifesto launch was reported on television and radio.

Perhaps the media interest reflected the boredom of the public in the blandness of the election; perhaps it was helpful to use the SA to make obvious the passage of *Labour* from social democracy to social liberalism; perhaps because until the results came in no one could tell for sure how much support the SA might garner from *Labour's* traditional base.

### Greens

The *Green Party* stood in 145 constituencies in England, Scotland and Wales and averaged 2.85% where they stood. Their best result was 9.3% in Brighton but they also achieved good scores between 6% and 7% in London as well as in the former industrial town of Bradford in England's North-East.

At this election there was a significant shift in *Green Party* strategy away from the single-issue ecological profile that they have, and redefining themselves instead as a social justice party, campaigning for renationalisation of the railways, against racism and for asylum seekers rights, a higher minimum wage, redistribution of

**At this election there was a significant shift in *Green Party* strategy away from the single-issue ecological profile that they have, and redefining themselves instead as a social justice party**

wealth, reform of the City of London, and against the 'son of star wars', for Third World debt reduction and against corporate globalisation among other progressive demands.

It is extremely disappointing that neither the *Socialist Alliance* nor the *Greens* recognise the common ground they share and made efforts to broker a no-contest pact at the very least, and move towards greater co-operation in the future.

Neither the SA nor the *Greens* appear ready to admit that the *Greens* are a party on the Left even if not in the past of the Left. The record of *Greens* in government in France and Germany is appalling but that reflects the institutional pressures of the French *Socialist Party* (SP) and German *Social Democratic Party* (SDP), and the weakness of countervailing forces outside the ruling coalitions among other things.

Anyhow, the experience of their sister-parties is not reason enough to assume that their trajectory will be to the right, nor to avoid the necessary dialogue and common activities (e.g. mobilisation for G-8 summit in Genoa in July) that can only strengthen the anti-capitalist Left.

### Far Right Resurgence

There is bad news mixed among the good. We (the Left) were so involved in our own affairs that we momentarily forgot about the forces of fascism that endure in this country. The far right and neo-fascists have been growing fat, feeding off the *Labour-Tory* hysteria on "bogus" asylum seekers; and the mass circulation dailies exploitation of visceral loathing of so-called 'Gypsies' (Roma from Eastern Europe).

Unlike in previous elections the far right *British National Party* (BNP) did not contest enough constituencies to qualify for a television election broadcast and with the *Conservative* party on their ground, the Left thought the BNP a marginal force.

However in two constituencies in Oldham (near Manchester), the BNP polled 16% and 11% of votes cast: the best electoral result ever for the far right. In other areas the BNP equalled or exceeded the far left vote.

**However in two constituencies in Oldham (near Manchester), the BNP polled 16% and 11% of votes cast: the best electoral result ever for the far right...**

**Their score in Oldham, from almost exclusively white working class areas, was in consequence of heightened tensions between youth of South Asian origin and sections of the white community, which spilled over into three nights of street battles ...**

Their score in Oldham, from almost exclusively white working class areas, was in consequence of heightened tensions between youth of South Asian origin and sections of the white community, which spilled over into three nights of street battles between Asian youth and the police during the election campaign.

### Battles Ahead

The course of the election campaign also clarified the extra-parliamentary battles ahead. In his supreme confidence in the eventual result, Tony Blair, made two controversial announcements in the run up to polling day.

He gave the clearest signal yet that he intends to hold quite soon a referendum on Britain's entry into the *European Monetary Union* (Eurozone) and to campaign for a 'Yes' vote. This was highly risky considering that much of the population is Euro-sceptic and a majority favour retaining the national currency.

Secondly, he also announced his intention to introduce new "reforms" into hospitals and schools, code for greater private sector provision of health and education services.

The *Labour* government has exceeded its predecessor in its zeal for private-finance-initiatives or partial privatisation, which are opposed by trade unions, public sector workers and growing numbers of the public.

While the *Trades Union Congress* has long supported Britain's early entry into the Eurozone, and to hell with the consequences for democratic control over economic policy, it will have to confront "our Government" on its public sector proposals.

Union members cannot understand why *Labour* is abusive of worker demands and rights while assiduously courting big business, but is still funded by union affiliation fees to the tune of millions of pounds!

In previous years trade union leaders used to take fright that *Labour's* modernisers would carry through on their threat to sever links with the Labour movement. At this year's *Fire Brigades Union* (FBU) and *Communication Workers Union* (CWU) annual conferences the boot was on the other foot.

The FBU voted to overturn its previous policy of making financial contributions solely to the *Labour* party and instead adopted a resolution that will authorise funding only where candidates support union policies, which *New Labour* consistently does not. At the CWU conference a similar motion was lost but nevertheless received the support of one-third of delegates.

The impetus for this came from the *Socialist Alliance* (SA) challenge at this election and the fact that four FBU members were parliamentary candidates for the SA. The challenges ahead of the SA are twofold: to develop organically from a coalition of groups and individuals into a plural, anti-capitalist party which is accessible, inclusive and credible to those women and men, workers, youth and black people disenfranchised by *Labour's* right-wing course and this corrupt political and electoral system; and to engage in the battles ahead to defend public services and asylum seekers, and to defy the suffocation of capitalist globalisation.

**About the writer:** B. Skanthakumar is a member of the *Socialist Alliance* in London and was formerly a member of the *Labour Party*.

# Indian Government's defeat in State Elections

Asghar Ali Engineer

The National Democratic Alliance led by the BJP faced severe setback in recent State elections in Tamilnadu, West Bengal, Assam, Kerala and Pondichary. The Congress, AIADMK and left parties did better and formed governments in different States. This should cause serious worry to the BJP as well as to the alliance led by it. The BJP had sensed its defeat before the poll itself and the Prime Minister Atal Bihari Vajpayee had said that the election results should not be treated as referendum against BJP. It is merely putting up a brave face.

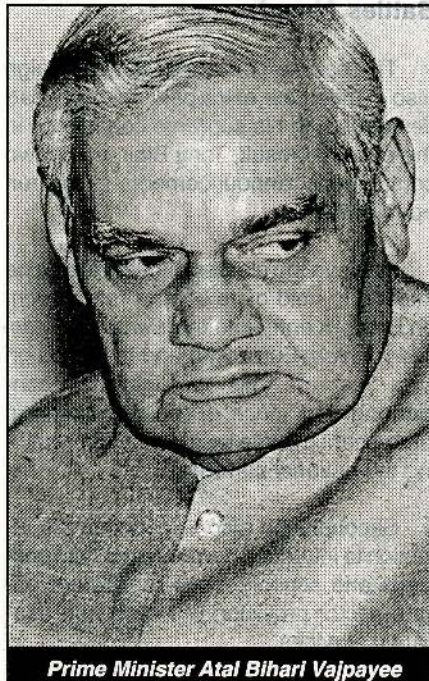
The BJP is extremely worried. No wonder then that its leaders are meeting in Mussorie taking stock of the situation. There are number of reasons for adverse results. The BJP has not been able to maintain its clean image. It used to describe itself as "Party with a difference" and the alliance had promised to provide an efficient and clean administration. Secondly, the peasantry is very angry about the WTO agreement and there has been a number of suicides by the peasants in a number of states. The workers are also facing serious challenge of unemployment. The Vajpayee Government is ruthlessly following the policy of liberalisation and privatisation and as a result of these policies, unemployment is growing.

## Minorities

But there is still another factor responsible for NDA's defeat: the minorities and their displeasure with the anti-minority policies of the BJP led alliance. The Kanpur riot added fuel to this anger. The BJP used to boast of riot-free India though no one had ever taken this assertion seriously. Number of riots has been taking place since the Alliance has assumed power at the Centre and some of the states. In the year 2000 also more than a

dozen riots had taken place. U.P. seems to be the main arena of these riots where a BJP Government is in power. The Kanpur riots of course topped all these riots. The PAC, which killed Muslims and looted their shops in broad day light was fully defended by the Chief Minister of U.P. Shri Rajnath Singh. He had said in his defence of PAC that 'the rioters must be taught a lesson.' Such a brass statement could not have gone well with Muslims in other states of India. Everyone knew that PAC had killed innocent Muslims.

Also, the attacks against Christians are continuing unabated and the Christian minority cannot vote for those parties in the states, which has an alliance with BJP at the Centre. This can best be seen in Tamilnadu. The Muslims and Christians together voted against the DMK led alliance, which had alliance with the BJP. It was seen as utterly opportunistic alliance



Prime Minister Atal Bihari Vajpayee

to survive in power. The Muslims in Tamilnadu had always been supportive of DMK and had voted against Jaylalitha in the past. She was seen as pro-BJP and pro-Hindutva. But this perception changed completely when she broke off from BJP and DMK entered into an alliance with the BJP. Not only the BJP but also the regional parties like the DMK and Telugu Desam party of Andhra Pradesh should read the writing on the wall.

In the West Bengal too Mamta Benerjee had to face similar wrath of minorities. Even her breaking off from the BJP on the eve of elections did not help her much. It was clearly seen as an election gimmick. Until the State elections she had served the BJP led alliance faithfully. The Left Front, despite strong anti-communist feeling in a section of urban Muslims, preferred it as its image has been consistently secular. The minorities know very well that the left parties, particularly the communist parties, have never compromised on the question of secularism. Thus in West Bengal left front received massive mandate of minorities.

However, the political scenario in Kerala was qualitatively different. There not only the competing Democratic alliance did swear by secularism the Indian Muslim League also has an alliance with the Congress-led Democratic Front. In Tamilnadu, it is interesting to note, the minorities ignored completely the corruption charges against Jaylalitha and opted for Jaylalitha's 'secularism', in Kerala, on the other hand, minorities, particularly the Muslims, took corruption charges against the ruling alliance more seriously as both the fronts equally swore by secularism. Thus as far as minorities are concerned security takes precedence over corruption and hence secularism is more important than corruption.

Another serious matter for minorities (though as much for secular Hindus) is saffronisation of education. It is going on at lightning speed thanks to Shri Murli Manohar Joshi led Human Resources Ministry. There is great resentment against this among the minorities. Not only Shri Murli Manohar Joshi who is a known hardcore believer in the Hindutva political philosophy, Secretary to this Ministry Shri Kaw, though a bureaucrat, has similar point of view.

# A Constitution in Crisis

Faced with the loss of the Peoples Alliance (PA) Government's slender majority in Parliament and the determined effort made by Opposition elements headed by the right wing United National Party (UNP) to topple it with a No-Confidence Motion which if successful could well have resulted in instability and chaos under the present Constitution of 1978, President Chandrika Bandaranaike Kumaratunga decided to prorogue Parliament and conduct a referendum. The question to be placed before the people at the referendum to be held on August 21 ( according to the proclamation made under section 2 of the Referendum Act No. 7 of 1981 published in the Gazette Notification of July 10 ) was : "Is a new Constitution as a matter of national importance and necessity needed for the country?"

President Kumaratunga's repeated efforts to change the existing Constitution enshrining the authoritarian system of executive presidential rule combined with an electoral system that did not properly reflect the will of the people met with failure both before and after the General Election of October 10 last year ( See last issue of *Christian Worker* ). Now this Constitution itself had become an obstacle to any meaningful governance with a workable team of Ministers headed by the President. Indeed this very situation of crisis had already been envisaged as far back as 1979 by veteran Parliamentarian, Constitutional expert and left leader Dr.N. M. Perera in his booklet titled *Critical Analysis of the Constitution of 1978*.

The Government communiqué issued on the prorogation of Parliament by the President said: "The main reason for the present crisis in Parliament is the 1978 Constitution." Although the Peoples Alliance won more than two thirds of the Parliamentary seats in the last two elections, that mandate is not properly reflected in Parliament due to the prevailing electoral system associated with the very same Constitution, the communiqué stated. The

question placed before the people at the Referendum was elaborated on by the President in her address to the Nation where she spelt out four proposals which she wished to be considered and endorsed at the Referendum in devising and crafting a new Constitution if the answer to the question posed at the Referendum was in the affirmative.

## The President Explains

In her address to the Nation on July 12 , President Chandrika Bandaranaike Kumaratunga urged all Sri Lankans to support her effort to bring in a new Constitution that will pave the way for abolishing the Executive Presidency and provide a political solution to the ethnic conflict which has gravely affected the lives of all our citizens for the past 18 years.

Explaining the circumstances that led to her action the President stated:

" Due to the situation that developed in the past 3 weeks, an unstable situation was created in the legislature. We understood well that the concern among the public with regard to this situation could be an obstacle to the progress of the country. With the view to providing the necessary space and opportunity for the concerned political parties to find a solution for their differences, I decided to prorogue Parliament for a period of two months. This step was taken under section 70 of the prevailing Constitution of the country.

" Together with this , my Government has taken steps to hold a nationwide Referendum with regard to the Constitution of the country. .... The opportunity is now given to the people to decide as to whether we are to retain the present Constitution that has presented many and varied obstacles to the welfare and progress of the entire Sri Lanka nation, or whether there should be necessary Constitutional



President Chandrika Bandaranaike Kumaratunga

changes in keeping with the needs and aspirations of the people.

“Firstly the 1978 Constitution was imposed on the people of the country with no consultation with the people. Secondly, it is the present Constitution that has been the principal cause behind the several serious crises faced by the country and the people today.

“... the supremacy of the people is expressed by way of a free election by the people. However, this expression of the people’s view through a free election, can be systematically distorted and seriously altered through the system of counting the votes and the determination of those who have been elected by the people. Under this distortion of the representative process, a party that has won 80 electoral districts gets only 51 members elected, in contrast the opposition that won 20 electoral districts gets 49 members elected. Similarly a party that wins 70% of the electoral districts gets only 55% elected representatives, while a party that wins 30% of the electoral districts has 45% of elected members. This has ensured that no political party will be able to establish a stable government. In no other country in the world does such an electoral system exist. There is no such electoral system prevailing in the United Kingdom, France, Australia, India and even the United States of America, that have different electoral systems. ( For further elucidation please see Annexure 1 titled “ This System and That”)

**Four Proposals**

“Therefore it is our proposal, through a new Constitution to have an electoral system that will genuinely and accurately reflect the wishes and aspirations of the majority of the voters. It will be a systematic combination based on the electorate system as exists in other democratic countries and a system of genuine proportional representation to ensure suitable, fair, equitable and genuinely proportional representation to the various communities and political parties. It is necessary to be rid of the present preferential or “Manaapa” system and introduce a different system of proportional representation.

“**Secondly**, we also propose to establish Commissions for specific spheres of activity through the new Constitution.. Provision was made in the Draft Constitution presented by me in Parliament on August 3, 2000 for the establishment of all these Commissions. If what we presented then were endorsed by vote in Parliament these Commissions would have been established and functioned today. The proposals with regard to these Commissions was discussed at great length and detail with the United National Party, and all parties that were con-

stituents of the Peoples Alliance and all other parties then represented in Parliament before being presented to Parliament. We included a large number of amendments proposed by the United National Party. Consequently, the Leader of the Opposition pledged to vote for the new Constitution but on August 3, he broke his pledge without giving any reason whatever. I need not describe the manner in which that pledge was broken on that occasion. You would no doubt have seen it very well on television.....

“**Thirdly**, we propose through the new Constitution to provide fair, constitutional and political solutions to the curse of the ethnic crisis that has for the past 18 years, gravely affected the lives of all our citizens.....

“**Fourthly**, another proposal of mine is to abolish the office of Executive President through this new Constitution. I have always had a very deep interest in carrying this out. This was clearly stated in the Draft Constitution that was presented on August 3 last year. I seek your mandate to definitely and effectively carry this out through the New Constitution.

“ I do not need the all-encompassing powers that go against the aspirations of the people that are firmly entrenched in the office of the Executive President. My strength is the constant trust placed in me by the people of this country.....

“ I seek your clear and unequivocal mandate that a New Constitution is necessary. Subsequently, we are fully committed to introduce the New Constitution within this year after necessary consultation with the broad sections of society. For this purpose as I have always done , on this occasion too, I invite all political parties that have the genuine concern for the welfare and interests of our people to join with me in this great and noble task.....”

**Preceding Events**

The events that preceded the latest move of the President are indeed interesting to recall. However, attention must first be drawn to the difficulty with which the Peoples Alliance (PA) under the present electoral system was able to secure the requisite bare majority to form the Government. The October 10 poll last year resulted in the PA coming first with 107 seats but being short of 6 seats out of the 113 required to form a simple majority in Parliament which comprised 225 representatives. The UNP which came second won 89 seats. Lacking the requisite majority to form a government, the required support was obtained by the President from two minority parties but with some hard bargaining with Rauf Hakeem in particu-

lar as co-leader of the Sri Lanka Muslim Congress – SLMC (headed earlier by M H M Ashraff a former Minister in the last PA Government who was killed in a helicopter crash in September last year). This organisation contested as the National Unity Alliance (NUA) in some districts and as a part of PA in two districts winning 6 seats as a component of the PA with 2 seats on the National List and another 6 seats as the NUA with another one on the National list. Hakeem was however known to have first gone to UNP leader Ranil Wickremesinghe to bargain for ministerial portfolios.

Although he settled for 2 ministries and two deputy minister posts with the President, including the powerful Trade Ministry for himself, with Ferial Ashraff being given the Eastern Province Reconstruction and Rehabilitation Ministry (See last issue of *Christian Worker*) he was later given also the Ministry of Muslim Affairs.

However, Rauf Hakeem apart from having differences with Ferial Ashraf his late leader's widow, appeared to be a regular source of embarrassment to President Kumamatunga, conducting himself in such a manner as to make one wonder whether he understood the concept of collective responsibility as a Minister.

The Mawanella misbehaviour of some hoodlums who were said to be security personnel of a PA politico and who attempted to extort money, gave rise to racial tensions among Muslims and Sinhalese there and to a Muslim reaction in Colombo April 30 to May 2 which was fortunately prevented from spreading elsewhere by the prompt action taken by the President. In fact efforts were made after the clashes between groups of Muslims and the Police at Maradana in Colombo, to stage a protest march led by Buddhist monks in defiance of a week's ban on demonstrations to protect what they described as "the rights of the Sinhalese" which was only dispersed with tear gas fired by the riot police.

These happenings gave Hakeem enough scope to flex his muscles. It was however discovered that while being in the Cabinet he was having negotiations with the Opposition as to whether he should join to bring down the Government by voting for a motion of no-confidence. In June he was quoted at a press conference as saying that he could be "per-

sued" on the matter of the no-confidence motion "by either side", implying that he might side with either the PA or even the UNP!

President Kumaratunga decided to act and in a statement issued on June 21st evening announced that SLMC leader Rauf Hakeem was removed from the Cabinet of Ministers on 20 June, for his violation of the principle of collective responsibility and activities and attitudes damaging to the Government, the country and national unity. The President emphasised that Hakeem's removal was "in the greater interests and the common good of the country and people" and was in no way one that was taken against the Muslim community or the SLMC.

Hakeem's removal gave the UNP its much wanted opportunity to move against the Government by increasing its voting strength in Parliament through defections from the PA's ranks with all sorts of promises being held out. Particular pressure was applied on the SLMC and the Ceylon Workers Congress (CWC) led by Cabinet Minister Arumugam Thondaman to defect and vote against the Government when the vote of no-confidence was presented.

**No-Confidence Motion**

The UNP leadership under pressure from its "Reformist Group" led by the party's deputy leader Karu Jayasuriya who together with Gamini Athukorale and W.J.M.Lokubandara was critical of Ranil Wickremesinghe, had decided to move motions of no-confidence against the Government and the Chief Justice around May. The impeachment against the Chief Justice was spearheaded by Sinhala Weekly *Ravaya* Editor Victor Ivan who appeared to be playing an increasingly significant role in the internal factional fighting within the UNP.

Until June this year there appeared to be little chance of success for the motion of no-confidence in the face of the standing together of all the constituent parties of the Peoples Alliance. Furthermore in May the Tamil United Liberation Front (TULF) which appears invariably to dutifully follow the line of the insurgent Liberation Tigers of Tamil Eelam (LTTE) was the target of sharp criticism by the latter for its refusal to back the Opposition's intended vote of no-confidence on the Government. Explaining the TULF stand, its senior vice president



Rauf Hakeem



Ferial Ashraf

V.Anandasangari said that they did not want to be blamed for scuttling the peace talks which they felt was imminent, but that if the situation changed, their position would also change. And change it did to fall in line once again with the LTTE dictates. There was a **qualitative change** too in the situation later in June with the removal of SLMC leader Hakeem from the Cabinet and his cross-over together with six of his fellow MPs to the ranks of the Opposition which gave the UNP an opportunity to make a successful attempt to undermine the Government. National Unity Alliance (NUA) leader Ferial Ashraff with her MPs however remained on the Government's benches, saying this was not a time to topple governments. She had earlier when Hakeem was dismissed, tendered her resignation as a Minister which was not accepted by the President.

**Impeachment of the Chief Justice**

Even as the UNP led Opposition presented a motion to impeach Chief Justice Sarath Nanda Silva to the Speaker in Parliament, on June 6, the Supreme Court comprising three Judges made an interim injunction restraining the Speaker from appointing a Parliamentary Select Committee to investigate the allegations against the Chief Justice until the final determination of three Fundamental Rights Applications. The Supreme Court said that the Speaker could receive the motion but not proceed further. In fact this order restrained the Speaker from appointing a Parliamentary Select Committee in terms of Standing Order 78A of the Standing Orders of Parliament to investigate and report to the Parliament on allegations against the Chief Justice that may be set out in a resolution for the presentation of an address of Parliament for the removal of the Chief Justice from office until the final determination of the application.

The three actions filed by three lawyers D P Mendis PC, M M Zuhair PC and H K Chandrasiri petitioned the Court for a declaration that there was an infringement of the fundamental rights guaranteed to them under the Constitution.

President's Counsel Faiz Musthapa submitted that the appointment of a Parliamentary Select Committee to investi-

gate allegations against the high officials of the Judiciary was a severe encroachment of the independence of the Judiciary. In such instances the MPs will be the complainants, prosecutors and judges which constituted a clear violation of the principles of natural justice. He further submitted that such inquiries should be made by persons who are competent and experienced and not by Parliamentary Select Committees.

In granting the restraining order and fixing the next date of hearing of the full case for 3 September the Court *inter alia* said "...it would appear that the matter raised by counsel for the petitioners involved the purported exercise of judicial power by the legislature. This question in our view is of paramount importance which is fit and proper for review by the Supreme Court".

The Court order incensed the Opposition MPs in particular and was denounced as an attack on the supremacy of Parliament. The motion backed by 77 Opposition MPs called for the removal of the Chief Justice on 14 grounds including abuse of power and personal misconduct. The Speaker said he was confronted with a serious situation which was unprecedented in the history of Parliament and he would give his ruling on the matter.

On June 20 the Speaker Anura Bandaranaike ruled that the Supreme Court had no jurisdiction to issue interim orders restraining the Speaker in respect of the steps he is empowered to take under Standing Order 78A.

The Speaker summarised the decision he had reached on the several issues that have arisen as follows:

"1. The Supreme Court had no jurisdiction to issue the interim orders restraining the Speaker of Parliament in respect of the steps he is empowered to take under Standing Order 78A.

2. The aforesaid interim orders dated 5th June 2001 are not binding on the Speaker of Parliament.

3. There is no legal obligation to comply with the said order.

I will now proceed to instruct the Secretary General of Parliament to place the motion in the Order Paper".



**Speaker  
Anura Bandaranaike**



**Chief Justice  
Sarath Nanda Silva**



The Speaker added: "... I deem it a singular honour that fate has bestowed upon me as Speaker of this august Assembly by affording me the historic opportunity of re-affirming the principles underlining the supremacy of Parliament."

On the very same day that the Speaker gave his ruling ie. 20 June, a five Judge Bench of the Supreme Court held that the Court had no jurisdiction to remove the Chief Justice from office. The removal of the Chief Justice can only be done in one way and that too under and in terms of Article 107 (2) and 107 (3) of the Constitution of Sri Lanka the Court declared.

The Supreme Court refused leave to proceed with the Fundamental Rights violation plea filed by the three petitioners challenging the appointment of Justice Sarath N Silva to the office of Chief Justice by President Kumaratunga.

The declaration in refusing leave to proceed explained that, it must be emphasised that the three petitioners Victor Ivan, Rajpal Abeynayake and W B A Jayasekera had not alleged that Sarath N Silva was guilty of the violation of their fundamental rights. The only allegation made by the three petitioners is that it was the President who had violated the Fundamental Rights by her executive or administrative act of appointing Sarath N Silva as Chief Justice.

The Constitution under Article 35(1) gives her immunity from being summoned before a Court of Law to explain her actions. Further, under Article 35(3), the Attorney General cannot represent her in these cases. As such under the law as it stands, the Court should never know the why and wherefore of this appointment, because only the President will know the answer. Until that is known no one can fault the President in any way for the simple reason that she may well be possessed of good and ample reason for having appointed Sarath N Silva as Chief Justice.

"In any event, any way, but not conceding that we can do so, even if this Court holds that the President violated the Fundamental Rights of petitioners, even then it will not, by itself have the effect of removing the CJ. He would still remain the Chief Justice."

The reason is that the removing of the CJ can only be done in one way, and that too under and in terms of Article 107, (2) and (3) of the Constitution.

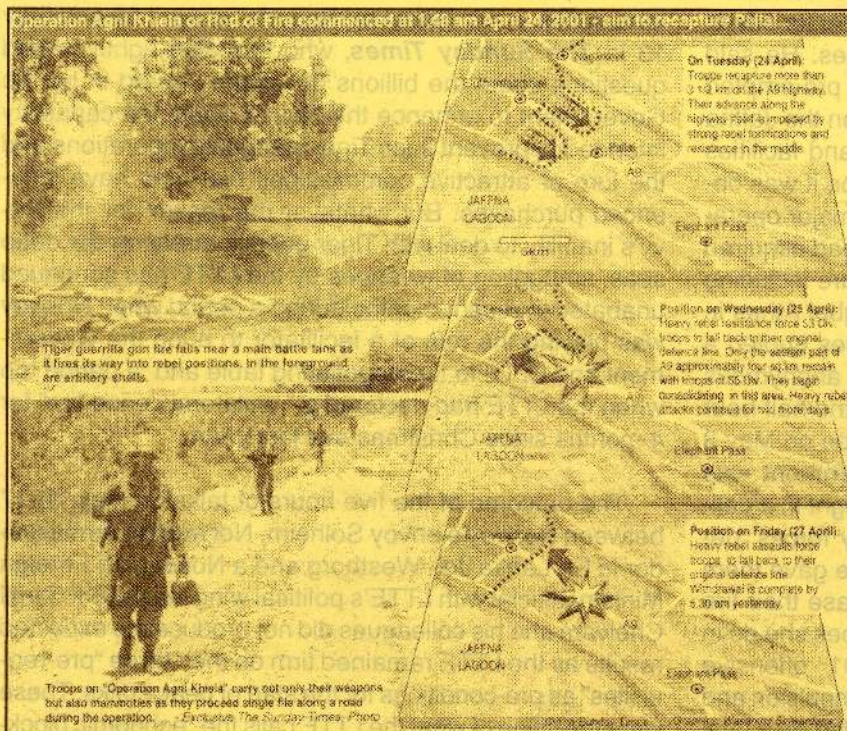
The Bench comprised Justices S.W.Wadugodapitiya, P. R. P. Perera, Dr Shirani Bandaranayake, D.P.S.Gunasekera and Ameer Ismail.

Strangely enough, two of these Judges –Justices P. R. P. Perera and Dr Shirani Bandaranayake were also on the Court that issued interim orders earlier on the Speaker of Parliament!

On the question of the judiciary, readers are referred to two items titled "Obvious Sign of a Breakdown in the Judicial System" and " Impeachment Motion against the Chief Justice" which appear inside under "Comments". Degeneration of the judiciary would appear to have become rapid since the promulgation of the 1978 Constitution. All of which point once again to the need for urgent Constitutional reform.

### War, Peace and the Emergency

At this stage, the scenario could not be considered complete unless one again went back a little to the events that occurred towards the end of April and thereafter. This especially pertains to the on-going North-east war and the peace process pursued including the Norwegian initiative ( See last issue of *Christian Worker*).



"Operation Agni Khieila"

In our last issue we noted the significant but limited gains made by the Armed Forces in extending the territory held by them in the North. Towards the end of April however an ambitious military offensive code-named "Operation Agni Khiela" or Rod of Fire the object of which was to recapture Pallai, turned into a serious misadventure.

Troops broke out on the offensive at 1.48am on April 24 (nearly two hours after the LTTE's four month long "unilateral cease fire" had ended) with the aim of annexing the village of Palai on the road to Elephant Pass the isthmus gateway that links Jaffna peninsula to the mainland of Sri Lanka. However heavy resistance led to high casualties. Besides those killed in action and seriously wounded, over 1600 soldiers were hurt after stepping on improvised land mines (which are popularly called "battas") The army admitted to losing 5 officers and 152 soldiers while more than 860 men were seriously wounded in 4 days of fierce fighting with the Tamil Tigers. However the death toll was estimated to be much higher than official statistics revealed. Fierce Tiger attacks and mounting casualties forced the Security Forces to withdraw to their original defences.

In seeking to explain the debacle, the Commander, Security Forces, Jaffna Major General Anton Wijendra is said to have made the fatuous comment that "an attacking force always sustains more casualties". He said troops had advanced along lines after clearing the mines but the fall of artillery and mortar forced them to scatter for cover. When that happened they stepped on mines. He said however that launching of this operation had pre-empted the LTTE plan of conducting a major attack on the Jaffna peninsula. In view of the weapon systems and facilities they had brought to the Elephant Pass sector, it was obvious that the LTTE was poised to launch a major operation. Major-General Wijendra said the LTTE had acquired a very substantial quantity of military hardware including 62 barreled multi-barrel rocket launchers. Iqbal Athas in his "Situation Report" of May 6 Sunday Times quoted a high ranking source who wished to remain anonymous explaining the situation then after the four and half hour National Security Council meeting in Colombo on May 3 when the dilemma faced by the PA Government was starkly clear: "President Kumaratunga is caught in a delicate issue. She concurred with the security forces' demand that there should be no ceasefire. She gave them all the funds to further modernise and increase their fire power. And now they cannot deliver. What does she do in such a situation?" Ironically this year 2001 offensive was executed without any form of political compulsion and handled solely by the security forces but ended as a fatal military fiasco. Those responsible for such disasters should

be made accountable instead of being transferred or promoted as appears to be the policy until now. At a subsequent meeting of the Security Council, the President is said to have sounded out the view of the security forces top brass and other top defence officials about a possible halt to fighting during a given time-frame. She received a unanimous mandate from those present. This cleared the way for further talks with the Norwegian peace facilitator Solheim who had been flitting in and out of the island in a sort of shuttle diplomacy to promote peace talks. It was in this context too that the TULF had sought to defer support for the UNP's no-confidence motion referred to earlier in order not disrupt the political atmosphere.

When Norwegian Special Envoy Erik Solheim arrived in Colombo in early May after meeting Chief LTTE negotiator Anton Balasingham in London, he was expected to strike a deal between the Government and LTTE on the latter's current stance on its conditions for the start of the talks. However there were regular reports also of the LTTE continuing to prepare for war while talking peace with the Norwegian negotiator. These included the unloading and smuggling into the country of several shiploads of military hardware from vessels off Mulativu. Detailed proof of this came to light with the interrogation of 6 Tiger guerillas, who were rescued from the high seas after a four hour confrontation between the naval craft and Sea Tiger boats escorting military cargo unloaded from ships to smaller barges on the high seas off Mulativu. This was the second deep sea confrontation in a week as reported also by Iqbal Athas in his "Situation Reports" of April 22 and May 13 in *The Sunday Times*, who has also rightly raised questions about the billions of rupees poured in by the Government to enhance the Navy's deep sea capability intended to prevent such Tiger smuggling operations and the lure of attractive commissions that may have influenced purchases. But whatever the reason for the Navy's inability to deal with Tiger guerilla threat on the deep seas, smuggling of weapons by the LTTE has continued unabated in recent months during a period when Norway was playing the role of a facilitator to bring the Government and LTTE to the negotiating table and a period too when the LTTE had declared a "unilateral cease fire" for 4 months since Christmas eve last year!

The outcome of the five hours of talks on May 16-17 between Norway's envoy Solheim, Norwegian Ambassador in Sri Lanka Jon Westborg and a Norwegian Foreign Ministry official with LTTE's political wing leader S P Tamil Chelvam and his colleagues did not produce the expected results as the LTTE remained firm on their three "pre-requisites" as pre-conditions for the start of peace talks. These were the lifting of what the LTTE calls the "economic blockade" of Tamil areas, "the declaration of a formal cease-

fire and the lifting of the ban imposed on the LTTE by the Government. While the Government's response appeared to be amenable to the first two : in denying that there ever was an "economic embargo", the Government lifted controls on the transport of 24 items to the North, though items like cement and fuel which the LTTE would utilise for its war activities was not readily agreed upon; even the formal cessation of hostilities seemed possible with the Government's having initially proposed a time-bound bi-lateral cessation of hostilities. The major hurdle however was the insistence on lifting the ban on the LTTE on which the Government was not prepared to give in. This became therefore the biggest obstacle to progress on the proposed peace talks. The LTTE saw the lifting of the ban locally as the start of the lifting of bans on it in the other countries where they were able to draw massive funds from Tamil expatriates and through other activities including dealing in narcotics. It is significant that the LTTE never made the lifting of the ban on it a condition for entering into peace talks. It was only lately that this was brought in as a pre-condition. It is well known that in similar disputes elsewhere eg. Northern Ireland, Middle-East, North India, Bangladesh etc., the militant group has had talks with the respective government while the ban was on. Our Government's position is that the lifting or the suspension of the ban could only be an outcome of the negotiations, not a precondition. Furthermore the efforts made by the Government to relieve hardships to people in LTTE controlled areas could be broadened if the LTTE opened the Vanni-Jaffna road for the Government's non-military traffic.

There was speculation on who could have been responsible for a claymore laymore aimed at Tamil Chelvam while traveling in a LTTE convoy to meet Erik Solheim. Although the LTTE Tamilnet Website blamed this on a "deep penetration team of the Sri Lanka Army", this blast occurring near Kokkavil in the LTTE heartland with its high security made this quite unlikely, given also the present record of the Army. For its part, the LTTE has shown ruthless efficiency in dealing with the elimination of its own dissident groups.

A little stir was created in early June when the Norwegian Embassy issued a press release to the effect that after a discussion that Mr. T. Jugland Minister of Foreign Affairs and Chairman of Norway's ruling Labour Party had with President Kumaratunga and Foreign Minister Lakshman Kadirgamar, "At was decided that Government of Norway will henceforth participate at a high level to advance the peace process involving the LTTE." While some diplomatic sources pointed out that their decision to upgrade the level of Norwegian facilitation, was due to

its special envoy Erik Solheim being only an Opposition politician in Norway and not closely linked to the Government in Oslo, so that there was a concern that if Mr. Solheim personally decided to withdraw, the entire peace process could be derailed or delayed. However there appears to have also been some displeasure the Government had with the reports of Mr. Solheim's talks with US officials when he visited the USA after his meetings in Sri Lanka. It was well known that Solheim had spoken very extensively to the media in various countries on the situation of the peace process, conduct that was at complete variance with the role of a facilitator in peace talks that necessarily involved secrecy. The LTTE however took strong exception to this unilateral action taken without consultation with it as a party to the proposed negotiations.

In the meantime there appeared to be a new Tiger thrust in the East after their arms build up with large stocks of military hardware being smuggled steadily through the North-eastern coast with the development of the LTTE's shipping operations on an international level, beginning



**Soldiers in LTTE Artillery regiment**

*Courtesy: The Sunday times*

with the purchase of "MV Cholan" from Singapore around 1984. These activities have continued in the face of the Government's ineffective naval measures to check them. On July 18, Sri Lanka Air Force jets were reported to have bombed a flotilla of Tiger boats moving towards the North from Mulativu causing heavy damage to it.

In this situation, Government's withdrawal of the censorship imposed on military news on May 30 was a sensible move. We have long deprecated the censorship as being unnecessary and counter-productive, The Editors' Guild of Sri Lanka welcomed this lifting of the censorship but called on the Government to immediately ease restrictions on access to operational areas by accredited

journalists. This was later done and visits to those areas said to be completely eased in July.

The press reported a massive LTTE cadre and arms build up in preparation for a major battle against the security forces to re-capture Jaffna in preparation for the LTTE "Black Tiger Day"- July 5 which commemorates the 1987 suicide attack by Black Tiger Hero " Miller" who drove a lorry laden with explosives into the army camp at Nelliady in Jaffna, killing many military personnel. The LTTE had also closed the Piramanam barrier in Vavuniya for traffic moving between "cleared" and "uncleared" areas from June 22 as a part of these preparations and to prevent information on their military preparations being leaked out.

On Saturday June 30 the Government called off the 2 month self-declared moratorium on air attacks noting the LTTE preparation for war. In what was described as a "pre-emptive air strike" to foil the anticipated LTTE plans for its "Black Tiger Day" attack on July 5 through sea and land routes, the Air Force blasted several vital LTTE installations including their communication towers in Pooneryn which was the launching pad for heavy artillery and mortar attacks on the Jaffna mainland and the shortest possible sea route through Kilali to the peninsula from the mainland. Pooneryn is separated from the Jaffna town by a four km (2.4 mile stretch of sea.

The USA and India expressed their concern over these weekend air attacks. Explaining the position in an interview, Foreign Minister Lakshman Kadirgamar said that "valuable evidence had reached a point of certainty that could no longer be ignored. If the Government had failed to make a pre-emptive air strike, the Jaffna peninsula would once again have been in peril of falling to the LTTE.



UNP Leader Ranil Wickremesinghe addressing a 'Palayau' (Get Out) meeting in Colombo against the PA Government  
 Courtesy: The Island

"It will be recalled that Sri Lanka has had similar experience many times in the past. In early 1995 when the first rounds of peace talks under the present Government were proceeding and a cessation of hostilities had been declared, it was found when hostilities were later resumed with the LTTE attack on two ships in the Trincomalee harbour on 19 April 1995, that in the first quarter of 1995 there had been a significant build-up of LTTE forces precisely in order to prepare for the attack which they knew very well they were going to launch. It became clear to the Government that that kind of situation must never be allowed to recur".

Describing the bombing operations "as timely and simply an act in the exercise of self-defence which is the legitimate right of every sovereign state", Kadirgamar said: "we do not believe that a prolonged war is going to settle the problem that Sri Lanka has been facing for the last two decades. The Government of Sri Lanka is determined to go on with the peace process and believes that ultimately there has to be a negotiated political settlement of the armed conflict for a lasting peace which would meet the aspirations of all elements of Sri Lankan society. President Kumaratunga has over and over again made that clear. That remains the position of the Sri Lanka Government today" Kadirgamar concluded: "The Government again invites the LTTE to come to the negotiating table without any conditions and to commence negotiations in seriousness in order to discuss and resolve finally the substantive issues involved in the conflict".

Meanwhile the UNP's attempt to topple the Government had earlier resulted in a motion of no-confidence being submitted to the Secretary General of Parliament on 22 June, the charges against the Government being incapacity to wage the war effectively or conduct the peace talks properly, inability to contain the cost of living by managing the economy prudently, and failure to raise the salary of government servants. The motion was signed by 88 UNP MPs, 5 TULF MPs, 3 TELO (Tamil Eelam Liberation Organisation) MPs and 1 ACTC (All Ceylon Tamil Congress)MP. The UNP had also threatened to present a Bill in Parliament to set up 5 independent Commissions on Public Service, Elections, Judicature, Police and Media most of which had been included in the draft constitution presented to Parliament last year which was not proceeded with on account of the UNP's vociferous Opposition ( see **Christian Worker** 2nd Qr 2000).

The UNP's no-confidence motion was backed outside by meetings and demonstrations calling on the Government to quit, while trade unions and PA supporters had their own meetings and picketing in support of the Government.



**Workers' demonstration and meeting to protect PA Government**  
 Courtesy: Daily News

The combined Opposition numbering 115 MPs were expected to submit a motion to the Speaker on July 9 urging him to list the no confidence motion for debate on July 16-20 in view of the Government's unwillingness to debate the motion that month.

Before that however, an important question arose over the extension of the Emergency which was to come up in Parliament on July 6. If the Emergency was not approved by the House with the combined Opposition voting against it, there was the danger of the proscription of the LTTE itself lapsing and the existing security measures too disturbed with serious consequences. Since there appears to be considerable confusion on this matter, the position needs to be clarified.

The proscription of the LTTE was first imposed by the Proscription of the Liberation Tigers of Tamil Eelam and other Similar Organisations Law No. 16 of 1978. That law allowed a proscription for only a period of one year. This Act was amended in 1979 to extend the period of proscription for two years. The Prevention of Terrorism (Temporary Provisions) Act No.48 of 1979 repealed these Acts which allowed the proscription of an organisation and spelt out offences as terrorist acts and provided for the detention, trial and punishment of persons charged with the commission of such offences. It can be assumed that the legislation for the proscription of the LTTE was thus repealed in order to enable the Governments at that time to deal with the LTTE at the level of negotiations and also allow the LTTE the opportunity of entering the democratic stream.

However the LTTE from time to time engaged in acts that can be called terrorist. The Sri Lanka Government had to awaken to this situation and take necessary measures when the LTTE exploded a powerful bomb at the Dalada Maligawa Sri Lanka's most hallowed Buddhist

shrine. With this incident, the LTTE was proscribed by Emergency Regulations dated January 1998. Now the proscription of the LTTE rested wholly on the Emergency Regulations. Therefore in order to avoid any possible defeat of the motion to extend the Emergency, as the UNP, JVP, TULF and TELO had already forewarned that they would be voting against it and to thereby prevent resulting chaos ensuing from it, the country's existing emergency was allowed to lapse. The President then on 4 July invoked Section 12 of the Public Security Ordinance (Chapter 40) and promulgated legislation under the Prevention of Terrorism Act (PTA) No. 48 of 1979 which "for the purpose of giving effect to the principles and provisions of the PTA and for upholding the Rule of Law" proscribed the LTTE, even if the PTA did not specifically provide for such an organisational ban though that was its essence.

### Attempts to meet the Crisis

Since the general election last year the UNP has turned its back on the Constitutional Amendment it had agreed on earlier despite the expressed readiness of the Government at that stage to make amendments to the Bill in accordance with the wishes of the UNP. The last General Election was in fact an endorsement of the political solution proposed in the Constitutional Amendment and the UNP did not campaign against it at the Elections. Since then the UNP has adopted contradictory positions in regard to a political solution. On the one hand it says that a political solution to be acceptable has to be negotiated with the LTTE. On the other hand it has carefully refused to reach a consensus on what has to be so negotiated. This has only helped the LTTE's strategy of blocking Constitutional reform which if passed in Parliament could help bring the pressures of the Tamil community on it to enter the democratic process. ( See May Day Message of CWF in Annexure II to this Comment/Review).

There was then the projection of a "National Government" moved not only by sections of the UNP but even by some within the PA itself such as Prime Minister Ratnasiri Wickremanayake and Minister S B Dissanayake, not to speak of religious leaders such as the Buddhist Maha Nayaka Theras and the Roman Catholic Archbishop of Colombo.

A National Government is formed in Parliamentary democracy when Government and Opposition act together in a national emergency like a war. If our own war situation is such an occasion, do the UNP and SLFP ( the major section of the PA) have similar policy positions in regard to the war and the means of reaching a peaceful settlement? Where there is no such consensus, the

“National Government” is an euphemism for something else as the Lanka Sama Samaja Party (LSSP) and the Communist Party of Sri Lanka (CPSL) both constituent parties of the PA have pointed out in their joint statement of 26 June. The Statement puts the position sharply as follows: “The presently functioning Government is one which the political forces of the centre work with those to the left. A Government with the UNP as official part of this Government would radically change the centre-left character of the Government. It would establish itself as wholly a government that serves the purposes of compradore capitalism. It is the only means by which the IMF and World Bank impositions on Third World countries can be put into effect. Such eventuality will push the country into further crises with the clear polarisation of class forces that it would result in. The LSSP and CPSL reject the very idea of any government of which the UNP with its blood soaked hands can be a part....” This brings to mind the attempts of J R Jayewardene to enter the United Front Government of the SLFP-LSSP-CPSL of 1970 when Dr. N.M.Perera stated that if Jayewardene entered the Government through the back door, he would leave from the front door!

But a “National Government” surely is not needed to get through a Constitutional Amendment in Parliament as was evident before the last election when both PA Government and the UNP engaged in discussions that significantly reached near consensus until the UNP abruptly ended it. Then there was projected by the UNP a “Caretaker Government” that would ensure a fair election after amending the Constitution to provide for independent commissions for the Public Service, the Judiciary, Elections and the Police. The JVP fell for this demand forgetful apparently of its own pledge to have the Executive Presidency abolished! There is no provision however in the Constitution for a “caretaker government” since what the J R Jayewardene Constitution of 1978 provides is a Government of the President. The President would have to look for establishing not a caretaker government but a government as is provided for in the Constitution. And the President could not be faulted if she takes the view that the several parties in the Opposition that have got together to get through a No-confidence motion cannot together form a viable government!

In this situation it is comic to learn that UNP leader Ranil Wickremesinghe had a secret meeting with President Kumaratunga on July 4 at 10pm where he said he would bring over 40 MPs to join the Government (apparently without his rivals Karu Jayasuriya and Gamini Athukorale) and proposed a French Governmental system under which the President would preside over the Cabinet and Security Council but would not hold cabinet

portfolios and select the Ministers in consultation with himself as Prime Minister! ( *The Sunday Times, Sunday Observer, Daily News*).

Is it any wonder then that given the impossible situation where there was no prospect of having a viable and meaningful government without Constitutional reform, the President should have prorogued Parliament and turned to consulting the people through a referendum to be held on August 21 and thus bring mass pressure to bear on the legislature for constitutional amendment.

Opposition critics of course have charged that President Kumaratunga shut down Parliament for two months to ward off certain defeat after the Parliamentary Opposition produced a petition signed by 115 MPs calling for an early vote on the no-confidence motion against the Government. But would the passing of the motion of no-confidence brought in by disparate political parties have led to the formation of a viable government? The answer is obvious.

### Opposition to the Prorogation

The Speaker Anura Bandaranaike on July 15 rejected a joint opposition request urging him to re-summon Parliament which had been prorogued by the President. The Speaker in a communiqué addressed to the Opposition Leader stated “ I have considered the submissions that the President is by virtue of Article 42 of the Constitution responsible to Parliament for its exercise as a ground for subjecting the exercise of the power of prorogation to the control or review by Parliament. I am not persuaded that this is a sufficient basis for me, as the Speaker of Parliament to review the decision of the President to prorogue Parliament on the ground that the prorogation was calculated to thwart consideration of the motion of no-confidence that was sought to be moved in Parliament. While the motives for issuing the Proclamation of prorogation may be open to objection or criticism as a misuse of power, I do not find it possible to infer therefore any implied power vested in me as your Speaker to override the proclamation of prorogation, re-summon Parliament and continue with the conduct of Parliamentary business that was intended to be transacted in this session that terminated with the impugned act of prorogation”.

“While I am at all times conscious of my duty and responsibility to protect and safeguard the rights of Parliament, yet I do not think I can exceed the legal limits of its powers which the Constitution has conferred on me in the course of that endeavour. Though my own personal opinion may be at variance with what has been done on this occasion in the matter of the prorogation, I am myself bound by the Constitution and cannot therefore overstep the limits of my powers”.

Virtually all the Opposition parties were reported to be formally supporting the pot symbol (negative answer) to the question posed at the referendum, rejecting the call by the Government to change the Constitution. This is as a second resort if the Opposition call for the withdrawal of the referendum fails. The TULF however was reported to have not made a final declaration as yet. The JVP has taken the position that while it had informed the Election Commissioner that it would support the pot symbol, it had not determined what it would tell the people.

It was only on July 20 this year that the PA Government appointed a Presidential Truth Commission on Ethnic Violence, to probe 1983 July violence and other incidents of such violence that occurred from 1981, uncover those responsible and recommend measures to be taken to prevent a recurrence of such violence, the ultimate objective of such inquiry being also to provide national unity and reconciliation among all communities.

The LTTE attack on the Air Port however, showed up once again the gross inefficiency and lack of preparation

The UNP's mass protest demonstration on July 19 against the Government in defiance of police warnings in writing that processions were prohibited under the Referendum Law resulted in the death of two persons: one being by police shooting over which there is a magisterial inquiry while the other processionists were dispersed by the police who also used tear gas and rubber bullets in their operations. Ironically the UNP were joined by former left MP Vasudeva Nanayakkara as a part of the UNP sponsored "Peoples Movement for the Protection of Democracy" in this protest. This was in sharp contrast to the position taken by his erstwhile comrade Dr. Wickramabahu Karunaratne of the Nava Sama Samaja Party who saw in the Referendum a radical way forward to abolish the dictatorial Constitution and to establish a democratic and peaceful condition.



**Demonstrators throw stones at police during the UNP-led protest march in Colombo July 18. Police fired tear-gas and rubber bullets to try to enforce law order.**

*Courtesy: REUTERS*

The JVP protest held later on July 23 in several parts of the island simultaneously passed off without incident since they were within the law and did not attempt any unlawful march in defiance.



**UNP Leader Ranil Wikremesinghe and former left MP Vasudeva Nanayakkara in conversation at the media briefing of the UNP sponsored "People's Movement for the Protection of Democracy" at the Colombo Public Library.** *Courtesy: The Island*

A much more resounding "protest" was staged by the LTTE in July (its customary month of reprisals and in retaliation too for the recent pre-emptive air strikes in Jaffna) in the early hours of the 24th morning in the form of an armed attack on the Air Force Base and Bandaranaike International Airport at Katunayaka which resulted in the destruction of 8 military aircraft and 3 Sri Lankan Airline planes. A total of 21 persons – 14 Tigers, 6 airmen and a commando were killed in the attack which was meant to mark the 18th Anniversary of the anti-Tamil program of 1983 which was sponsored and directed by supporters of the then UNP Government of which the present Leader of the Opposition was a Minister.

on the part of the Security Forces – in this case the Air Force, to defend a key Security Base and vital International Airport. The criminal negligence displayed here that enabled the Tiger suicide squad after having even relaxed at a playground close by on arrival in a coach bearing the name board 'Matara', to penetrate the Air Port building and even fire rocket launchers from the top of that building to destroy a Sri Lankan Airlines plane should normally have resulted at least in the resignation or dismissal of the Head of that Force not to speak of the Minister in Charge! Furthermore, the evidence given at the Magisterial inquiry by the Air Port Security Chief Buvaneka D. Abey Suriya as if in mitigation of their negligence disclosed that "ultra modern high powered assault weapons that made no sound during attack" had been used in this LTTE assault, the like of which he had never seen, (**Daily News** July 28) is a sad commentary too on the updated

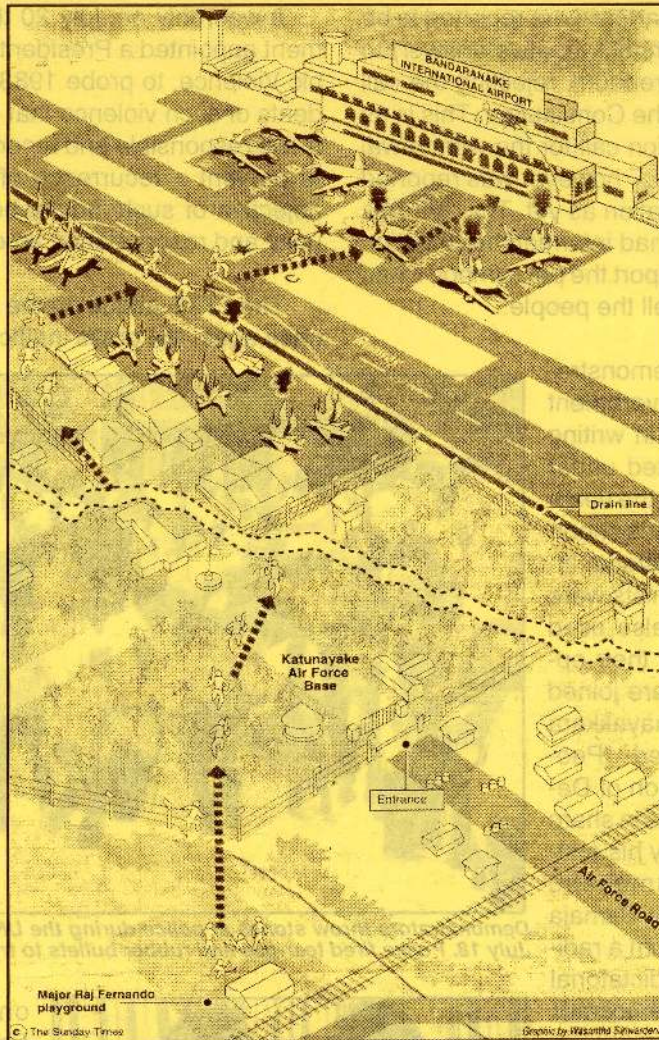
knowledge of weaponry on the part of our Forces.

Earlier on July 6, several areas of the country were closed for business in a protest and hartal called over the gang rape of a Tamil woman by 3 policemen over which there is an action also in the courts. While it was encouraging to see Tamil women openly demonstrating on the streets of Colombo, it was a pity that this was not opened out to other communities by the organisers. The unfortunate position of Tamil civilians in their treatment by Police and Security Forces under the Emergency, though it has now improved considerably, has been the subject of comment in this column and in articles appearing in *Christian Worker*.

### Constitutional Manoeuvres or Right - Wing Conspiracy?

There are political observers who view the happenings enumerated above as a part of right-wing subversion that has dogged the Peoples Alliance Government from its very inception. Starting with the formation of the Government when it was first elected in 1994 and the efforts made even then to jettison Chandrka Kumaratunga as Prime Minister and Leader of the Alliance and the remark said to have been made to her by the then US Lady Ambassador Teresitha Schafer that she (Chandrika) will not be able to do very much with a centre-left government (obviously because it would not be so accommodating to US interests), there have been constant attempts made to subvert the Government and change its character.

In this connection it is interesting to note the complaint of Dr Nalin de Silva a leading chauvinist ideologue that the country's present crisis in politics is due to the failure of the Sri Lanka Freedom Party (SLFP) the dominant party of the PA to implement its own policies as the party of "Sinhalthva" and social justice in the minds of thousands



**LTTE attack on Katunayake Air Force Base and International Airport**  
 Courtesy: The Sunday Times

of the Sinhala people: "The SLFP" he says "is presently following the policies of the SLMP ( Sri Lanka Mahajana Party), a pink socialist party formed by Mr Vijaya Kumaratunga" ( *The Island* 14 June). From our point of view, it is to the credit of Chandrika Bandaranaike Kumaratunga that she has been able to transform an avowedly racist (Sinhala) party into something bigger that is able now to give some leadership to help build a truly Sri Lankan nation devoid of racial prejudices.

The non-adherence to the strict dictates of the IMF – World Bank policies as seen in the refusal to give our phosphate deposits over to a powerful US Transnational ( see *Christian Worker* 2nd Qr 2000), to privatise education, State banks etc, go to show the position taken as a Centre-Left formation by the PA Government in spite of its many shortcomings.

In this connection it is interesting to note the comments on the recent political events in our country of Justice Minister Batty Weerakoon as Secretary of the Lanka Sama Samaja Party which is a constituent of the Peoples Alliance government:

" The Lanka Sama Samaja Party views the Referendum called by the President for the 21st of August as an opportunity for the people to enter the political arena and defeat political reaction that has raised its head through sordid Parliamentary intrigue, corruption and conspiracy.

The most recent and disastrous result of this Parliamentary intrigue is the opening given to the LTTE to make its attack on the Katunayake Air Port. The deal made by the UNP with the Tamil parties in the Opposition in order to get their support for the No Confidence Motion was that it would join the Opposition in defeating the Emergency Proclamation when brought to Parliament this



month. It is in the face of the threatened defeat of the Proclamation of Emergency under Part II of the Public Security Ordinance that the Government had to desist from making the Proclamation. The Emergency that was put into operation thereafter was under Part III of the Ordinance. This does not permit the making of Emergency Regulations which are all important in combating terrorism. There is no doubt that the LTTE exploited the serious disadvantage of the Government in planning and carrying out its attack on the Air Port. The Opposition and primarily the UNP, must accept responsibility for this.

“The conspiracy that led to the Air Port disaster commenced initially with the attempt by the UNP to buy over MPs from the PA in order to defeat the Budget. The UNP’s failure to accomplish its objective was what gave rise to the challenge to Ranil Wickremesinghe’s leadership of the UNP. As made known by The Sunday Times, in the course of that conflict the UNP had collected Rs. 80 million for the purchase of a sufficient number of MPs for its operation but this money was not sufficient for the several deals involved. The Sunday Times went on to state that Ranil Wickremesinghe was blamed for not pulling his weight in collecting the needed lucre for what was to be the Grand Betrayal of the PA Government in the Budget vote.

“The No-Confidence motion was initiated to allow Ranil Wickremesinghe to make amends. Sufficient monies were collected to offer MPs purchase prices as high as Rs. 20 million per head. The moves intensified with Rauf Hakeem’s expulsion from the Cabinet on the ground that he had entered the UNP conspiracy.

“The conspiracy reached a second stage when the No-Confidence motion was used by the UNP and some Ministers in the PA Cabinet to move forward to form a “National Government”. The LSSP together with the Communist Party of Sri Lanka unreservedly opposed this move as an attempt by the compradore capitalist class to install its own Government. It is acknowledged that Her Excellency the President and the progressive forces in the Cabinet and outside it stood by us on this matter. The LSSP recognizes that the prorogation of Parliament was the first move to defeat the Parliamentary conspiracy. It gives an opportunity for the people to assert their will before Parliament meets next which is in September.



LSSP Secretary Batty Werakoon

“The question is posed by the bourgeois press and related media as to the need for a referendum on the question of the repeal of the J R Jayewardene Constitution when the UNP has already expressed its readiness to amend this Constitution. This indeed is a belated expression of willingness which, in any case, has as yet not been communicated to the Government. It cannot be forgotten that it was that same UNP which in Parliament tore up and burnt the Constitution Amendment Bill when it was brought to Parliament in August 2000 despite the fact that it was finalised in consultation with it.

“The media attack on the Referendum on the ground that it seeks a decision from the people on a Constitution that has not been made public is misplaced. Inherent in this is a wholly false argument. The vote that is sought in the Referendum is not on a new Constitution but on the existing J R Jayewardene Constitution. What the people are required to decide is as to whether this Constitution should be replaced. The people are now well aware that this Constitution has pushed the country into a Constitutional crises of which far sighted and knowledgeable men like Dr N M Perera warned the country just at the time Jayewardene enacted it.

“A Referendum vote in favour of replacing the present Constitution will clear the way for the PA Government to talk to all parties in Parliament in regard to the procedure to be adopted for discussions relating to the provisions in a new Constitution. These parties will be consulted on the question as to whether this task could be satisfactorily accomplished by Parliament alone or whether wider sections of civil society should be drawn in through such a device as a Constituent Assembly. The Government has made known the Cabinet decision that these consultations are made with the objective of securing the widest consensus for the new Constitution that is to be enacted in accordance with the wish of the people as registered in the Referendum.

“The bourgeois press is hell bent on preventing the Referendum from being held. It wants the Parliamentary conspiracy to continue without the people having any say in it. The Referendum is the one decisive means through which the people can intervene in this situation. The LSSP calls on all progressive forces to mobilise the people for a decisive defeat of these dark conspiratorial forces through a resounding victory in the Referendum.”

(Communique -25.07.2001)

**The Need for a New Constitution**

Opposition political parties and some civil society organisations have raised objections to the Government's "squandering" of a large sum of money – said to be over Rs. 650 million on a referendum which they have described as a "fruitless" exercise (*The Island* 30 July).

Now Rs. 650 million is indeed a large sum of money but when one realises that the on-going war costs Rs. 250 million a day, this expenditure would be even less than 3 days cost of the war! It could well be justified especially if it was to ward off a virtual conspiracy calculated to subvert a government elected by the people only last October.

However this expenditure too would have been quite unnecessary if the main Opposition party the UNP had been honest in its dealings in Constitutional reform and kept to its promise to support the Amendment brought before Parliament last year or perhaps introduced further amendments even at that stage instead of backtracking and sending out several of its MPs to Singapore to prevent them from voting and thus thwarting also a consensus between it and the PA on constitutional reform which would have helped greatly in future peace negotiations. (See *Christian Worker* 2000 2nd Qr)

The need for a new Constitution is widely admitted today and readers are referred to the article appearing inside under 'Comments' titled 'The Need for a New Constitution' by Dr. Laksiri Fernando which succinctly spells out this need.

There has however been a more recent contribution by a legal luminary of the highest order and academic credentials – Judge C F Amarasinghe – that appeared in *The Island* of 24 July which is strongly recommended as valuable reading matter. It is titled "War and Peace, Governance and Rebellion".

Remarking that "the present Constitution has every prescription for dictatorship and not for the exercise of representative democracy", Judge Amarasinghe states: "

**Remarking that "the present Constitution has every prescription for dictatorship and not for the exercise of representative democracy", Judge Amarasinghe states: "The present Constitution can therefore be replaced with a clear mandate from the electorate. Then perhaps even a Constituent Assembly may be used again if necessary. What is required is a Constitution effectively accepted by the electorate.**

The present Constitution can therefore be replaced with a clear mandate from the electorate. Then perhaps even a Constituent Assembly may be used again if necessary. What is required is a Constitution effectively accepted by the electorate.

"The procedure is to some extent a matter of choice. It must be in keeping with the fundamentals of democracy. It need not be based on legalistic premises which have become irrelevant, particularly when an undemocratic and not merely unsatisfactory Constitution is being replaced. Effective acceptance is the critical standard.

"One thing more – you can be sure the new Constitution whatever it is, will be replaced, if there is a change of government? In Sri Lanka it is like changing clothes – also it seems to have become a national pastime! But this one

certainly needs to be replaced, whether there is an ethnic problem or not. It is plainly undemocratic. It must evidently have emanated from a highly sophisticated, complicated and little understood concept of representative democracy."

We have now a chance through the Referendum to say 'yes' to a new Constitution that we can set about devising to meet our requirements once a mandate is obtained. This could perhaps be through a Constituent Assembly that would start with the present MPs but with representatives too from all political parties and organisations of both North and South, including those who are presently outside parliamentary democracy and reputed experts who may become necessary.

The Referendum thus becomes an exercise of the Sovereignty of the People where legislative power is exercised according to Article 4(a) of the present Constitution "by Parliament consisting of elected representatives of the people and by the people at a Referendum". This latter step is the means also through which the people can intervene and bring their pressures to bear in a situation where parliament appears to have got stuck in an unresolved and sterile power struggle.

31 July 2001

## ECONOMIC ROUND - UP

1. The real roots of Sri Lanka's economic crisis are two-fold:
  - (1) The slowdown of the global market economy, which is an objective phenomenon caused by the inherent contradictions of capitalism; and
  - (2) The 'international sanctions', partly prompted by the Opposition UNP -main parry of the compradore capitalist class of Sri Lanka. which is a subjective phenomenon.
2. The global economic slowdown was recognized several years ago in the 1990s by successive Chairmen of the Federal Reserve Bank in the U.S.A. Only last week of July Alan Greenspan the present Chairman of the U.S. Federal Reserve Bank, announced further cuts in the **interest rates** and said he hoped this will prevent the **ongoing recession of U.S. economy** from turning into a "**global economic depression**", as occurred in 1929-30. Any keen observer of the international economic developments could do well to sit and watch the B.B.C World Market News and C.N.N World Business Report. The reporters are constantly commenting on the various symptoms of global economic depression viz falling profits, falling share-market indexes, falling consumer demand and falling sales.

The worst hit advanced industrial economy of the capitalist world is the **Japanese economy**, which is reeling under the manifold crises in the banking sector, heavy industry and consumer industrial sectors, chiefly due to the drastic cuts of Japanese exports to the U.S.A.

As a result of the recession of Japanese economy, since the decline of Japan's exchange rate after 1995, there have been repeated Parliamentary political crises, leading to the sweeping election victory of the Liberal Democratic reformer Koizumi, who has promised "basic structural reforms" in the Japanese State-Constitution and Japanese economy. Japan which is

the second biggest economy in the world, next to the U.S.A. is presently "in the dumps."

The collapse of Japanese economy will no doubt have serious repercussions in Asia in particular, and the world in general including the U.S.A

The U.S.A. specially under the Bush administration has obviously sensed the general underlying trend of the global economy with growing alarm. The repeated rejection of the Kyoto Agreement on global warming, and the 1972 Anti-Ballistic Missile Treaty by President George W. Bush is a clear indication of the intentions of U.S. Imperialism. Firstly, the U.S.A. wants economic isolationism and secondly the U.S.A. is preparing for a global crackdown on all forms of anti-imperialism, whether it is the Communist States or popular mass movements.

The U.S.A. is arming itself against other capitalist powers, as well. The "National Missile Defence" System is the answer of the isolationist imperialist bourgeois to the rising tide of **mass anti-capitalist globalisation of protests** viz Genoa Summit of the G8.

The "Crisis of Capitalism" really hit the surface in the East Asia and S. East Asian Currency cum financial and economic crash of 1997-1998; which sent shockwaves throughout the world, shaking the confidence in the global market economy. ( See *Time Magazine*)

The effects of the Asian Crisis of 1997-98 are reaching Sri Lanka only in 2000-2001 through exchange devaluation and slump in foreign trade.

Sri Lanka's woes are now being compounded by the separatist War waged by the L.T.T.E. and the U.N.P. political campaigns within and outside Parliament.

3. The UNP's Human Rights specialists and advocates are obviously hard at work these days to persuade the aid donors in the West, that the P.A. Government is heading towards a dictatorship, as seen- in the recent police attacks on the UNP demonstrators.

**The U.S.A. specially under the Bush administration has obviously sensed the general underlying trend of the global economy with growing alarm. The repeated rejection of the Kyoto Agreement on global warming, and the 1972 Anti-Ballistic Missile Treaty by President George W. Bush is a clear indication of the intentions of U.S. Imperialism. Firstly, the U.S.A. wants economic isolationism and secondly the U.S.A. is preparing for a global crackdown on all forms of anti-imperialism, whether it is the Communist States or popular mass movements.**

The U.N.P has **partly helped to prevent the big inflow of foreign aid, trade and foreign capital** to Sri Lanka in the past seven years (1994 - 2001) through its connections and activities abroad and thus contributed to the ongoing financial and economic crises in this country. Thus, they can blame all this mass -misery of inflation on the P.A. Government alleging its **corruption and incompetence**. The latter could be true to some extent, but the U.N.P's record of corruption and repression (ප්‍රභවය සහ හිමනය) is "ten times worse". Of course, the people's memory could be short on this score, due to the 'hand-outs' promised by the capitalist class in its "economic propaganda" against the P.A. Government.

The T.N.L Announcements (News) on T.V. on Saturday 21st July night let the "cat out of the bag" with the disclosure that Ranil Wickremesinghe and Mahinda Samarasinghe were going all out to stop the aid donors from helping Sri Lanka.

In analyzing the current political trends 'it is always necessary to bear in mind **the logic of the class struggle**. The course of history is working itself out inexorably through the living reality of the contradictions and antagonism in human society, wherever it may be. "Law", "reason" "logic" and "rationality" are categories that derive their social relevance from the basic reality of this fact. Therefore, any economic round-up must invariably become a study in political economy. It is this methodology which can unlock the secrets of the ongoing economic, social and political developments. And this compelling methodology is all about the present day forces, which have evolved and established the global market economy. (See article titled 'Future of the Market Economy' in **Christian Worker** 3rd Quarter, Dec. 1998 issue)

This global economy is the most advanced stage of imperialism, in the form of multinational and transnational corporations which control: (a) capital markets, i.e. share-markets, (b) money markets, i.e. banks, finance companies, all other credit institutions and (c) the commodity markets. Here all the present-day contradictions of capitalism are being played out at the highest most intense

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All studies -must therefore. begin with these institutions which "fine-tune", monitor, direct and control the activities of the imperilist bourgeoisie, meeting out at a whole range of meetings and forums - the G7, World Economic Forum, European Union, World Bank etc.

**Stand-by Agreement with the IMF (April. 2001)**

1. In April 2001, the International Monetary Fund approved a 14-month stand-by credit for SDR 200 million (about US \$ 253 million) for Sri Lanka to support the Government's economic programme for 2001-02 to **restore macro-economic stability** by (1) improving the financial stability of the public sector and (2) rebuilding of the official reserves of **foreign exchange held by the Central Bank through the flexible exchange rate or "floating of the rupee"**. Through these basic policy approaches it is hoped to achieve a **higher rate of economic growth** and to **pursue structural reforms** comprising; (a) restructuring of public enterprises; (b) privatisation of some key State ventures, (c) improved collection of the Goods & Services Tax (GST); (d) reform of the State Banks; (e) reform of the public services comprising the administrative service and the combined services (clerical etc); (f) reform of the public servants' pension system; (g) removing the rigidities of the labour market in the form of collective agreements, trade-union laws and regulations guaranteeing the security of employment; and (h) **encouragement of foreign direct investment**.
2. The whole exercise 'is aimed at opening up the economy to the demand-forces in (a) the capital market, (b) money-market and (c) labour market, through the privatisation of State-owned ventures and the efficient management of a minimal public sector and public administration.
3. It was reported by the World Bank and the IMF that the deterioration of the Sri Lankan economy was caused by a **multiplicity of factors** including:- (a) poor monsoons affecting agricultural output; (b) rise in the world oil prices; (c) increase of military expenditure due to reverses of the security forces on the battle fields; (d)

the decrease of foreign exchange earnings by tourism and, exports; (e) the increase of foreign exchange spendings on essential imports, which were more or less subsidised by the government; and (f) poor performance of the public services and the public sector, which cast a huge burden of **losses - on the State**.

4. All those factors led to the severe decline of foreign exchange reserves held in the banking sector, controlled by the Central Bank. The "floating of the rupee" by the Central Bank on 23rd January 2001 caused the exchange rate to come down from Rs.98 to Rs.87 per dollar. The **exchange reserves** are expected to rise, to a safer level of approximately 3 1/2 months of import (spending) cover.

5. Thereby, Sri Lanka averted a major Balance of Payments crisis caused by (a) the outflow of foreign exchange due to a severe imbalance of foreign trade and (b) the poor inflow of foreign capital, due to the inefficient management of both the public and private sectors by the Government, as well as a host of factors mentioned in paragraph (3), including a huge budget deficit

6. The IMF helped Sri Lanka in this effort, hoping that the privatisation programme and the opening up of the economy to the major forces of globalisation, will proceed without a major social and political upheaval in the country.

7. These developments, however, have impacted very heavily on the stability of the P.A. Government, through the activities of the UNP led Opposition, both inside and outside Parliament. The latter were trying to capitalise on the hardships of the people, caused by the factors mentioned by the I.M.F in its Report of April 2001. The entire propaganda of the Opposition was based on the economic sufferings and the social discontent of the masses. The Opposition was obviously exploiting the situation by "fishing in troubled waters" but the P.A. Government seems to have averted both a financial and political crisis temporarily.

### The Two Sides of Globalisation

1. The tide of globalisation of trade and investment, whilst being seemingly attractive in the 'developing' countries, is becoming increasingly unpopular in the developed, advanced countries of the industrial Western world. We are witnessing a growing mass movement against global capitalism. The reasons are simply the phenomenal increase of mass employment and relative mass poverty. Starting with Seattle and pass-

ing through a chain of cities, and ending -at the moment at Genoa Summit of the G 8, the tide of anti-capitalist and anti-globalisation protests has been growing bigger and bigger in the advanced industrial countries.

2. Beneath the superficial symptoms of mass unemployment and relative mass poverty in the advanced industrial **western hemisphere** is the deep **underlying malaise of capitalism**, to be located in the inexorable and inevitable development of science and technology, which leads to the continual and progressive improvement of industrial plant and machinery. With this growing productivity of capital and the complementary increase in the productivity of labour, there is the expanding redundancy of masses of industrial labour with growing unemployment. All recent analysis of industrial growth in the West will provide ample testimony of this historical tendency, which is inherent in the development of Capitalism.

3. Marx observed that "the frequent leaps forward of the productive forces" accompanied by the growth of "constant capital", in the capitalist mode of production, leads to the irreversible **decline in the rate of profits** (without which Capitalism cannot survive in the longrun)

4. We have now reached the stage of history,, where with the increasingly "frequent leaps forward of the productive forces", seen in the continual improvement of plant and machinery, due to the progress of science and technology -the fruit of intellectual labour (research, discovery and innovation)- **industry has undergone a most decisive qualitative transformation** as to render its future completely incompatible with the prevailing regime of monopoly capitalism.

5. **Monopoly capitalism** in the West has assumed the institutional form of the **giant monopolistic transnational corporations**, which have developed all the characteristic features of industrial capitalism to its maximum extent.

6. These characteristic features of Capitalism are: -

(a) The maximum development of plant and machinery due to the phenomenal progress of modern science and technology;

(b) The mass production of goods and services for **ever-expanding global markets**;

(c) The penetration of all countries of the world by **finance capital** in the initial stage followed almost immediately by the massive outflow of capital

goods (plant and machinery) to the **newly industrialising countries of the world** for the purpose of exploiting the masses of cheap labour and low cost infrastructure in the form of land and buildings, transportation, raw-materials, power-supplies and financial services (banking and insurance);

(d) The mass unemployment of indigenous labour in the heartlands of western industrial Capitalism often termed as **structural unemployment**;

(e) The spread of urban poverty, squalor, crime and lawlessness;

(f) Growing reliance on the highly profitable production of **arms, sex industries, pornography and organised crime**.

(g) The promotion of sales and aggressive marketing campaigns, including high-cost advertising, canvassing and cut-throat competition through price-wars; and

(h) The **volatility of share markets and money markets**, produced by the speculative flow of finance-capital, aided by the electronic information technology.

7. The extreme instability of global capitalism is now constantly seen in the wild fluctuations of the capital markets and money markets at the one extreme and the permanent accumulation of joblessness at the other extreme. The underlying reason for this lies in the **contradiction between the irreconcilable concentration of money at the one end and the mass poverty of nations at the other**.

8. However much the greatest economists, professors, financiers and statesmen argue endlessly about the availability of a **wide range of choices**, most unfortunately including even an **arms race and world war**, to perpetuate this regime of the global market economy, the **ruling class cannot overcome** the in-

**The extreme instability of global capitalism is now constantly seen in the wild fluctuations of the capital markets and money markets at the one extreme and the permanent accumulation of joblessness at the other extreme. The underlying reason for this lies in the contradiction between the irreconcilable concentration of money at the one end and the mass poverty of nations at the other.**

herent anarchy of the global market economy with its attendant tendency to "overproduction and excess capacity".

9. These objective conditions of economic, social and political life today have produced the ludicrous but tragic sight of the culture of violence, falsification and irrationality, which is eating into the very 'soul' of the ruling class, who are alienating themselves from the "Universal Conscience" of humanity.

10. Yet hypocrisy of the ruling class (the imperialist bourgeoisie of the Western world) is seen most glaringly in the protestations of democracy, international law and justice, through the Hague Trials of the so-called 'War Criminals', very much reminiscent of the Nuremberg Trial of the Nazi war criminals. Whatever the culpability of these alleged 'war criminals' or the crimes against humanity, the biggest culprit in the history of the modern world is **Western Imperialism** and its twin progeny of Fascism and Stalinism (the result of bourgeois democracy proving an obstacle to the expansion of German finance capital in the first instance and Russian Soviet democracy being isolated and encircled by the capitalist world on the other). While hiding behind the facade of civilization and democracy, the **imperialist nations**, have brought upon humankind a series of disasters and massacres, culminating in the two World Wars.

11. Even today, Western imperialism, hiding its face behind Tony Blair's facade of democracy and decency, is trying most desperately to extend the regime of the global market economy in the name of **free trade and investment**, because this is the very bone and marrow of **monopoly capitalism**. They will nonetheless be overwhelmed by the inescapable logic of moribund global capitalism and driven towards the powerful logic of a **world planned economy**. The latter is unfortunately emerging from very suspect parentage, taking the form of the United Nations, and various regional blocs, such as the NATO, the E. U., the ASEAN and the Conference of American States.

12. The logic of the situation is Just now producing all these formations which are the symptoms of the emerging planned world economy. The completion of this historic stage will most surprisingly be the institution of

social ownership of large-scale industry, presently in the hands of the giant monopolistic trans-national corporations. Of course, this may sound distant and unattainable given the irrational logic of monopoly Capitalism trying desperately to salvage its **private profits**. However, thanks to the growth of **mass-consciousness** and mass-protests the logic of monopoly capitalism may not win the day for long.

**Rapid Impoverishment and Mass Discontent**

The rapid escalation of the cost of living and ensuing growth of mass discontent in Sri Lanka visible in the U.N..P led Opposition demonstrations and meetings in general, and the increasing mass of J.V.P rallies in particular are only the external symptoms.

The **immediate cause of the rising inflation, of prices and costs** in Sri Lanka are (1) the ever-expanding Budget Deficit and (2) the yawning deficit of the Balance of Payments.

The Budget Deficit itself is due to multiple causes, the most important being the rising expenditure on Defence, the rising financial subsidies to the unprofitable State Corporations handling the import and distribution of petroleum, the supply of power and electricity and low-pressure gas. The immediate impact of rising world prices for oil is upon the costs of import, refining of crude oil and distribution of diesel and petrol to the public, and these price increases have been transferred, to the private and public transport services, who have also increased the fares levied from passenger and goods traffic.

This accounts for the all-round increase of the prices of commodities of mass-consumption; the Goods and Services Tax (G.S.T) which along with the Defence Levy accounts for a fair proportion of the military expenditure is another way in which wholesale and retail price increases are passed on to the mass of the consumers by the chain of traders.

Eventually, about Rs. 270 million is being spent daily to provide weapons and ammunition and goods and services necessary for the defence and security of the country. This money goes directly to the armed forces and the police, engaged in day-to-day operations.

**The greater proportion of this money does not enter into the domestic circulation of money** because it flows out of the country in the form of foreign exchange for the purchase of very costly weapons and ammunition, military vehicles, air-craft and sea-craft. The Rs. 95 billion, which is the estimated cost of damage, inflicted by

the LTTE attacks on Katunayake S.L.A.F base and Civilian airport will add to this outflow of domestic money in the form of foreign exchange (for repairs, etc)

Further increased outflow of domestic money in circulation as convertible foreign exchange will be on account of **enhanced prices of oil imports and enhanced cost of shipping insurance and freight** (due to sharp increases recently of insurance charges on shipping to Sri Lanka)

All in all, the total picture will be of the **massive outflow of domestic resources** including a significant part of our money supply, which is convertible into foreign exchange.

This simple analysis will account for the **growth of mass unemployment and mass poverty in Sri Lanka**, given the inevitable closure of industries, trading establishments and services resulting from the severe **cash shortage, and illiquidity** which is hitting the domestic economy, very hard just now.

Another unseen factor is the huge amounts of alleged **misappropriation of public money**, by dishonest and fraudulent public and Corporation officers including both politicians holding public office, public servants and officials in the security sector. The greater proportion of this money is likely to flow out of this country into foreign banks, to finance luxury imports, private building projects, foreign holidays and foreign residence.

The unsuspecting public of Sri Lanka are now beginning to question and suspect a close connection between their growing poverty and the rapid enrichment of a minority in this country. It is high time that the Government undertook **a series of radical reforms** in the public sector, before there is a major cataclysm in the public life of this country. The massive outflow of foreign currency reserves is compounded very seriously by the depreciating exchange rates of the rupee, and the drastic reduction of the inflow of foreign exchange due to the reported "collapse" of tourism after the LTTE Airport attack and the export industries dependent on foreign markets, as well as the reduced foreign exchange earnings of Sri Lankans employed overseas. These factors have most adversely affected the Balance of Payments, which is already limping due to the severe curtailment of the inflow of foreign capital and foreign aid, as a result of the "international sanctions" prompted against Sri Lanka by foreign and local adversaries of the P.A. Government during the ongoing political crisis.

31 July, 2001

**Postscript**

# Polarisation of Class Forces

## Postponement of Referendum

**While this issue was made ready in the press, came the news that President Kumaratunga had on August 7 night postponed the Referendum scheduled for August 21 to October 18 under pressure of the Buddhist Mahanayaka Theras, other religious dignitaries and various other bodies, persons and organisations in order to pave the way for a consensus to emerge on Constitutional reforms. A news release from the Presidential Secretariat stated:**

“The President has noted that the Proclamation of the Referendum has generated a lively debate in the country, thus reinvigorating popular interest in Constitutional reforms which suffered a serious setback when earlier proposals for Constitutional reforms were thwarted on several occasions. The President is of the view that to continue with the Referendum might at this time exacerbate confrontation at various levels, rather than facilitate the evolving consensus on Constitutional reforms.

“However if the political parties fail to reach agreement under the provisions for amending the present Constitution, the President will not hesitate to proceed to consult the people directly through the Referendum re-scheduled for October 2001.”

## Consolidation of Forces

While this postponement of the Referendum may have given time for parties to reach a consensus on the desired reforms, it also enabled a consolidation of right-wing forces and the attempts once again among such elements within the UNP and SLFP to form a “government of national reconciliation” (*The Island* August 8 and 9) – yet another effort like the earlier ones aimed at forming a “national government” calculated to subvert the centre-left character of the present PA Government, and to have instead a wholly right-wing Government which as we have already pointed out can better serve the purposes of compradore capitalism and put into effect fully the IMF and World Bank recommendations. Though there have

been reports of a section of the UNP seeking to give “conditional support” to the President without accepting portfolios to restore political stability ( *Sunday Observer* August 12 and 19), such initiatives appear to have been submergued by the more vociferous UNP insistence on the reconvening of Parliament to get through the “unfinished agenda” there, foremost on which is the motion of no-confidence to be moved on the Government.

Another proposal made was that of the Janata Vimukti Peramuna (JVP) for a “probationary” Government of the PA for a limited period of time so that the five independent commissions could be established and measures for the further democratisation of the system including the abolition of the executive presidency, could be put in place. This would involve constitutional reforms acceptable to the PA but a vital part of the reforms suggested by the PA Government and one that alone can help towards a resolution of the ethnic conflict and the on-going war – namely the genuine devolution of power – was totally omitted obviously because it was not acceptable to present JVP thinking. ( In this connection, please see the “Open Letter to the JVP” under ‘Comments’ inside).

In the meantime, the UNP led Opposition meeting in a Committee Room of Parliament on August 17 was reported by *The Island* to have resolved that the right to determine Parliament sessions which have been prorogued until September 7, should rest with Parliament and that sessions thereafter “cannot be suspended, prorogued or stopped in any manner whatsoever” except by Parliament. This arrogation of power by the Opposition in Parliament however, flatly goes against the provisions of the present Constitution under which the President alone is given the power to prorogue Parliament or dissolve it after the completion of one year of Government.

On August 23 the UNP sponsored “ People’s Movement for Protection of Democracy” held a protest demonstration with a public rally at the Colombo Town Hall which drew much fewer people than the July 19 protest processions referred to already.

As against the right-wing attempts to mobilise its forces, the Trade Unions supportive of the PA in the Joint Committee of Trade Union Organisations (JCTUO) met and apprised themselves of the dangers of a right-wing takeover and demonstrated in support of the PA Government.

## Discussions with the UNP

It was in this troubled situation that Prime Minister Ratnasiri Wickremanayake of the SLFP wrote to the UNP Opposition leader on August 21, proposing formal talks



towards reaching a “constructive agreement” with the UNP. The letter stated that “ discussions on this mater have already been held between the Government and the UNP, sometimes initiated by the UNP and at other times by the Government. The Government has also had discussions with the Janata Vimukti Peramuna (JVP)”. The letter went on to say “The immediate priority should be to bring the on-going armed conflict to an end through a negotiated settlement of the ethnic question. We should endeavour jointly on the one hand to engage the LTTE in constructive negotiations and on the other to make constitutional arrangements to guarantee the rights of the minorities.

“The next priority should be electoral reforms to bring in a system of elections that would properly and equitably reflect the majority will of the people whilst guaranteeing equitable representation to minority communities and groups. The abolition of the executive presidency, the strengthening of Parliament and the position of the Prime Minister should also receive our attention.

“This was the basis on which discussions have taken place informally at various levels. These discussions were held between yourself as leader of the UNP and President Kumaratunga, between ourselves and also between a group of MPs nominated by you and a group of our Ministers who had my concurrence to discuss with your group.

“ Since these informal discussions have been inconclusive, I wish to propose now, as a positive step towards rendering a constructive agreement, that the Government engages in formal discussions with the UNP. I therefore suggest that discussions be held between a Government delegation and a delegation of the UNP...” It may be noted that in all these informal discussions the Government was represented only by the SLFP Ministers and the subject of discussion were the alternatives of establishing an “All Party Government” or a “Caretaker Government” according to the UNP leader’s reply.

In reply to the Premier’s letter, UNP leader Ranil Wickremesinghe stated that the demand to immediately reconvene Parliament, cancellation of the Referendum and the establishment of the five independent commissions in line with the Draft prepared by the Joint Opposition viz I. Election Commission, II. Police Commission III. Judicial Services Commission VI. Media Commission V. Public Service Commission should be discussed as priorities.

Talks with the UNP and the Government accordingly began on August 25 followed by talks also with the JVP as a second option to end current deadlock.

Talks with the UNP were held on August 25, 27 and 28 where as reported in the press it was agreed to offer the Prime Minister’s post to the UNP leader in the event of reaching “overall agreement”. Parliament was to be reconvened on 7 September or earlier with no further proration during the agreed time frame for the implementation of the agreed programme and the Referendum fixed for 18 October was to be cancelled. Both delegations agreed that there should be a negotiated settlement of the armed conflict. In view of the prime importance of bringing about peace a joint draft statement was to be issued in the event of an overall agreement being reached. The delegations agreed that constitutional amendments in respect of minority rights and the future of the executive presidency would be agreed upon and implemented within 6 months but in any event not exceeding 12 months.

The Constitutional Council and the Elections Commission, the Public Service Commission and Judicial Service Commission were to be established within 3 months and electoral reforms enacted in a separate Bill simultaneously. The Media Commission was to be considered within a period of 6 months and the Police Commission within 4 months.

An initial period of 2 years was to be fixed extendable by mutual consent but not exceeding the life of the current Parliament to implement the common programme. In the event of any termination of the implementation of the common programme prematurely, Parliament was to be dissolved and a general election held.

However **no agreement was possible on the question of the executive powers of the President in relation to the Prime Minister.**

While the President is said to have agreed to decide in conjunction with the UNP leader as Prime Minister on summoning, proroguing and dissolving Parliament and on holding referenda, though these are exclusively her powers under the Constitution, UNP’s Ramil Wickremesinghe had also wanted to decide on all appointments of Ministers including those belonging to the PA in a consensus Government. He had also requested power to appoint Ministry Secretaries, Commanders of Armed Forces, the Inspector General of Police and Provincial Secretaries. All these virtually amounted the creation of a post of Executive Prime Minister which would need Constitutional amendment with a 2/3 majority in Parliament and also a referendum.

However the UNP leader had also opposed the creation of a post of non-executive Vice President which would require a constitutional amendment with a 2/3 majority



**Ministers at the Government press briefing to explain why the dialogue with the UNP collapsed**  
**Kadirgamar and Rajapakse (left) and Ratwatte, Yapa and Samaraweera (right)**

*Courtesy: The Island*

but no referendum. The first incumbent of that post was to be present Prime Minister on a proposal jointly drafted by the two delegations though vetoed by Ranil Wickremesinghe. It would appear that what the UNP leader in fact wanted was to wrest executive power from the President through a “constitutional coup” being unable to secure such power through a popular mandate at elections.

Now it is true that when Chandrika Kumaratunga became Prime Minister in 1994, after the General Election in which PA was returned to power, the then UNP President D.B.Wijetunga who was in control for a few months before the next Presidential election, decided in his wisdom to come to a “working arrangement” with his new Prime Minister, giving her a free hand to appoint a Cabinet of her choice retaining the Defence portfolio for himself. It would surely have been preposterous to have expected a similar accommodation to be made for the present UNP Opposition leader who having been repeatedly rejected electorally by the people, now brazenly sought to grab executive presidential power through a back-door deal.

With the decision to reconvene Parliament on 6 September, the UNP is now free to move its much vaunted no-confidence motion, with suitable amendments if need be. Even if this motion is passed it can only result in yet another PA Government (still the largest party in Parliament) even if with a new Prime Minister who can command the confidence of the House. The need for Constitutional reform will only be further underlined by such moves.

### Settlement of the Civil War

The Government delegation after the failure of the talks with the UNP made the following special comment and appeal:

“The PA delegation wishes to express particular regret that its draft statement inviting the LTTE to commence negotiations together with the implementation of the necessary measures to alleviate any hardship and dangers to civilians affected by the on-going conflict and immediate declaration of a mutually agreed temporary halt to the offensive military operations could not be issued as a joint statement in the absence of an overall settlement of the items on the agenda.

“The PA delegation on behalf of President Kumaratunga earnestly appeals to the UNP to agree to issue this statement, as a joint statement even at this stage, so that finally, the two major parties could raise the resolution of the ethnic question to the level of the highest priority that supersedes all other considerations of domestic politics on the national agenda.”

**Christian Worker** hopes that this appeal will have a favourable response from the UNP and urges all fair-minded citizens and their organisations to prevail on the UNP to cooperate in this matter even at this late stage. It should not be difficult if the UNP is agreeable, to formulate and pass also the much needed constitutional reform on devolution in Parliament which can substantially help towards a resolution of the conflict. Most of it has also been agreed to by the UNP in the Draft Constitution tabled last year in Parliament. It must be remembered

that only a proposal acceptable to both major Sinhala parties of the UNP and SLFP would be entertained by the LTTE. Understandably so, for what one government may introduce, another can change. Hence, the need too for a joint statement of the PA Government and the UNP inviting the LTTE to commence peace negotiations.

Meanwhile the bloody civil war in the North-east drags on. Notwithstanding the lessons that should have learnt after the criminal negligence displayed during the July 24 Black Tiger guerillas' devastating attack on the SLAF air base and adjoining Bandaranaike International Airport at Katunayaka, an official internal intelligence warning regarding an impending attack on the Central Camp police station in Ampara apparently went unheeded and the Tigers succeeded in attacking and over-running it on August 1 midnight. The bodies of 12 policeman and 2 civil-

ians lay after dead that attack and the guerillas had abducted 4 policemen shot them and later handed their bodies to the International Committee of the Red Cross. The Tigers had also escaped with tractor loads of weapons from this camp.

Stories have been rife in the newspapers for some time now regarding inefficiency, corruption and arms deals too involving top brass and officials. A shake-up and clean-up of the Armed Services and police is obviously long overdue!

### Settlement with the JVP

Following the failure of the talks with the UNP the government was virtually pushed into a settlement with the Janata Vimukti Peramuna (JVP) which ironically has made the PA mindful of its own election pledges of 1994.

## What the PA and the JVP agreed

- To pass 17th Amendment to the Constitution in Parliament by September 24.  
(The 17th Amendment will provide for creating a Constitutional Council, an Independent Public Service Commission, an Independent Judicial Service Commission, an Independent Elections Commission and an Independent Police Commission).
- To establish the Constitutional Council by October 5.
- To establish an Independent Media Commission within 6 months.
- To abolish the Executive Presidency within 6 months.
- To limit the Cabinet of Ministers to 20 and to create a corresponding number of Deputy Ministers (These changes are to be effected before September 12).
- To write off cultivation loans before September 30.
- To appoint a Task Force to investigate on big loan defaulters and recover the loans within 3 months.
- To appoint a Parliamentary Select Committee to find solutions to grievances of local businessmen and industrialists.
- To appoint Committees of experts to all Ministries within 2 months.
- President, Cabinet Ministers, Deputy Ministers and MPs to voluntarily remit half their salaries to the Consolidated Fund.
- To impose a ceiling on foreign travel of Ministers, Deputy Ministers and MPs and Officials.
- To ban import of luxury vehicles for Ministers and high officials.
- To impose a ceiling on fuel allowance to Ministers, MPs and high officials.
- To find suitable alternate buildings at less cost for Ministries and State institutions that now pay high rents.
- To refrain from incurring expenditure on the construction of the President's House during the one year the Memorandum of Understanding (MoU) is the force.
- To appoint and operationalise a full powered panel to prevent fraud and corruption in Government purchases including armaments.
- To initiate speedy measures to recover illegal firearms.
- To dissolve Parliament after one year and conduct a free and fair election under a new electoral system and under a caretaker government to be set up in terms of the MoU
- To take steps to prevent rises of prices of essential consumer goods.
- To withhold any plans to privatise water resources, banks and insurance ventures.
- Not to enter into trade or financial agreements detrimental to the interests of the country.

### What the JVP further agreed

- To extend support to the PA in Parliament.
- To contribute to political stability
- Not to support any subversive line of action by other parties.

Courtesy: Daily News

In agreeing to cancel the referendum and reconvene Parliament on September 6 – a day earlier than the given date, on reaching an understanding with the JVP, President Kumaratunga has made a move which has apparently restored the character of her Government as a proclaimed “Centre-Left” one. The Government was indeed perilously close to being taken over completely by right-wing forces in the event of its having agreed to coalesce with the UNP (for which neither SLFP nor the PA had a mandate) and which arrangement would have resulted also in the left sections having to leave the Government. The left within the Government in any case had been numerically reduced in numbers in Parliament and in fact marginalised as a result of the right-wing pressures on the Government and within it that were in the ascendant in more recent times.

Although the JVP had strongly come out against the prorogation and referendum and for some time gone along with the UNP campaign against the PA Government in the context also of the mass disenchantment over the latter’s reneging on its election promises and discontent over its economic policies, it carefully distanced itself from the UNP rallies, demonstrations and gimmicks such as the attempt to plan a mock session of Parliament in the absence of the Speaker. The JVP then even if belatedly but in line with its own political position, recognized the dangers inherent in the more recent coming together of right-wing forces, mindful no doubt of the terror it was itself responsible for in 1987 – 89 after being driven underground by President J R Jayewardene and the much more ruthless counter-terror unleashed on it by the UNP Governments of the time symbolised by dead bodies exhibited in public places and on burning tyres and torture chambers such as the one at Batalanda associated in the public mind with the UNP’s present leader.

In the Memorandum of Understanding (MoU) reached on September 5 between D M Jayaratne Secretary of the Peoples Alliance

(PA) and Tilviin Silva Secretary of the Janata Vimukti Peramuna on behalf of the JVP, the latter has now specifically agreed to contribute to political stability and “not to support any subversive line of action that may result in paralysing the Government and the economy” emphasising that “they have already adopted this stance”. In thus setting an example to its counter-part in the North – the LTTE which has a similar popular base of socially disadvantaged sections and restive youth – to enter the peace process, the JVP has also been flexible in not blocking the PA Government in renewing peace negotiations with the LTTE if that group drops its demand for a separate State in the North-East of the island and opts for an alternative solution. The JVP could then be said to complement whatever peace forces there could be within the LTTE itself to help in this process.

The same flexibility is shown by the JVP in the MoU over the proposals for the devolution of power, for while the document states that the PA agrees that such proposals that may lead to “a controversy” should not be brought up “until such time that a broad consensus is arrived at through a wide-ranging dialogue aimed at reaching a reasonable resolution of the national question”, such a proposal is not in fact shut out. It is not without significance that the Mahajana Eksat Peramuna (MEP) which held similar views to those of the JVP on the national question is today a Constituent Partner in the PA Government.

Quite a few of the items in the MoU are found in the original PA Manifesto of 1994 eg. Abolition of the executive presidency, change in the electoral system and the



*The Secretaries of the PA and JVP D.M.Jayaratne and Tilvin Silva exchange the MoU signed by them. Ministers Richard Pathirana and Nimal Siripala de Silva look on in a jubilant mood, while Wimal Weerawansa MP Propaganda Secretary of the JVP applauds.*

*Courtesy: The Island*

reduction of the current PA's "jumbo sized" Cabinet to 20. Some other items are found in the PA's Draft Constitution tabled in Parliament last year eg. Independent Commissions. The PA has agreed also to a "Caretaker Government" to be set up also with the new changes in the electoral system ahead of the next Parliamentary election.

The main items of the MoU are set out elsewhere in this postscript space but of special interest to workers will be the following item:

"17. The Peoples Alliance also agrees to appoint a Committee comprising representatives of leading Trade Unions to look into the matters relating to the ILO Convention that have already been ratified but are no longer in force in Sri Lanka and submit recommendations for the preparation of draft legislation on such conventions and also look into matters relating to Labour Laws that are already in force in Sri Lanka but are not being effectively imposed and make recommendations relating thereto. It is agreed by the Peoples Alliance to frame legislation on the recommendations of this committee and place such legislation on the Statute Book during the one year period the MoU is in force."

Both parties have also agreed that any clauses of the MoU may be amended or fresh clauses incorporated by mutual consent if it is deemed necessary to do so..

This agreement with the JVP has introduced **a new political culture** - in that it has concentrated on matters of policy without haggling over and bargaining for power and ministerial positions as was the case with the UNP, and the progress of the PA-JVP negotiations was in consequence much simpler and smoother. The JVP will continue to sit in the Opposition benches while supporting and monitoring the programme of the PA minority Government as set out in the MoU with its 10 votes in Parliament. The JVP MPs will set an example to be followed voluntarily by others of remitting half the salaries of their MPs to the Consolidated Fund.

The PA-JVP agreement has above all prevented the right-wing attempt for the time being to grab power. As the JVP Secretary Tilvin Silva put it: "Some sections tried to grab power through a Constitutional conspiracy against the people's wishes with the assistance of local and foreign reactionary forces. **Only the people have the power to change governments.** Somehow we were able to defeat them. We believe that they were even backed by separatist groups." He added that these groups can pose challenges in the future to disunite the PA and JVP. The JVP Propaganda Secretary Wimal Weerawansa MP thanked President Kumaratunga and the PA for defeating the conspiracy of local and foreign reactionaries to cap-

ture power and said that the formation of the Probationary Government was mostly to resuscitate the now defunct democratic system.

The polarisation of class forces has thus far stayed the rightward trend in our political life. It is for the left and progressive forces to effect a further mobilisation of forces to take to take the struggle forward and, carry through a genuine pro-people's programme.

The first reactions of the leaders of the business community in Sri Lanka to the new agreement between the PA and the JVP, to set up the Probationary Government are not positive and sound a danger signal, that the right-wing conspiracy to topple the PA Government is not completely over. Obviously the capitalist class is not happy over its temporary defeat and disgrace. It is pertinent at this historic juncture, to remember the fate of the short-lived SLFP - LSSP Coalition Government of 1964-65, when the cross over of 6 SLFP Members of Parliament led by the late C P de Silva, caused the defeat of the coalition in Parliament and the victory of the UNP led National Government ( headed by Dudley Senanayake and including the SLFP dissidents, MEP and Federal Party - precursor to the TULF) in the 1965 general election.

That danger is not yet over, unless and until the consolidated left secures power in a decisive struggle with the forces of domestic and foreign reaction. For that end, a more comprehensive programme, than the one set out in the joint PA - JVP Memorandum of Understanding is historically necessary in the medium short-term. This programme must necessarily include a radical constitutional reform, if necessary through a Constituent Assembly, truly representative of the people, besides basic economic and social restructuring.

In mobilising its forces towards this end the working people can well join with Mary the Mother of Jesus in her Song of Revolt and Triumph to her God of History which was once aptly described as the "Hymn of the Universal Social Revolution":

" He has showed strength with his arm  
He has scattered the proud in the  
imagination of their hearts.  
He has pulled down the mighty from their thrones  
And exalted the poor and downtrodden.  
He has filled the hungry with good things  
And the rich he has sent away empty."

(Luke 1: 51 - 53)

7 September 2001

Annexure i

# This system and that

## If 1977 election was under PR, UNP would have got only a two-seat majority

BY AN ANALYST

The prevailing distorted electoral system which does not properly reflect the will of the people has been cited as one of the main reasons why the People's Alliance Government of President Chandrika Bandaranaike Kumaratunga is seeking a mandate through the proposed Referendum for a New Constitution.

The 1977 General Election in which the UNP Government of J.R. Jayewardene received a five-sixths majority of the 140 seats was conducted under the old Westminster first-past-the-post system of individual electorates, but since then all General Elections have been conducted on the basis of Proportional Representation and preferential voting.

The following graphic illustrates exactly what the results of the two General Elections of 1977 and 2000 would have been under the two systems.

Political analysts and psephologists point out for example that if the 1977 General Election had been conducted under the PR system (which the UNP later introduced) the UNP would have obtained only 85 seats nowhere near a (five-sixths majority), while the SLFP which was reduced to eight seats, would have gained as much as 50 seats. The LSSP, the CP and the MEP which failed to gain a single seat would have respectively received six, four and one seat each.

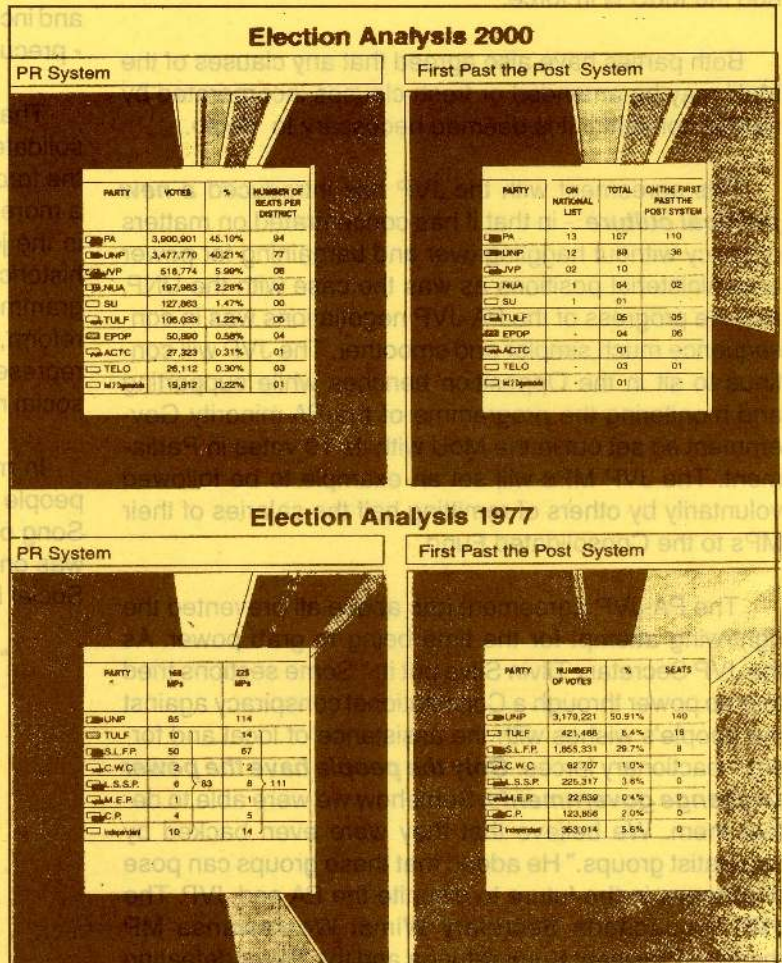
The TULF which gained 18 seats and became the largest Opposition party would have got only 14 seats.

On the other hand at the General Election of 2000, the PA which received 3,900,901 votes gained only 94 seats whereas under the first-past the-post system, it could have got a comfortable 107 seats. The UNP which got 77 seats would on the contrary have been reduced to a mere 36. The rest of the Opposition parties would have got only 14 seats in all. Political analysts point to the significance of the fact that whereas in 1977 under the old system the UNP which received 3,179,221 votes got as many as 140 seats, its main electoral rival, the SLFP, although receiving a substantial 1,855,331 votes, got only eight seats whereas under the PR system, it would have received a comfortable 50 seats. Also other parties such as the LSSP, CP and MEP which were all routed, would have been represented in Parliament. It is these blatant contradictions between the old Westminster system and the PR system which distort the people's will which has made Parliament an unrepresentative mirror of the opinion of the people, psephologists point out. One

reason for the proposed Referendum is to find a better electoral system which will be more properly representative of the people's will, they add.

What is most interesting according to political analysts is that if the 1977 General Election had been conducted under PR, the UNP far from winning a five-sixths majority, would have had a mere two-seat majority over the combined Opposition of the SLFP, TULF, LSSP, CP, MEP and CWC, which would have had a grand total of 83 seats.

NOTE: The computation for the 1977 General Election has been done both on the basis of 168 MPs which existed at that election and 225 which would have been the number of MPs under PR under the 1978 Constitution.



Courtesy: Sunday Observer 15 July.

**Annexure ii**

**May Day Message of the Christian Workers Fellowship**

**Forward to a Just Social Order !**

As May Day dawns once again, we are reminded of the past battles of the working people and join in solidarity with the toilers in every part of the globe as we raise high the Red Flag of Labour in anticipation of the struggles which are yet to come. Red is the colour symbolising the red blood of our common humanity and also the struggle for liberation and justice in building up a social order in which each will work for all and all will care for each. And this social order must invariably embrace all nations and peoples, who must resist *en-masse* the evils of globalisation and environmental degradation.

What we are therefore called upon to fight against today is well reflected in the latest UNDP Report on World Consumption which outlines the inequalities between the rich and the poor: It is said that a child in a rich industrialised country consumes throughout its life the same amount as 50 children in 'developing' poor countries. The UNDP Administrator James Gustave Speth says; " The abundance of consumption is not a crime, but it is scandalous that the poor cannot consume even what is necessary to satisfy their basic needs." Of the 4.5 billion who live in 'developing' poor countries, nearly one third do not have access to drinkable water, one-fourth are homeless, 900 million do not have access to basic health care. Gross inequality shows that three of the world's richest men have fortunes greater than the gross domestic product of the 48 poorest countries and that 225 of the richest have accumulated the same amount of wealth as that of 2.6 billion people.

It is admittedly a difficult struggle that we will have to wage along with the working people internationally in the context of a " globalisation" which represents the ruthless efforts of the transnational corporations and other rapacious capitalist interests to extract profits from every corner of the globe .

The demonic sway of Mammon ( the oppressive rule and power of finance capital) is reflected today in the debasement of human beings and all natural resources into mass commodities. The mass opposition to this inhuman situation has been well reflected in the massive outbursts of protest in several places beginning with the chaotic World Trade Organisation meeting in Seattle in 1999 and later in the IMF-World Bank meeting in Prague last year followed by similar outbursts in such places as Manila, Davos and most recently in April this year in Quebec at the summit of the Americas where 34 heads of States and Governments met.

**The Struggle in Sri Lanka**

In our own country too, two-thirds of the population are in dire straits particularly in the North and East while the powerful and opulent social classes enjoy all the fruits of the toil put in by the working masses.

The situation is aggravated in our land by a wasteful and bloody fratricidal civil war that has now dragged on for over 18 years without any immediate signs of settlement despite the routine shuttling of the Norwegian envoy Erick Solheim between Oslo, London and Colombo and special secret meetings in the Vanni jungles too with the insurgent Liberation Tigers of Tamil Eelam (LTTE) . This war has ruined Sri Lanka's economy with the continuous demand for more and more armaments to further the war which has drained the public coffers and made us vulnerable to the dictates of imperialist interests including the World Bank and IMF. It has resulted in the sale of valuable public assets with even a threat of the sale of our natural resources such as water, to foreign investors and the imposition of a water tax. Increased tax burdens have been put on the people resulting in an escalating cost of living and mass discontent.

This war is not only a drain on our economy but has also resulted in the senseless fratricidal slaughter of the youth of our country on both sides, not to speak of civilian casualties. To allow it to go on is criminal ,but it is abundantly clear that this conflict can only be ended by a political settlement based on the devolution of power.

The pity of it all is that the almost unanimous agreement reached between the Government and the main Opposition United National Party (UNP) and even the Tamil parties as reflected in the Constitutional amendment proposed by the Peoples Alliance (PA) Government last year, could not be passed by Parliament due to the diabolical and sectarian unwillingness of the UNP to help provide the two-thirds majority required for such Constitutional change.

Whether therefore any talks take place with the LTTE or not, there is our common vita] contribution to prevail on the UNP and the other parties to finalise discussions on the draft Constitution to enable it to be tabled in Parliament and passed with the required two thirds majority. Thereafter it will be necessary also to have a referendum at which the adopted Constitution will be passed by a simple majority by the people of the country.

These steps can undoubtedly effect a qualitative change in the situation vis a vis the Tamil Tigers and bring pressure from the Tamil Community on them to join in the peace process without further delay, thus obviating the need to continue their sterile armed struggle for a separate State in the light of the Constitutional changes effected.

However such a change can only come about with the change in the attitude of the UNP especially and the willingness of some of the Tamil parties to realistically assess the

situation and decide to accept whatever is practicable in the present situation. It is important to remember that no Constitution can transcend the existing balance of social forces and the sooner political parties of all hues come to terms with this hard truth, the better. It is of course true that the original draft as presented by the PA has become 'diluted' on account of the inclusion of certain UNP amendments. If the draft Constitution can be passed with the requisite two-third majority only with the inclusion of these amendments, everyone concerned would do well to accept the situation gracefully and bide their time to improve further on the accepted Constitution at a future date. It would be counter-productive to reject all the progressive features of the draft Constitution outright because of disagreement with one or more of its clauses when it is admittedly a great advance on the earlier Constitution. This would demand wisdom and statesmanship on the part of our legislators and a willingness to transcend the narrow interests of party politics and personal rivalries. This course of action would also counter the taunt of the LTTE that the long suffering Tamils have not received anything from the "Sinhala Governments" of the country. But it is the opposition of Sinhala chauvinist elements and the unwillingness of the UNP to help in pushing through Constitutional reform that has helped to sustain this LTTE propaganda.

Admittedly the peace process has suffered a set-back with a 'military solution' being pressed for by chauvinist forces both within and outside the Government. In fact what

we are witnessing today is a rightward trend in the country that could well become dangerous if the peace process is not given the primacy it deserves. Our primary task therefore would be to ensure that this is done.

**Our Perspective and the Workers' Mass**

Recognising the workings of the Dharma in all our faiths, the CWF draws spiritual strength from the resources of all our religions to counter the demonic forces of Mammon reflected in a social order where the debasement of human values, consumerism and corruption and the ever widening gulf between the rich and the poor prevail. The CWF seeks instead to present the vision of an alternative rational human society as opposed to anarchy of the capitalist market economy.

It is precisely this that sought also to be enacted at this Workers' Mass, where we act out the drama of human life as it should be lived. Basically this action is about material wealth and human society; food and the sharing of food. Bread and Wine - symbols of the God's earth and human labour are presented in this Mass at the Altar to be blessed and shared by all in Holy Communion. The sharing of food so done sacramentally cannot stop at this Mass but must necessarily be translated socially and thence economically and politically, motivating us to help build the sharing society which Jesus Christ called the Kingdom of God/Dharma. The Mass is both the symbol and foretaste of that Reign of Dharma.

This involves a belief in a social order in which the means

of production both agricultural and industrial - represented by the products of bread and wine- are used not for the private profit or advantage of a few but for the common good of all, a society in which no owning and exploiting class stands between the people and their access to them. The Mass thus becomes a powerful dynamic for social action.

This perspective therefore necessarily calls for mobilisation of all our forces on four fronts: -

Firstly, pushing forward the peace process and enlightening the broad intelligentsia and the masses about the deepening economic depression, and organising them to resist the burdens which are being heaped on them by the international bourgeoisie;

Secondly, supporting the Nation States, which are being targetted for attacks by western imperialism in Asia, Africa, Latin America and Eastern Europe on account of their anti imperialist stance e.g the Palestinian people, Arab nations such as Iraq, Yugoslavia, Russia, China and Cuba;

Thirdly, collaborating with all organisations,, which are engaged in mass-actions and mass-demonstrations in the advanced industrial countries against globalisation;

Fourthly, coalescing with all popular struggles to protect the environment, the oppressed minorities such as disadvantaged ethnic groups, women and children and victims of arms sales and drugs. On all these fronts we shall derive our inspiration from the Gospel and the spiritual resources of our other faiths. Let us then go from this Mass strengthened and resolved to do our bit to help build the Kingdom or Reign of Dharma beginning with the establishment of a rational society.

**End the War through a Political Solution !**

**Activate the Bribery Commission and End Corruption in the Public Service !**

**Safeguard Nationalised Property and make the Public Sector Productive !**

**Speedy Justice for Human Rights Victims !**

**Safeguard Welfare Measures and Subsidies to Relieve the Poor!**

**Defeat Imperialist Pressures on our Economy !**

**Down with the Free Market Economy !**

**For the Unity of Progressive Forces !**

May 01, 2001  
 CHRISTIAN WORKERS FELLOWSHIP  
 39 Bristol Street Colombo 01.

Kamkaru Sevana  
 10/1 Attidiya Road  
 Ratmalana





Prime Minister Vajpayee (center, taking the salute at a late 1997 RSS rally).

He wrote an article and maintained that the religions with belief in one God, one Prophet and one Book (i.e. Christianity, Islam and Judaism) are more dogmatic and fanatical than religions with no such beliefs (i.e. Hinduism). Needless to say this has been the oft-repeated theme of BJP ideologues too. Thus the secretary to the Ministry was also selected with an eye on his ideological proclivities so that there is no serious obstacle to the project of saffronisation of education.

In view of all this the ND cannot take minority votes for granted. There is thus no surprise that the alliance lost heavily in the state elections. Now it has to face much greater challenge in forthcoming elections in U.P. and Punjab. The BJP's credibility has been seriously eroded already in U.P. Recently it lost a bye-election to Samajwadi Party of Mulayam Singh Yadav and its candidate ended up third, second position having gone to Mayavati's BSP. The VHP and Bajrang Dal maintain that the BJP-led alliance lost elections because it has abandoned the Hindutva agenda.

**Hindutva Agenda**

Shri Giriraj Kishor of VHP thus lambasted the BJP and urged upon it to take up this agenda once again to gain popularity among the Hindus. Thus according to him the only workable future strategy for BJP is to take up the highly emotive agenda and win the elections in U.P. There is no doubt that the BJP cadre has been grossly disappointed by the political behaviour of their party and, in order to enthruse them, BJP has to take up at least the Ram mandir issue. If it does, there is

every chance that its cadre will work with much greater enthusiasm. The RSS will also help it by urging upon its cadre to mobilise the Hindu voters.

However, it is far from being so simple to take up the Hindutva agenda, construct a Ram mandir and lo, and behold the BJP has come to power. Let alone at the Centre, even in a state like the U.P. with its sizeable vote-base, it cannot come to power of its own. In U.P. too

the BJP has been able to stick to power only with the help of some parties claiming to be secular (breakaways from SP and BSP). These parties naturally would not entertain the Hindutva agenda and would not like to be seen in the company of a party advocating construction of Ram temple. The BJP will find it extremely difficult to win any election of its own in U.P., let alone at the Centre even if it takes entire Hindutva agenda with the same enthusiasm as it had taken up during early nineties.

**Thus it can be easily seen that the BJP is in a bind. The U.P. elections are posing a serious challenge before it. If it does not take up the Hindutva agenda its hard core elements may not work with enthusiasm thus causing it a serious setback in elections. And if it takes up Ram Mandir construction on its agenda, its 'secular' allies will desert it causing it an irreparable loss.**

It will be even more problematic for it to do so at the Centre. Even DMK will have to cautiously draw up its strategy to win back voters in Tamilnadu. Chief Minister of Andhra Pradesh is much more cautious as far as the Hindutva agenda is concerned. He has been supporting the NDA alliance only from outside. For fear of alienating minorities he has shrewdly kept out of the Vajpayee led Government. And he has 30 M.P.s in his kitty. If by any chance the BJP takes up the Hindutva agenda, Telugu Desam party may withdraw its support bringing down the Government at the Centre. Trinamul Congress of Mamta Benerjee has already withdrawn its support and is unlikely to join the NDA. Farooq Abdullah's National Conference, though has very small number of M.P.s also would instantly withdraw its support in case the BJP contemplates change of strategy in favour of Ram Mandir.

And now Samta Party is also threatening to withdraw support on Manipur issue. Thus considerably weakened BJP-led government cannot afford to advocate Hindutva agenda at this juncture. And now 2001 is not like early nineties. Even Ram Mandir issue now will have extremely limited appeal among the electorates. Even upper caste Hindus would find it difficult to buy it. There are more important issues agitating the minds of voters at this juncture. Religious agenda can generate powerful support but not repeatedly.

Thus it can be easily seen that the BJP is in a bind. The U.P. elections are posing a serious challenge before it. If it does not take up the Hindutva agenda its hard core elements may not work with enthusiasm thus causing it a serious setback in elections. And if it takes up Ram Mandir construction on its agenda, its 'secular' allies will desert it causing it an irreparable loss.

One can thus in all probability predict that the BJP is unlikely to survive in power at the Centre for its full term. If it loses elections in U.P., and it is likely to, there is nothing, which can save it at the Centre. One has to wait and see how BJP works out its future strategy for winning the U.P. elections, which might, in all probability, be held before the year end. Either way the BJP has come to the end of its tether.

**About the writer:** Dr. Asgar Ali Engineer is Executive Director of the Centre for Study of Society and Secularism in Mumbai.

# No cause for jubilation

*The Jubilee 2000 campaign to cancel the unpayable debts of developing countries ended with only a small amount of debt actually written off, while the World Bank/International Monetary Fund HIPC initiative is said to be ineffective in providing debt relief to the poorest countries. A 'Drop the Debt' campaign has been launched to try to win a better deal on debt before the G7 summit in July.*

**By John Madeley**

**J**ubilee 2000, the campaign to cancel the unpayable debts of developing countries by 31 December 2000, ended with only a small amount of debt actually cancelled but with the debt issue firmly on the international agenda.

The London-based Jubilee 2000 coalition of national debt cancellation campaigns, and other voluntary groups, ran a four-year campaign to cancel the unpayable debts of 52 heavily indebted countries and release funds for anti-poverty projects. These countries have debts of US\$375 billion, of which Jubilee 2000 estimates that about \$300 billion is unpayable.

In 1998 it cost the 52 countries US\$23.4 billion to service their debt. At the G7 summit in Cologne in June 1999, leaders said they would cancel \$110 billion of Third World debt, and push through 'faster, deeper and broader' debt relief.

Most of the debt is owed to official donor institutions in Western countries, such as export credit guarantee departments, the World Bank, the International Monetary Fund and other aid agencies. As much of this debt has already been discounted, says Jubilee 2000, its cancellation would cost very little.

The idea of cancelling debts in the year 2000, as a fitting way to mark the millennium, was inspired by the Old Testament principle of Jubilee under which slaves were to be freed, property restored to its original owner and debts cancelled every 50 years. The campaign attracted huge international support, including the world's

largest petition signed by 24 million people in 166 countries.

'Faced with one of the biggest movements for change the world has ever seen it's shameful that creditors have not done more. They have yet to give the world's poor a fresh start in the new millennium,' said Jubilee 2000 director, Ann Pettifor.

In late December 2000, board meetings of the World Bank and the IMF agreed on debt reduction packages for seven countries, bringing the number of countries that qualify for relief up to 22. The debts will be cancelled under the World Bank/IMF Heavily Indebted Poor Countries (HIPC) initiative, which began in 1996.

**The idea of cancelling debts in the year 2000, as a fitting way to mark the millennium, was inspired by the Old Testament principle of Jubilee under which slaves were to be freed, property restored to its original owner and debts cancelled every 50 years. The campaign attracted huge international support, including the world's largest petition signed by 24 million people in 166 countries.**

The 22 qualifying countries are, however, relatively small with a population between them of around 205 million people. But the 52 most heavily indebted countries have a joint population of over 1,030 million.

Countries enjoying a reduction in annual debt servicing therefore account for only 20% of the population of the 52 countries. To qualify for relief, countries must have a poverty reduction strategy in place, and agree to spend the money they would have allocated to debt repayments on specific anti-poverty projects instead.

While the G7 promised the cancellation of US\$100 billion of debt, only one country, Uganda, actually had debt cancelled. Qualifying countries may have to wait for several years before their debt is finally written off, until they have poverty reduction strategies that satisfy World Bank/MF criteria. In the meantime their debt servicing - the amount they pay in interest and capital repayments - will be reduced from US\$2.8 billion to \$2 billion a year.

Axel van Trotsenburg, manager of the HIPC implementation unit at the World Bank, says that 'over time' the 22 countries can expect debt relief of about US\$34 billion. Debt campaigners say that this amounts to less than a third of the US\$110 billion debt which the G7 promised to cancel.

Mr van Trotsenburg says that to the US\$34 billion can be added about \$20 billion more from existing debt relief mechanisms as well as the unilateral initiatives by the respective OECD countries', making relief of about US\$54 billion over time. Even this would only be half-way to the G7 promise.

The 22 countries with debt-relief packages are Benin, Bolivia, Burkina Faso, Cameroon, Gambia, Guinea, Guinea-Bissau, Guyana, Honduras, Madagascar, Malawi, Mali, Mauritania, Mozambique, Nicaragua, Niger, Rwanda, Sao Tome & Principe, Senegal, Tanzania, Uganda and Zambia.

According to Ann Pettifor, the HIPC initiative 'is not deep enough to provide a lasting exit to the debt burdens faced by indebted countries. It moves far too slowly and is subject to increasingly discredited IMF austerity conditions'. Sixteen of the

22 countries with debt packages 'will still be spending more each year on debt than on health', she points out.

Mauritania, for example, will be paying US\$63 million on servicing its debt, but only \$51 million on education and \$17 million on health. Tanzania will pay out US\$168 million in debt servicing compared to \$87 million on health. Zambia, where one in five adults are HIV-positive, will even be paying more on average after HIPC than before.

World Bank President James Wolfensohn and IMF Managing Director Horst Kohler say that the Bank and Fund will continue working to bring debt relief 'to other poor countries that have yet to qualify for HIPC initiative assistance'.

Included in the 19 HIPC countries that have yet to qualify are war-torn countries such as Burundi, Ethiopia, Sudan and Vietnam. But 11 countries lie outside the HIPC initiative, including Bangladesh, Haiti, and Nigeria. Their debt situation is not considered serious enough for them to qualify. According to Pettifor, however, 'all are in desperate need of debt cancellation'.

Nigeria's debt per head is about US\$250, higher than at least six HIPC qualifiers and over twice as high as Burkina Faso. Haiti is paying US \$60 million a year to service its debt. 'While conditions for ordinary people are getting worse every day,' said Camille Chalmers, a leading figure in Haiti's Jubilee 2000 campaign, 'this debt payment to the rich is both immoral and profoundly unjust.'

While the Jubilee 2000 campaign did not achieve its aims, Ann Pettifor points to progress. 'The number of children attending primary school in Uganda has doubled, thanks to its US\$1 billion debt cancellation. Bolivia is directing resources released to its poorest municipalities.'

The Jubilee 2000 coalition has now ended and a 'Drop the Debt' campaign launched to try to win a better deal on debt ahead of the G7 summit in Italy this July.

**About the writer-** John Madeley is a British development journalist and editor of *International Agricultural Development*. The above article first appeared in *Development and Cooperation (D+C)* (No. 2/2001, March/April).

- *Third World Network Features*

## PUBLIC SERVICES DOOMED UNDER NEW-ROUND OF WTO TALKS

*After profiting from the liberalisation of goods and investments, transnational corporations are seeking - through the General Agreement on Trade in Services - greater control of global services. The agreement will allow foreign companies to take over and monopolise the provision of all forms of services in a country, covering a broad, range of activities that directly affect every aspect of people's daily lives.*

**By Jennifer del Rosario-Malonzo**

Imagine, years from now, a transnational company owning the country's fire-fighting service. Or electricity, water, healthcare, schools and even the postal service being provided by foreign private firms.

This is the likely scenario that the upcoming round of the General Agreement on Trade in Services (GATS) paints.

The Services Council of the World Trade Organisation (WTO) is preparing for this month's talks on the liberalisation of services around the world.

With GATS, restrictions on services will be removed from each WTO member country. This means that all forms of service in a country, including those currently fulfilled by the government, may be provided without restraint - and even monopolised - by foreign companies.

GATS is the first-ever set of multilateral, legally binding rules covering international trade and services. It is an agreement that restricts governments, through trade sanctions, from taking actions regarding the country's services sector.

All WTO agreements compel countries to 'liberalise' and allow the entry and establishment of foreign corporations or suppliers in the local economy. After profiting from the liberalisation of goods and investments, transnational corporations (TNCs) - through GATS - seek for greater control of global services.

Services cover a broad range of activities that directly affect every aspect of daily lives, from the provision of gas, electricity and water to police, fire-fighting, education, transportation, communication, TV and broadcast services.

Ideally, governments provide the services that people need. This rule has been changed, however, by profit-hungry TNCs that seek to privatise the sector and turn it into one big, international business.

Since the sector covers practically all aspects of society, TNCs view services as one lucrative venture. Hence companies, especially those based in the US, pressured for the inclusion of GATS in the Uruguay Round

of the General Agreement on Tariffs and Trade in 1994.

This year, the Services Council will discuss the market access negotiations that will identify a whole new round of services. GATS proponents admit that services rules no longer deal solely with 'border issues' such as tariff reductions, but extend even to domestic regulatory concerns.

Disturbingly, this means that future negotiations will inevitably be more intrusive in the internal affairs of countries. TNCs are especially eyeing Third World countries as large populations and inadequate local and public service providers show promise of huge profits.

Because GATS covers most public services, concerned non-governmental organisations have pointed out the WTO's intrusion into national policies on vital social services. They stress that these sectors must be considered 'off limits' and not be treated like any other area for market opening and deregulation.

According to GATS critics, the agreement is hostile to public services, which are viewed as missed commercial opportunities.

The damaging effects of GATS are felt by the people who are being deprived of accessible and affordable services for the sake of foreign corporate interests.

Filipinos, for instance, have experienced skyrocketing prices of basic commodities and services including water, oil, electricity, education, telecommunications and transport services.

Instead of agreeing to further market-opening commitments, critics say, the governments of Third World countries should transform the WTO negotiations into venues for removing provisions inimical to their economic and social welfare.

**About the writer:** Jennifer del Rosario-Malonzo is a contributor to *1BON Features*, from which the above article is reprinted (*1BON* Vol VI No. 17-20, 12 March 2001).

- *Third World Network Features*

# Scrap the WTO!

✍ Rohan Marshall

**THE World Trade Organisation (WTO) has been often presented in the press as a benign and fair organisation that has been put in place to help the process of global trade development. It has been hailed as an imperative to developing nations as they seek to gain access to global markets.**

**Nothing is further from the truth and the emphatic demonstrations against the WTO at its Seattle meeting last December brought the world to attention - "something must be seriously wrong with the WTO".**

**During the one year since the aborted Seattle talks, much talk has circulated about how the WTO needs to be reformed. Consumers' Association of Penang says 'No!', reform is not the answer - abolishment is!**

## Discrimination against Developing Countries

In 1995, after the Uruguay Round of GATT- WTO talks, the WTO was set up. Many countries, especially the developing ones, put pen to paper and ostensibly approved its establishment.

In the ensuing years, many of these countries have backtracked and are now voicing, no - shouting out, serious concerns about the WTO and its terms of reference.

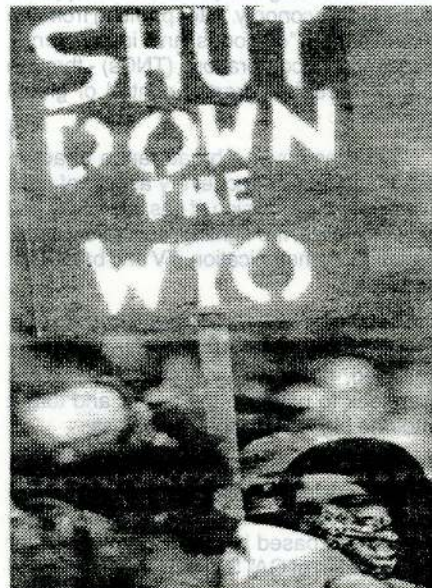
These countries, in signing onto WTO, have unwittingly signed away their rights to design and implement trade strategies and measures necessary to their own development. The ink had barely dried on paper, when these WTO developing countries began to realise how disadvantaged the WTO rendered them.

The high-level pressure and overwhelming legal and technical expertise of the developed countries, especially the US, coupled with the trusting and, eager nature of developing countries led to an uneventful and unopposed establishment of the WTO.

The reality is that the WTO stifles the local growth of developing countries and chains them to perpetual economic dependence on developed countries.

While the WTO pushes for increased liberalisation with evangelistic fervour, the reality is that different economies are currently at different stages of development.

Given this, the opening up of trade borders globally and the lowering or eradication of tariffs and other domestic protective measures by developing countries at



the same pace as developed countries is grossly unfair.

This, after a long period in which the developed, industrialised nations grew with the aid of all manner of protective trade measures.

The fact that developing countries latched onto the development track later should not deny them of the right to self-determination in the area of trade.

## Global Trade Manipulation by US

So why was the WTO set up then, if it was so manifestly unfair an organisation? Essentially because it served US interests to perpetuate and expand its economic hegemony, mainly through its trans-national corporations (TNCs). The cost for this neo-colonisation is paid by the developing countries through policies developed by the WTO.

While the inequity of the WTO and the world it seeks to create is indefensible, it screams of prejudice when measured against some of the stands taken by the US earlier.

In 1948, the US blocked the founding of the International Trade Organisation (ITO) when it felt that this would not serve its position of overwhelming economic dominance in the post-war world.

In a huge about-face, the US later became the dominant lobbyist for the comprehensive Uruguay Round of the GATT with the founding of the WTO, when it felt that more competitive global conditions had created a situation where American corporate interests now demanded the opposite stance.

The US threatened in the 1950s to leave GATT if the US was not allowed to maintain protective mechanisms for milk and other agricultural products leading to the exemption of agricultural trade from the GATT-WTO system. In 1995, however, it was US pressure that brought agricultural trade in to the GATT-WTO system. In 1995, however it was US pressure that brought agricultural trade into the GATT-WTO system.

These flip-flops in US policy have their roots and motivation in only one thing - global US corporate dominance.

**Expanding the Borders**

But it is not only into the area of trade that WTO has encroached. By attaching the clever term "traderelated", the US through the WTO seeks to extend its influence and control even further.

The area of intellectual property is the prime example of this. In accordance with WTO's Trade-Related Intellectual Property Rights (TRIPs) rules, manufacturers have to pay royalties to copyright- and patent-holders. This, again, is hugely unfair. Compare the development records of the developed countries with regard to intellectual property rights.

To a great extent, the US industrialised by using, and paying very little for, British manufacturing innovations, as did the Germans. Japan industrialised by liberally borrowing from US technological innovations, while barely compensating the Americans. The Koreans industrialised by liberally copying US and Japanese product and process technology with little payment.

These countries have benefited greatly and reached developed country status because of the prevalent liberal attitude towards intellectual property at that time.

WTO's stand on restrictive intellectual property contradicts acutely with its overall goal of liberalisation. And to whose benefit? Certainly not that of the developing countries!

Developed countries own most of the copyrights and patents in the world. They also employ the majority of the lawyers and this ensures that they will continue to dominate the legal arena of intellectual property which will leave developing countries forever beholden to them. It was the US that pushed for the Inclusion of TRIPs in the WTO agenda, and it is the US that most benefits from its inclusion.

**The WTO is Undemocratic**

To add bitter icing to the WTO cake, it is an inherently undemocratic system. **It does not practice a "one vote for one country" system. Instead most of its decisions are deliberated upon and formulated behind closed doors** (Green Room deliberations among a select few WTO member countries.

**The WTO is a highly centralised, unaccountable, non-transparent global institution which seeks to subjugate, control or harness vast swathes of global economic, social, political and environmental space to the needs and interests of a global minority of States, elites and TNCs.**

The results of these deliberations are then presented to the full WTO assembly at the plenary sessions, where the agenda is so full of speeches and other formalities that there is little time or opportunity to consider them.

US Trade Representative, Charlene Barchefsky, in a surprisingly frank admission said:

"The process, including even at Singapore as recently as three years ago, was **a rather exclusionary one. All meetings were held between 20 or 30 key countries and that meant that 100 countries were never in the room.**"

**Special Needs of Developing Countries**

A developed country official recently callously commented that all the WTO was trying to do was to "level the playing field and the international community will not wait or make excuses for those who cannot, or will not, play catch-up".

Developing countries should never be subject to the same regulations and expectations of developed countries. A child is always at a disadvantage when playing ball with its older brother and thus different rules need to be applied until the time when the child has grown to the same general maturity and strength as its older siblings. This is common logic. Unless the bigger brother is a bully who wants to exploit the situation.

- Developing countries need easy and cheap access to process and product, technology.
- Developing countries need to be allowed to develop their own strategic trade measures to protect their local fledgling industries.
- Developing countries should not have terms and policies dictated to them by an organisation that is far removed from their particular concerns and aims.

**Should we push for WTO Reform?**

No!

The WTO is a highly centralised, unaccountable, non-transparent global institution which seeks to subjugate, control or harness vast swathes of global economic, social, political and environmental space to the needs and interests of a global minority of States, elites and TNCs.

Reform is a viable strategy when the system in question is fundamentally fair but has simply been corrupted, such as the case of some democracies. It is not a viable strategy when a system is as fundamentally unequal in its purposes, principles and processes as the WTO.

So no, reform is not the answer, abolishment of the WTO is! Developing countries, who have now been awoken to the menaces of the WTO and its menu of unfettered globalisation and liberalisation, should not waste their efforts trying to reform the organisation.

Every step gained in the process of reform in favour of developing countries will be accompanied by ten steps of advance for the interests of the TNCs of developed countries.

What we, the developing nations and peoples of the world, need is a system of multiple agreements and understandings flexible enough to cater to the special needs of different countries and regions.

The WTO, in its existing form or reformed, cannot and will not achieve this. **Scrap the WTO!**

Courtesy: **Utusan Konsumer** (Consumers' Association of Penang), Malaysia..

# Free Trade or Foul Play?



**Q**UEBEC, CANADA, was the newest battleground in the moveable class war between diehard advocates of free trade and the polyglot army of opponents who have dogged the globalisers from one international huddle to another since the 1999 World Trade Organisation conclave in Seattle.

This time the face-off had a decidedly Latin flavour. At the April 20-22 Summit of the Americas, the Heads of 34 American States (Cuba was not invited) declared that the Free Trade Area of the Americas (FTAA) will open for business in 2005.

The pact creates a potential consumer market of 850 million people from the North Pole to Tierra del Fuego - although a large number of these "consumers" barely earn enough to qualify as such.

The FTAA differs from its junior partner, the North American Free Trade Agreement (NAFTA), the 1994 pact among the United States, Canada and Mexico. While NAFTA merely codified existing commercial relations, FTAA imposes "free trade" on what US President George W. Bush has labeled "our backyard."

The FTAA "seeks to perpetuate US commercial domination of the Americas," Argentine critic Guillermo Almeyra wrote in the Mexican daily, *La Jornada*.

Although details of the FTAA have not been released (the leaders meeting in Quebec pledged to make the draft public), the 900-page document is reported to prioritise the immediate opening of Latin American energy sectors, communications and financial services to transnational investment. Opponents speculate that the FTAA will allow transnationals to supersede national laws.

The creation of a multilateral security force is said to be contemplated in the draft document, as is a common currency. The US dollar is already the national currency of Ecuador and Panama and legal tender in El Salvador.

Bush has expressed opposition to including NAFTA-like agreements governing labour and environmental abuses. And while goods and services will be freely traded across borders, those who manufacture the goods and perform the services will still be subject to immigration constraints.

The Quebec junta was the third Summit of the Americas, following meetings in Miami in 1994 and Santiago in 1998. In their final statement, the leaders warned that any "unconstitutional alteration or rupturing of the democratic order" will make countries ineligible to participate in future summits and could result in their eviction

from the FTAA. Venezuelan President Hugo Chavez signed with reservations about a reference to "representative democracy," which he wanted replaced by "participatory democracy."

## Problems and Bickering

All things considered, this is not a propitious moment for advancing the fortunes of the FTAA. The United States, which accounts for 85 percent of the hemisphere's US\$13-trillion gross domestic product, is on the brink of economic recession. US and Latin American stock markets, which are heavily dependent on Wall Street, are shaky, and Argentina is scrambling to shore up its economy.

According to a recent *Wall Street Journal* poll, enthusiasm for free trade is waning in both the United States and Latin America. At a bankers' retreat last August, US Federal Reserve chief Alan Greenspan reportedly conceded that world-scale mobilisations against globalisation had taken their toll and "the momentum for free trade" was gone.

Bickering over trade issues belies the hemispheric harmony that will supposedly accompany the FTAA. A nasty squabble has erupted as Argentina and Chile edge away from the Southern Common Market (MERCOSUR) trade group and seek bilateral agreements with the United States. Brazil and Canada have been at odds over military aircraft sales and "mad cow" disease.

Brazil is also sparring with the United States over the high price of AIDS drugs, which Brazilian President Fernando Henrique Cardoso wants to sell below cost. Meanwhile, Washington threatens to haul Canada (soft wood dumping) and Mexico (reluctance to open the long-distance communications market) before the World Trade Organisation, the supreme arbiter of planetary commerce.



But the main contenders at the Quebec summit were the United States and Brazil, heavyweight champions of North and South America. Brazil, which dominates MERCOSUR, the world's third largest trading bloc with \$15 billion in commerce annually, is resistant to US commercial penetration.

With economic "deceleration" staring him in the eye, Bush had been pushing for a 2003 FTAA start-up date, while Brazil, along with Ecuador - which chaired the summit - and some Caribbean republics, did not want to be rushed. MERCOSUR, especially Brazil, and the Andean Community, especially Venezuela, also asked that the original target date to be respected, in hopes of first strengthening Latin America's integration process.

In the end, Brazil and its allies won that round. In the final summit document, Chavez expressed reservations over the December 2005 implementation date, saying the treaty must be submitted to a referendum in Venezuela.

Where Mexico the hemisphere's fourth power behind the United States, Canada, and Brazil, stands on these disputes has been camouflaged by President Vicente Fox's blustery insistence that free trade is the saviour of the Americas. But with the FTAA, Mexico will lose the exclusive trade status it enjoyed under NAFTA.

The NAFTA experience has been a checkered one for Mexico. While trade with the United States has expanded a hundredfold and made Mexico the second-largest US trading partner (after Canada and ahead of Japan), the benefits have been concentrated in about 150 transnational corporations.

In exchange, the country is increasingly divided between a prosperous north and an impoverished south. NA FTA - encouraged natural resource exploitation has resulted in clear-cutting of forests and poisoning of rivers, while transnational corporations have been swallowing Mexican banks and businesses.

## Significant Obstacle

Despite all the ballyhoo that surrounded the Quebec meeting, the years of lobbying, and the extravagant security precautions to keep the "globalphobes" at bay, the FTAA still faces one significant obstacle: the US "fast track." No Free Trade Area of the Americas can be created unless the US president can guarantee that the agreement will be approved as a whole, rather than picked apart piece by piece by special interests in the US Congress.

"When I sit down in Quebec, I expect that I will be able to guarantee fast-track passage," candidate Bush told FTAA supporters last August. But faced with a divided Congress, Bush has been unable to make good on his guarantee.

And although they are loathe to say so out loud, all parties know that the FTAA is a fiction without fast track.

- From Mexico City, John Ross,  
-Latinamerica Press

# Alternative visions that are worlds apart

Tony Juniper in Davos and Hilary Wainwright in Porto Alegre report on two forums on globalisation

**W**earing comedy business suits, complete with fat cigars, dark glasses and outrageous jewellery, "Franc Suisse", "Mark Deutsch" and "Dave Dollar" strode purposefully towards the barbed wire and lines of riot police. Surrounded by television cameras, they walked straight into the security zone of the World Economic Forum (WEF) in Davos, Switzerland.

Mingling with the chief executives of the world's biggest corporations and their invited high-level political guests, they distributed leaflets that set out alternatives to the global economy. The police finally caught on and arrested the Marx Brothers-style executives and their "lawyer". They were dragged out into the snow and questioned by policemen deeply embarrassed that their ring of steel had been so easily penetrated.

The action highlights how symbols count. People wearing jeans could not get within miles of the Swiss ski resort; yet suits, even comedy ones, could march straight in. So determined were the authorities to block out the voices of dissent that the mighty conducted their discussions behind police barricades that spread for miles through the valley.

As outside the halls of Davos, so, inside, where the meetings were closed to the public, with just a few carefully chosen non-governmental groups and individuals invited to address the WEF delegates, who were mainly male, North American and European. This year one delegate suggested that if the Earth were visited by beings from outer space, the elite gathered in Davos should be responsible for speaking for humanity. If Planet Earth had a board of directors, this would be it.

The WEF is the deeply influential international club for big business. Its past political successes include starting the Uruguay round of the General Agreement on Tariffs and Trade (GATT) and the North American Free Trade Agreement (NAFTA). Most of globalisation's leading players were there. Sir John Browne and Mark Moody-Stuart, of BP and Shell, rubbed shoulders with the leaders of the main oil-producing nations.

## Cause for Worry

Yet these architects of globalisation were clearly worried, not so much by the protesters in the street, but the new ideas emerging from dozens of citizens' movements from all over the world. The comfort once found in the old ideas is crumbling, and their rhetoric of growth, markets, liberalisation and competition - still reassuringly exchanged between the executives and leading public figures - was different from previous years. There was a sense that globalisation is in trouble, and the "board of directors" was neither asking the right questions nor had a clue what to do.

How are the ecological limits of a finite planet to be respected in the face of policies designed to promote never-end-



**a dancer at the gala soiree at the World Economic Forum meeting in Davos**

ing growth? How is the widening gap between rich and poor to be closed when many of the signals that companies respond to are designed to reward greed? How can the needs of the 10bn people who may inhabit this world in 2050 be met without drastic changes to consumption patterns? These and other critical questions were not on the Davos agenda.

Only Public Eye, a non-governmental group not invited to participate in the main meeting, had any answers. It hired an asthma clinic and staged debates on trade liberalisation, corporate control and financial policy. Its panels and workshops were open, and the clear message was that an alternative economics is crystallising from global NGO networking. It has at its core sustainable development, environmental protection and social justice. It is gathering momentum in many places.

**Social Forum**

Witness Porto Alegre, 8,000km away in the radical capital of Rio Grande do Sul in southern Brazil. Here, running concurrently with Davos, 12,000 people met last month for the first Social Forum. If Davos was for the elite, this meeting of people from 120 countries was the opposite. Gathering in vast lecture halls of the Catholic University, they engaged in passionate and pointed debate. There was a tangible sense of an emerging global movement, with a striking diversity of age,

political traditions, practical experience and cultural background.

The event came at a time when the institutions of the global market face a crisis of legitimacy. The Seattle, Washington and Prague protests have triggered the crisis by drawing attention to organisations that have long been just bewildering initials -IMF, WTO, Gatt, Nalta - to the corporations that drive them, and to the unaccountability of the politicians who go to their meetings.

The devastating social and ecological consequences of this economic reality make the more far-sighted members of the global elite uneasy. At Porto Alegre the reality of how most of the world must live was presented with angry passion by the very people who are suffering.

Trevor Inguane, part of the South African delegation, reinforced a constant theme of the conference: that the., levels of inequality and injustice are continuing to rise, and it has to stop. He gave the latest United Nations figures. **The 20% of people at the top end of the global income scale earn 86 times more than the 20% at the lower end.** In 1997 the figure was 74; in the 1960s it was 30.

Similarly shocking figures on trade were presented. As forecast, world trade has expanded rapidly: it is 17 times greater than 50 years ago. But over that period

Latin America's share of world trade has fallen from 11% to 5% and Africa's from 8% to 2%. No wonder there was such contempt in the workshops and plenaries of the Social Forum for the mantras coming from Davos that economic growth will eliminate poverty.

**Practical Organisation**

Where the elite talked to the elite in Davos and danced the night away in night-clubs, the anger at Porto Alegre was channelled into practical organisation. Apart from exchanging information about local alternatives and how to work collectively on trade, financial institutions and sustainable production, the many movements there - such as Via Campesina, the international movement of peasants and small farmers, and the giant radical Brazilian trade union federation - were already planning their next actions.

Their presence will be felt this year at the Nafta meeting in Quebec and at the G8 summit in Genoa. Most dramatically, "the long march" from the Brazilian city of Sao Paulo to "the wall of death" separating Mexico from the United States was being planned for 2003. More people have been shot trying to enter the US at this frontier than died attempting to cross the Berlin Wall. "We take their goods, but they don't like our people, so we are taking our people to them ourselves," said one of the march organisers.

Some solutions were close at hand. Porto Alegre, an industrial port, is a working example of what can be achieved. The radical Brazilian Workers party has governed the city for 12 years through a sophisticated and deeply rooted participatory process based on neighbourhood assemblies. These decide priorities and elect delegates who must apply city-wide criteria to draw up a budget, which is finally agreed on by the municipality.

They have rid the city of corruption, led to a redistribution of wealth and earned a UN Habitat prize for the world's best-governed city. It is just one working pointer to "another world" in the forum proclamation.

*Tony Juniper is campaigns director of Friends of the Earth; UK. Hilary Wainwright is editor of Red Pepper magazine.*

Courtesy: **The Guardian Weekly-Outlook**



# Stormy history of anti-globalisation protests

police leave 24 policemen injured and 42 demonstrators under arrest.

## 2001

**Jan 27: ZURICH, Switzerland** - Police foil plans for a repeat demonstration in Davos by arresting more than 120 demonstrators before the Forum and expelling 30 from Swiss territory. Clashes see police fire tear gas grenades and rubber bullets to disperse the stone-throwing crowd who set fire to several cars.

At the same time, up to 10,000 other anti-globalisation supporters protested thousands of miles away in Porto Alegre in southern Brazil, among them such luminaries as former South African president Nelson Mandela and Nobel literature laureate Jose Saramago.

**April 22: QUEBEC, Canada** - Some 400 militant protesters are arrested while demonstrating at the Americas Summit, demonstrating against the creation of an American Free Trade Zone. 19 police are injured.

**June 15-16: GOTHENBURG, Sweden** - Thousands of protesters rampage outside a European Union summit in the worst rioting ever to hit a meeting of the bloc. Three people are wounded by police bullets, one critically, and several hundred protesters detained during the violence, which forces organisers to relocate a working dinner of EU leaders and to move several delegations from their hotel.

**July 20-22: GENOA, Italy** - An anti-globalisation protester is killed for the first time in anti-capitalist riots in spite of a massive 20,000-strong security operation mounted to protect the G8 summit. The entire heart of the city is sealed off but in violence blamed on anarchists, cars are torched, windows smashed and shops trashed. A huge march of at least 150,000 people takes place nonetheless. Police are accused of heavy-handedness after a raid on the headquarters of the Genoa Social Forum, grouping some 800 anti-globalisation movements.

**GENOA, Italy, (AFP)**  
The violent clashes between police and protesters at the Group of Eight summit in Genoa this weekend were just the latest chapter in a long series of increasingly well-supported demonstrations against world capitalism.

The following is a list of some earlier moments in the history of anti-globalisation protests:

## 1999

**Dec 3: SEATTLE, Washington** - Some 40,000 demonstrators from all over the world demonstrate at World Trade Organisation talks aimed at introducing a "millennial round" of trade talks. The summit is railed off and a curfew imposed in the city.

## 2000

**Jan 29: DAVOS, Switzerland** - The annual World Economic Forum, a high-level talking shop, is disrupted by more than 1,000 protesters who break through a police cordon to get into the town.

**Feb 12-19: BANGKOK** - The first major peasants' demonstration in Asia at the UN Conference on Trade and Development. 120 NGOs draw up a "Bangkok appeal" against "global governance" as 7,000 riot police are deployed to contain the protests.

**April 16: WASHINGTON** - 15,000 demonstrators turn out to protest at the spring meetings of the IMF and World Bank and form human chains, cordoning off the two bodies' headquarters.

**May 1: LONDON** - Radicals turn out for a mass May Day rally against globalisation, paralysing the city centre.

**June 25: GENEVA** - Mass military and police presence pre-

vents serious troubles during a march on the eve of a United Nations special social summit.

**June 30: MILLAU France** - A mass protest, which passes off peacefully for the most part, marks the trial of Jose Bove, the militant French farmers' leader seen as a symbol of the struggle against unbridled market forces, charged with ransacking a McDonald's fast-food restaurant.

**Sept 11-12: MELBOURNE, Australia** - Police and 10,000 anti-globalisation demonstrators, including Trotskyists, anarchists, students, gay rights activists, environmentalists and even schoolchildren, clash in the violent siege of a World Economic Forum summit.

**Sept 26: PRAGUE** - Violent anti-IMF and World Bank protests see 11,000 anarchists and other extremists hurl Molotov cocktails at police, who reply with tear gas and water cannon in the worst unrest in Prague since 1969, when residents and police clashed following the Soviet invasion of 1968. More than 400 demonstrators are arrested.

**Dec 6-7: NICE, France** - An estimated 50,000 people, trade unionists, anti-capitalists and anarchists, converge on the European Union summit. Clashes with riot



# Anti-Globalisation and its Discontents

by Raghu Krishnan and B. Skanthakumar

Something is going on out there. Whenever it seems like the movement against corporate globalisation which burst into public consciousness at Seattle might have already run its course, another successful protest or gathering takes place as if to prove that rumours of the movement's imminent demise have been greatly exaggerated. The latest examples are the World Social Forum in Porto Alegre and the parallel protests in Switzerland against the World Economic Forum in Davos. Similarly, and closer to home, there has been an overwhelming response to those organising protests against the Free Trade Area of the Americas (FTAA) at the April meeting of the Summit of the Americas in Quebec City.

For the first time in many years, there is a broad and dynamic international movement of protest and reflection mobilising, among others, the young and disenfranchised, workers and farmers, social movements and non-governmental organisations in all regions of the world and in unison. Any part of the Left not excited by what is happening is either overburdened by the memory of its own past or has made its peace with the neo-liberal order.

Yet we mustn't miss the forest for the trees. As exciting and encouraging as this revival of revolt has been, there has been no real slowing of the neo-liberal steamroller that has trampled the Left, trade unions and social movements over the past two decades. Both the campaigns and results of the US presidential election are confirmation of the depressingly narrow limits within which mainstream political life and debate continue to take place. While the growing number of anti-globalisation activists may be reaching a broader and more receptive audience especially on and around the campuses' public opinion and political practice have

shifted only marginally in the 15 months since Seattle.

On one level, Seattle was certainly a turning point for the Left and indeed for the exploited and oppressed the world over. It catapulted the battle against the multilateral institutions and globalisation into the public spotlight, and made an impression on the citadels of power themselves.

On another level, however, it is still too early to say whether Seattle was a turning point or not. For one thing, the collapse in abject confusion of the WTO's "Millennium Round" was due as much to conflicts between the Ministerial delegations as it was to the mass protest on the streets of Seattle and public opinion around the world.

The ruling classes, North and South, still very much retain the initiative, and it remains to be seen whether they will be able to overcome their differences and forge ahead with their agenda. There has certainly been no letup in their efforts. What they haven't been able to achieve in a new all-encompassing WTO round, they are securing through so many bilateral agreements and secretive negotiations on side agreements such as the General Agreement on Trade in Services (GATS) which threatens the wholesale privatisation of the ownership and delivery of our public services.

For another, the movement itself is now entering a new phase. Many realise that it is no longer sufficient merely to chase the big neo-liberal meetings around the planet. The Porto Alegre gathering was a big step forward in the laying down of a common international strategic and organisational framework. But it is not clear how successful we will be in meeting the challenges of this new phase in the movement's development.

## The Socialist left are latecomers to the movement

What does the socialist Left have to say about (and to) the new movement at this critical juncture? For one thing, we have to be lucid about the nature of the movement and honest about what our role has been thus far.

Before Seattle, particularly in the English-speaking West, our small and ageing forces were largely absent from anti-globalisation initiatives. Campaigns around the draft Multilateral Agreement on Investment (MAI), the 50th anniversary of the IMF-World Bank combine, the Jubilee 2000 initiative for debt relief, and the educational work and direct actions against genetically modified organisms were carried out by a new coalition of forces ranging from environmentalists to trade-union staffers to faith-based groups and those concerned with the erosion of the democratic sovereignty of our national (and federal) political institutions. This new coalition of forces paved the way for Seattle and for the subsequent entry into the fray of a wider and often more youthful and combative range of forces.

The organised socialist Left are latecomers to many of these debates and struggles around globalisation. We now have a lot of catching up to do. We have to see the new movement for what it is, analyse it on its own terms and recognise its diversity. Neat labels are more often than not unhelpful in this regard. For example, though comforting to the socialist Left, the "anti-capitalist" tag has been used so loosely as to be almost meaningless.

The label was originally the product of an overconfident neo-liberal mainstream media, for whom calling protesters "anti-capitalist" was the easiest way to tar the movement as marginal and irrelevant. But now that it cannot be dismissed so easily, and efforts are underway to co-opt parts of the movement into the neo-liberal fold, protesters are described as advocates of a more "inclusive" and "compassionate" globalisation. In fact, the real (and constantly shifting) centre of gravity of the movement has always lain somewhere in between these two diametrically opposed poles.

It might also help to take a "long view" of what is happening. After all, the tasks

of rebuilding and rethinking before the Left are enormous. This is the first major international movement since the regressive transformation of international economic and political life in the 1980s and 90s. It is also the first major international movement since the fall of the Berlin Wall — an event which created disarray and demoralisation as the Left grappled with the terrible failures of the major post-capitalist experiences of the 20th century.

This long period of defeat and disarray helps explain the diversity of responses on the socialist Left to the new movement. On the one hand, one finds scepticism or even hostility among those ill at ease with the wide range of forces involved at and since Seattle, and with the issues they address. On the other, there is a kind of boundless optimism. Surely there is a symmetrical error here.

The new movement cannot in one fell swoop solve all the Left's accumulated problems. The anti-FTAA fight does not provide a ready-made line of defence against the new round of attacks on trade-union organising, for example. Nor, in and of itself, does it help us respond to the growing US-led militarisation of the hemisphere through Plan Colombia and Star Wars II.

But at the same time, the new movement is not by any stretch of the imagination some kind of obstacle en route to the "true path" of socialist renewal.

### Fears of co-optation

Before Seattle, parts of the socialist Left could be chastised for condemning capitalism and imperialism in the abstract while absenting themselves from the struggles against the institutions fashioned to serve these ends. Now, though, perhaps the anti-globalisation movement has bent the stick too far in the opposite direction. Its exclusive focus on the IMF/WB/WTO suggests that these agencies exist independently of the imperialist world order.

Yet even in ruling-class circles there are ongoing discussions about reforming the "international financial architecture", which could lead to a transformation of the IMF and the World Bank. It is not inconceivable that the WTO will adopt one of the main demands of its Northern NGO critics and most Western trade unions,

**We must be internationalists, not globalists. Where globalisation creates monocultures in economies, internationalists favour diversity. Where globalisation concentrates power in unelected and unaccountable institutions, internationalists favour equal and fraternal relations between nations and the devolution of power to the regional, municipal, community and workplace level. Where globalisation homogenises popular culture into a pastiche of MTV and Hollywood, internationalists reject the Coca-Colonisation of world culture.**

which is to include social and environmental clauses in its protocols. The greater openness among FTAA sponsors to talk of such "social clauses" is revealing in this respect, and is in line with the partial reorientation advocated by Clinton right in the midst of the Seattle. Would such clauses be advantageous to the peoples of the South? Would greater transparency and accountability of these institutions remove the conditions which daily reproduce inequality and injustice in all of our societies?

There is a wider confusion in the deployment of that most vacuous of concepts and yet most loaded of words, "globalisation". It has become an article of faith in gatherings of the movement to declaim that "we are not opposed to globalisation only to capitalist globalisation" and hence the popularity of slogans such as "globalize resistance" and "globalisation from below". This is a fundamental misunderstanding of the process which is presently unfolding.

In many respects the anti-globalisers have imbibed much of the rhetoric and ideology of globalisers: that transnational in-

stitutions are pre-eminent in the present world order, that States have been eclipsed, that imperial power has been fractured by corporate power and global civil society.

Globalisation is assumed to be a neutral process and conceded to be irresistible. This is mistaken. What passes as globalisation is actually the latest phase in the reordering of relations between capital and labour, and between the "centre" and "periphery" of the world economy. None of this is natural or inevitable, as *The Economist* magazine admitted in a now-famous editorial published on the eve of the Seattle protests.

In globalisation's wake come the intensification of work among those in stable employment, insecurity in work elsewhere, the despoliation of the natural environment with the aim of maximising profits, the privatisation of public wealth and the socialisation of corporate loss. Globalisation is more than the revolution in technology and communications we hear so much about, and which in any case was not carried out for our benefit. Globalisation cannot be wrestled away from its creators and in the process humanised for those it presently terrorises.

### Internationalist, not globalist

We must be internationalists, not globalists. Where globalisation creates monocultures in economies, internationalists favour diversity. Where globalisation concentrates power in unelected and unaccountable institutions, internationalists favour equal and fraternal relations between nations and the devolution of power to the regional, municipal, community and workplace level. Where globalisation homogenises popular culture into a pastiche of MTV and Hollywood, internationalists reject the Coca-Colonisation of world culture. Where globalisation insists on conformity and uniformity in political and economic life, internationalists affirm that solidarity across borders respects national difference and autonomy in devising strategies for social change.

The challenge for some components of the movement is to recognise the limits of its present demand to be seated at the negotiating table of the rich and powerful to play a role in the restructuring of their institutions. Some of these forces have ac-

tually made their peace with the new neo-liberal world order and merely seek to carve out a more comfortable niche within it.

The challenge for the movement as a whole is to deepen its critique of "actually existing capitalism" and to begin generating alternatives to it. This means clarifying the links between globalisation and injustice at the workplace and in the community; and between globalisation and the rise in political authoritarianism, militarism and global environmental decay. These alternatives must emerge not only on the streets and in our assemblies but also in the fight for the political representation of our movement and its allies in the democratic bodies of our societies.

Into the medium term, a key measuring stick of the strength and political intelligence of the movement will be its ability to make real breakthroughs into the "mainstream" political process" to which the overwhelming majority of our fellow citizens still turn when seeking political outlets to express their anger and aspirations. The Nader campaign in the United States and the successful "participatory budget" experiments of the Workers Party (PT) in southern Brazil are two different examples of how to make inroads in this field while remaining loyal and accountable to the new international mass movement. The movement has to bridge the gap between grassroots activism and broader political representation, through the building of a pluralist anti-capitalist political current involved in the struggles of workers and the oppressed.

Nothing is certain as to the fate and fortunes of this nascent movement. It is clear, however, that unless the socialist Left throws itself wholeheartedly into its activities and debates, and acts in a constructive and non-sectarian way, it will not receive a hearing during this or probably any future wave of radicalisation.

Ahead of us all is the unmet challenge of the construction of a new international of Hope, which fires the imagination and mobilises the energies of millions of people in the struggle against neo-liberalism and for humanity. ■

*A slightly different version of this article was first published in Canadian Dimension (March/April 2001)*



**Zapatistas recieved a tumultuous welcome in Mexico City, but Congress ultimately gutted the indigenous rights law**

WHEN REBEL MARTYR Emiliano Zapata and his ragtag campesino army marched into Mexico City in December 1914 at the apogee of the Mexican revolution, the denizens of the capital were not crazy to greet him. Newspaper headlines decried the smoldering-eyed indigenous leader as an "Attila" and his campesino troops as "Huns," and it was rumoured that the Zapatistas were coming to eat small children. Panic buying emptied storehouse shelves and families slammed closed their shutters.

**Rousing Welcome**

Mexico City was in a more hospitable mood to receive the *hijos* (children) of Zapata on March 11, this year when two dozen commanders of the largely Maya Zapatista National Liberation Army (EZLN), which declared war against the Mexican government seven years and three presidents ago, were welcomed to the capital by a cheering, diverse throng.

Jubilant supporters chanted, "Zapata's struggle continues!" and "You are not alone!" as the rebels rolled up on a flatbed truck to the Zocalo, the city's great central plaza.

The crowd, estimated at 160,000, was the size of the throngs that the three major political parties drum out for their presidential candidates' closing rallies. But like Emiliano Zapata, who once turned down the presidency to go home to his farm, the insurgents' charismatic spokesperson, Subcomandante Marcos, denies that that EZLN has political aspirations.

Accompanied by representatives of many of Mexico's 57 indigenous groups, international supporters and tens of thousands of ski-masked young people (ski mask sales have boomed since the EZLN recaptured front pages), the rebels' three-hour ramble through the city to the Zocalo was the culmination of a 15-day, 3000-kilometer odyssey from the jungles of Chiapas. Public plazas were packed all along a route that took the Mayas through heavily indigenous southern and central Mexico.

"We ask that you not allow another day to dawn without there being a rightful place for us, who are the colour of the earth, under this flag," Subcomandante Marcos said in a poetry-laced keynote address, as an enormous Mexican flag unfurled over the plaza and pungent fumes from

braziers of copal incense scented the afternoon breeze.

The last kilometers of the Zapatistas' trek followed the trail of their revolutionary namesake, with stops at his birthplace of Anenecuilco in Morelos state, where they were warmly welcomed by Zapata's elderly son and daughter, and the Chinameca hacienda where he was gunned down by the Mexican army in 1919.

Never losing the thread of history, Marcos and the comandantes compare Fox to former President Francisco Madero, who betrayed the first Zapata by neglecting to return the stolen village lands for which he fought. Like Madero, who took power from dictator Porfirio Diaz in 1910 to ignite the Mexican revolution, Fox is a wealthy rancher who claims to have brought democracy to Mexico.

### Reaction in Congress

On April 30, in the final act of the legislative session, Congress gutted a far-reaching indigenous rights law that would have amended the constitution to give the nation's 57 indigenous groups limited autonomy in their own governmental and judicial systems, recognize indigenous territories and protect the collective use of land and natural resources.

The legislation was based on accords reached between the rebel Zapatista National Liberation Army (EZLN) and the government of former President Ernesto Zedillo (1994-2000), signed in February 1996 but then vetoed by Zedillo, who claimed the autonomy provision would encourage secession. The Zapatistas have always argued that they want only to be citizens on their own terms, with autonomy and the recognition that Mexico is a multicultural, plurilingual nation.

The indigenous rights law was finally sent to Congress in December, when Vicente Fox became the first opposition party president after seven decades of domination by the Institutional Revolutionary Party (PRI). By sending the bill to the legislature, Fox, in effect, washed his hands of it. Given the deeply divided political picture, the president can no longer dictate passage of his legislative initiatives.

The law was subsequently eviscerated by Fox's own right-wing National Action Party (PAN), under the baton of Senate leader Diego Fernandez de Cevallos and the PRI's Manuel Bartlett. Both portrayed themselves as saviours of national unity for turning back the threat of indigenous secession purportedly inherent in the original text, which was prepared by the multi-party congressional commission that oversaw the accords.

The PAN and PRI roughly divide the national Congress, with the left-centre Party of the Democratic Revolution (PRD) and several smaller parties holding fewer than 10 per cent of the seats. PRD lawmakers voted for the gutting of the law in the Senate but walked out in the lower house. The EZLN and the National Indigenous Congress (CNI), which represents most of Mexico's indigenous peoples, sharply rebuked the leftists for their equivocal stand.

Zapatistas received a tumultuous welcome in Mexico City, but Congress ultimately gutted the indigenous rights law.

Criticism of the congressional hatchet job was immediate. Fox's secretary of indigenous affairs, Xochitl Gdlvez, and the government's National Indigenist Institute (INI) said the new law would only worsen the racial divide.

The CNI and EZLN seemed stunned by Congress' rejection of the law for which they had battled so long. Not 48 hours after passage of the PAN-PRI version, the Zapatistas broke off all communication with the government, retreating into stony silence "somewhere in the mountains of the Mexican southwest."

Although the military has not yet reoccupied seven outposts that Fox ordered dismantled in the president's foiled efforts to lure the rebels back to the peace table, army patrols and overflights have reportedly increased in the Chiapas highlands and jungles since the EZLN broke off contact.

The renewed tensions are a blow to Fox's much-publicised peace plans. The president has invested significant political capital in achieving a peaceful settlement in Chiapas. With the stalemate clouding

his prospects, a "decelerating" economy and failure to pass fiscal reform, Fox's honeymoon seems to be on the rocks, at least domestically.

### The Result

The CNI, which has grassroots strength, is calling for a "peaceful insurrection" by indigenous people. Marches have been announced in various places, including the Yaqui Valley, in northern Sonora, and Ocosingo, on the Guatemalan border.

At the CNI's March assembly, representatives of most of Mexico's indigenous groups voted to declare autonomy if Congress rejected or mutilated the law. Such action as takeovers of land and municipal buildings, the declaration of autonomy and the closing off of indigenous territories to outsiders, which until now have been limited to Chiapas, Oaxaca and Guerrero, could significantly broaden the band of conflict, sapping the Fox administration's energies.

During their march to Mexico City, the Zapatistas made a side trip to Guerrero, traditionally the cradle of armed uprising in Mexico, where three groups - the Popular Revolutionary Army (EPR), the Revolutionary Army of the Insurgent People (ERPI) and the Armed Forces of Popular Revolution (FARP) - have displayed their weapons in recent years.

Under banners celebrating heroes of guerrilla uprisings, Subcomandante Marcos asked the three groups to put the indigenous rights bill at the top of their agendas. Now that the Zapatistas' peaceful efforts have failed, the three groups, which have repeatedly attacked the EZLN for its seeming abandonment of armed struggle, may well renew their activities to bolster their own indigenous constituencies and prove the Zapatistas wrong.

Such a guerrilla revival would further tarnish the political lustre of a president who just six months ago was promising peace.

-FROM MEXICO CITY, JOHN ROSS  
- *Latin America Press*

# Keeping the Pressure On Burma

The long anticipated talks between the National League for Democracy, led by Daw Aung San Suu Kyi, and General Khin Nyunt, Secretary 1 of the Burmese military junta, have begun. The world now waits expectantly for a political settlement. In the rural areas of this beautiful and once prosperous country, forced relocations, extra-judicial executions, rapes and other abuses against the peasants continue unabated. These peasants wait anxiously, but with little expectation, for a true and lasting peace. In the past, peace talks, political discussions and cease-fires have done little to ease their suffering or end their fears.

So, while the talks presently happening in Rangoon usher in some hope, there is cause to remain very alert. Some members of Burma's opposition groups express concern that the international community may expect too much from these talks. The following should be noted:

- \* No one knows the substance of the talks in Rangoon.
- \* No official announcement regarding the

talks has been made in the Burmese media.

- \* The talks are limited - only Daw Aung San Suu Kyi is involved. This is a cause for concern.
- \* No substantive political agreements have been reached.
- \* No laws have been repealed to ensure that those recently released will not be re-arrested.
- \* No laws have been enacted to ensure democracy and human rights:
- \* Forced labour and forced relocations, with attendant human rights abuses, continue unabated.
- \* More than one thousand political prisoners, including
- \* The military offensive against ethnic peoples is continuing. (Authors emphasis)

"Given these considerations, the international community must be careful not to prematurely relax the existing pressure mechanisms before talks have reached the stage where they become irreversible and have developed into a process of genuine dialogue."

For the talks to become a process of genuine dialogue, the ethnic issue must be prioritized. It must not be sidelined by other political issues because solving the roots of the conflict is the necessary process of building a solid foundation upon which a true and lasting peace can finally be established. Without confronting the polarisation that has been created throughout the country, democratic institutions may have little chance to survive.

But being cautious or pessimistic does not mean that the international community should question the validity of the present talks between the military and Daw Suu Kyi. A leader of one of the larger ethnic groups recently stated, "The international community need not worry if the present discussions are dealing with all the right issues or not. We are in touch with the situation. We are monitoring it and we will know if they are moving in the right direction or not. That is our responsibility. The responsibility of the international community is to keep up the pressure on the SPDC so that they know they must remain in these talks until the issues are all settled."

Courtesy: *Burma Issues* - Max Ediger (Excerpt)



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# Sri Lankan garment workers in the Middle East

**S**ri Lankan female garment workers go to the Middle East with great expectations. They pawn jewellery, mortgage land, borrow money with high interest to pay the agency fee, the insurance fee and other expenses that are needed to go abroad. Some women leave small children behind, and some have never stayed away from their family before. The Middle East attracts many such workers who expect to earn large sums of money.

What happens to them once they are in the Middle East? The reality they face is very different.

Sri Lankans are paid 38 Dinars per month but Arab workers in the same factory are paid 95 Dinars (\$1 = 0.37 Dinars). In another factory in Oman Sri Lankans are paid 40 Omani Riyals per month and the Arab workers are paid 120 Omani Riyals (\$1 = 0.38 Riyals).

The garment industry is an exploitative industry which is at its worst in the case of contract workers. If a garment factory worker in Sri Lanka is not satisfied with her workplace she can leave her job at any time.

The situation in the Middle East is very different. The factory management holds the workers' passports, which are handed back to the workers only when they have finished their contract. Contract workers are thus put in a situation which could be called slave labour. They are at the mercy of the factory management and they have to stay until their contract period ends. For this reason Sri Lankan contract workers are very scared to talk about their problems.

## Wages

Contract workers in Arab countries do not fall under the minimum wage laws of those countries. The minimum wage stipulations in Arab countries are around three times more than the wage given to contract workers. For example in Bahrain Sri Lankans are paid 38 Dinars per month but Arab workers in the same factory are paid 95 Dinars (1 \$ = 0.37 Dinars). In another factory in Oman, Sri Lankans are paid 40 Omani Riyals and the Arab workers are paid 120 Omani Riyals (1 \$ = 0.38 Riyals).

The contract workers' conditions of work and pay are stated in the contract that is drafted by the factory. The contract is written in a manner that is advantageous towards the factory and not the worker. Most factories demand that the worker pays for the airfare to the Middle East. This is sometimes paid by the factory or by the agency, but this amount is then deducted from the worker over a period of time. This could mean that they have to pay back 20 Bahrain Dinars per month for six months out of a salary of maximum 40 Dinars. At the end of the contract the flight back home is usually paid by the factory. However, it is often stated in the contract that in the event of dismissal or leaving before expiry of contract the employee will have to bear their own air fare back.

Calculation of salary in one factory in Oman is on a piece rate basis and workers do not understand how the system works. Some workers say that when they receive their salary they look at the amount and cry. The next day they forget about it and go to work, but when they next receive

their salary they cry again. This happens every month.

Workers who have extended their contract in this factory two or three times are still only receiving 40. Riyals which is the starting salary for new workers. Some workers who do the same amount of work in one month and who have the same base wage can receive a different salary.

The difference can be as much as 5 - 10 Riyals. If an increment is given to workers this is not added to the base wage but it is included in a separate column. This means that when gratuity is calculated the gratuity is calculated on the original base wage and it does not include the increment.

## Overtime

Sri Lankan workers are expected to do mandatory overtime and complete unreasonable targets with no pay. In most factories contract workers stay in the factory until 12 midnight to finish targets and this is often not paid time. According to the signed contract, workers have agreed to work 2 hours of overtime a day which would be compensated at 1.25 times their normal hourly wage. But the reality is that workers work 4 or sometimes 5 hours of overtime a day and they are only paid for those two hours of overtime.

In one factory in Bahrain workers have two time cards. A yellow one and a white one. The management punches the yellow time card each day at 8 am and 7.15 p.m. (This is shown to auditors). Workers punch in the white time card daily at 8 am and 12 midnight (sometimes 7 am). Auditors are shown a payroll that clearly says that workers are paid for 8 hours of work and two hours of overtime daily. The payslips say that workers receive 44 Dinars for 10 hours of work a day. But the workers don't get this amount. One worker might receive 33 Dinars, others 36 Dinars and others 40 Dinars. This amount is given in an envelope with a payslip that says 44 Dinars. Workers are clearly not paid for the overtime done in the factory.

In another factory in Dubai, there are also irregularities in payment to contract workers. Workers are asked to sign a payslip for 450 Dirhams but they receive only 400 Dirhams, (\$1 = 3.6 Dirhams).

When some workers challenged this management said that they will pay the 450 Dirhams only if workers increase the target. But the present target is very difficult to achieve.

### Targets

Most workers say that it is not possible for anyone to complete the targets set by management. Some workers said 'hithin mawagath target mche denne' (impossible targets expected) or management has dreamed up the target. Because it is impossible for workers to complete the target at the end of the day, they have to finish the target before they leave. Workers don't have time to go to the toilet or drink water during the day because of these unreasonable targets. There is high pressure by supervisors and management to push workers to complete the target.

Many workers report verbal abuse and harassment and in some factories even physical abuse. These experiences have also been reported from factories with Sri Lankan management. Workers in one factory talk about a certain person in the management with expressions such as 'He looks at us as if he wants to eat us'.

### Benefits

Except for the minimum wage stipulated by the government, local labour laws are applicable to contract workers too. However, there is very little monitoring by government to ensure that local labour laws are enforced, and violations in the factories are frequent.

For example, workers are supposed to have one day of rest a week (Friday) plus local national holidays. In addition, workers cannot work more than two consecutive Fridays, and they should have one month's annual leave per year.

However, contract workers usually work seven days a week. Very often they are not paid for the Friday work, whereas according to local labour law they should be paid 1.5 times their normal hourly wage for work done on Fridays. Arab workers are never asked to work on a Friday or on local government holidays. If they do work it is voluntary overtime and they are paid the required overtime rate.

The Sri Lankan workers usually get holiday only on January 1st, Sinhalese and Tamil New Year day, and Christmas is given to Christian workers.

The Arab workers are not as highly pressurized at work, overtime is voluntary for them, they have Fridays and government holidays as off days, and they refuse to achieve difficult targets. The management is compelled to keep these workers because they have to have a certain percentage of Arab workers in order to get permission to run a factory. The Arab workers know they are in relatively powerful position compared to the Sri Lankan workers and therefore they know that the management is unable to exploit them.

Most workers in the factories complain about the food. Even in the factories with Sri Lankan cooks it seems like the management is not willing to hire companies that provide good food. Some workers say that they throw the food away quite often. They have to buy milk powder and biscuits from the local shops and their monthly expenses are high because of this.

### Freedom of movement

Sri Lankan contract workers' freedom of movement is curtailed. Female contract workers are not allowed to leave the dormitories unless they are accompanied by

**Workers have a constant threat that if they misbehave they will be sent back to Sri Lanka. If the daily target is not met the salary will be deducted. Wages are cut for talking, and laughing while working. If a worker stays back from work for one day, two days salary will be cut.**

a supervisor or a person from the management. Workers are taken out in groups once a month or sometimes twice a month for shopping expeditions. They are taken by the factory bus to a shopping mall and they are accompanied to the shops by a supervisor. These shopping trips last a maximum of two hours.

The male workers on the other hand are given the freedom to leave the factory once their working hours are completed.

### Disciplinary measures

Some factories have very strict disciplinary measures for workers. For example in one factory in Dubai, if workers are consistently not meeting targets they are sent to their room as a punishment for a period of 7 days, they are not paid for those days and 14 Dirhams is deducted daily from their salary as food and lodging expenses.

If a worker accidentally leaves the air conditioner and lights on in a room while working in the factory that particular room gets fined 100 Dirhams or 10 Dirhams per person.

Workers have a constant threat that if they misbehave they will be sent back to Sri Lanka. If the daily target is not met the salary will be deducted. Wages are cut for talking, and laughing while working. If a worker stays back from work for one day, two days salary will be cut.

### Agencies

Some workers pay exorbitant agency fees, even as much as Rs. 25,000. This they pay by mortgaging land and selling jewellery. Some factories don't pay the agency a fee to bring workers over. Instead they bribe the agents with gold when they visit the factories -

Married female applicants to the Middle East are sometimes administered a contraceptive injection before they leave Sri Lanka. This is to ensure that they will not be pregnant when they leave the country. This requirement can be from the agency, medical officer who gives the medical test or from the company that the worker will be working for in the Middle East. This is a basic human rights violation.



**Is it worthwhile?**

Workers in the Middle East can earn the equivalent of Rs 7500 - Rs 9000 per month, compared to Rs 3000 - Rs 6000 for similar work in a Sri Lankan factory. However, they have to keep coming back to the Middle East in order to make any money.

A two year contract is not enough to make the whole trip worthwhile. During the first contract, workers have to pay back for their air ticket and the agency fees. On the second contract the factory generally pays the air fare.

A garment factory worker's real wage or take home wage may be less than what a housemaid can earn. In Dubai a housemaid can earn 500 Dirhams a month but the maximum a garment factory worker will earn is 400 - 450 Dirhams.

Workers say 'If we knew the situation was like this we would never have come' and it is better if we stayed at home and ate rice and pol sambol rather than come to a place like this, if we worked in a factory at home we would earn the same as

we earn here, a sister told me not to come but I did not listen and came anyway, now I understand what she meant.

There is one factory in Oman that has 125 Sri Lankan female workers who have not been paid a salary for two years. The factory has now folded up because there is no business but the workers are still living in the dorms. Some male workers were sent back to Sri Lanka but the others who insisted on getting paid for the two years of work are still living in the factory. They say they can't come back to Sri Lanka without money.

Sometimes there is no water or air conditioning in the dorms and these workers are known to bathe from a tap close to the road. The workers eat from a shop nearby and the bill is paid by the factory owner. These workers have over-stayed their visas and the company is refusing to pay for the renewal of the visas or for their air ticket back to Sri Lanka. Since their visas are expired they are living illegally in the country. There is a rumour that these female workers are now selling themselves to earn some money in order to come back home.

In situations such as these the question arises as to who is taking responsibility for the workers? Workers say very clearly that if they knew before they came to the Middle East that they would be exploited like this they would never have come. What are the Sri Lankan embassies in these countries doing about this? Don't they have a responsibility to safeguard Sri Lankans from exploitation in foreign countries and bring workers back to Sri Lanka if necessary? In the factories that haven't paid workers for two years shouldn't there be legal procedures to bring the management or owners to court? Why are workers allowed to be in situations that they finally become prostitutes on the streets? Most of the factories are getting workers from agencies approved by the Foreign Employment Bureau. Isn't there a responsibility by the Foreign Employment Bureau to demand that the agencies work with factories that don't exploit labour?

(Source: WITZ Vol] No 1 - February 2001 published by **Kalape Api**) reproduced from **Asian Woman Workers Newsletter** (Thailand)

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# Women for sustainable development

Latin American women call for participation in the debate over a free trade area

## Opposition

**W**ith massive demonstration in the streets of Buenos Aires, as well as forums, seminars and meetings, Latin American organisations expressed their opposition to the Free Trade Area of the Americas (FTAA) and called attention to alternatives to the proposed hemispheric economic model.

While economy ministers from 34 countries met April 5-6 in Buenos Aires to discuss the FTAA proposal, in preparation for the April 20-22 Summit of the Americas in Quebec, Canada, noted economists, jurists, sociologists and communications experts from various countries aired their doubts. They also made public a letter to the economy ministers from the International Gender and Trade Network.

The signers of the letter participated in a seminar called "Free Trade and Gender: the Impact of the FTAA on Women," sponsored by the international network, the Continental Social Alliance and a team formed to monitor compliance with accords reached at the Fourth World Conference on Women in Beijing in 1995.

Most of the comments from women focused on the need to promote development that includes economic growth equity, environmental sustainability, security, solidarity, participation, peace and respect for human rights.

Fatima Mello of Brazil, who spoke on the social impact of the FTAA, said the accord will only further demonstrate the economic and political fragility of Latin American countries whose authorities are "incapable of dismantling the equation that wants to make us believe that free trade will bring progress."

Because of unequal relationships in the hemisphere, she said, liberalisation of markets will result in economic hegemony, with the United States and transnational

companies imposing the rules on Latin American governments.

According to the time line set in Buenos Aires and Quebec, FTAA negotiations should be completed by January 2005. Each country's legislature will then be expected to ratify the agreement, which will include all countries "from Alaska to Tierra del Fuego," except Cuba.

Mello lamented the fact that Latin American governments have not placed greater emphasis on regional trade initiatives such as the Southern Common Market (MERCOSUR), which includes Argentina, Paraguay, Uruguay and Brazil, with Chile and Bolivia as associate members.

"We should re-think MERCOSUR and give new impetus to its survival as an integration process and development project and not just a trade agreement," Mello said. She added that small and medium-size producers in all areas will lose out under the FTAA, and that women will be most affected by loosening of labour regulations, labour market informality and lack of job security.

"Their reproductive capacity will also be affected, because health systems will become more fragile," Mello said.

"We have to demand that people's health be considered worth more than patents on medicines."

## "Operation Condor"

Nora Cortinas, president of the original movement of the Mothers of the Plaza de Mayo, pointed out that during the years of Latin American dictatorships, military governments in the Southern Cone implemented "Operation Condor" to put down opposition – a plan the press later dubbed "the MERCOSUR of repression" because it, was based on agreements among various countries' intelligence services and armed forces.

As part of Operation Condor, governments of Argentina, Uruguay, Paraguay, Bolivia, Chile and Brazil exchanged political prisoners and tortured and disappeared opponents. In Cortinas' view, the system annihilated a generation of community leaders in order to impose a unified economic model that would pave the way for proposals like the FTAA, which jeopardizes unrestricted respect for human rights, including labour and union organising rights and development of people, ideas and cultural resources.

"That's why those who committed genocide are still protected with impunity. The FTAA is a plan for domination that could mean a renewal of social repression," she said.

"We must foster an alliance of all sectors who feel themselves affected by this adjustment process and trade agreement," said Graciela Rodrigues, a Brazilian member of the Continental Social Alliance. "We must resist this way of building integration. We want democratic, participatory integration in which our countries' legislatures have input. The mentality of this kind of agreement must be transformed with demands for social and environmental legislation."

## Lack of information transparency

Women meeting in Buenos Aires also expressed concern over the lack of information about and transparency in the FTAA debate.

"Citizens are being deprived of an important political opportunity because information that they need to make decisions about their best options is being withheld. It is necessary to open up debate about the development models and integration that society wants. Another world is possible if diversity is respected, but it's important to develop a culture of integration among citizens," said Lilian Celliberti of *Cotidiano Mujer*, a Uruguayan women's group.

Celliberti underscored the importance of institute a "culture of oversight" to gain greater access to information and establish mechanisms for monitoring by citizens' groups.

- From Buenos Aires, Dafne Sabanes Plou  
- *Latinamerica Press*

# Satyagraha forces conceding additional allowance to Plantation Workers

T.M.R.

The Satyagraha launched by the plantation workers on 19th February 2001 ended on 15th March forcing the authorities to sign a supplementary agreement conceding the demand for an additional allowance to plantation workers. This came in the form of an amendment to the Original Collective Agreement signed by the Employers' Federation of Ceylon with the plantation workers' trade unions.

The Satyagraha campaign was launched to obtain a wage increase in line with the Rs. 400/- additional allowance declared by the Government under Emergency Regulations to certain categories of employees. The regulations stipulated that employees who received wage increases under a Collective Agreement during the period January - July, 2000 were not entitled to the increase. Employees who received wage increases other than under a Collective Agreement are only entitled to the difference if any, between the increase received and the sum of Rs. 400. The Emergency Regulations effectively shuts out plantation workers from gaining any relief as they have a Collective Agreement signed in June 2000. The Employers and the Government authorities were taking cover under these regulations to deny to the plantation workers their demand for an additional increase. The overwhelming support the unions which called the Satyagraha received from their members and unions from other sectors and Left parties successfully challenged the

emergency regulations and placed the Government and the employers in a tight spot. It showed what collective defiance even if it be passive, could achieve despite emergency regulations that enjoins unions to compliance.

## Strike, Prayer Campaign and Satyagraha

Earlier in September 2000, the plantation workers led by the CWC struck on the demand for Rs.400 allowance and the Employers' Federation took legal action against it by obtaining an Enjoining Order from the District Court preventing the trade unions from taking action "in violation of the Collective Agreement". This strike lasted for 10 days ( from 11th September to 20th September 2000) and was called off on the assurance of President Chandrika Bandaranaike Kumaratunga to look into the matter through a committee appointed by her. As no early action was taken to resolve the matter the JPTUC and the LJEWU began exerting pressure on the CWC. to jointly launch a course of action to win the demand. As the right of trade union action was denied to them under the Enjoining Order, the CWC launched a Prayer Campaign and Satyagraha together with the backing of other unions. This received widespread support from not only trade unions but other peoples' organisations and politicians within the Government as well. The dispute over the additional allowance to cushion the effects of devaluation was fi-

nally settled through the signing of a supplementary agreement on 15th March 2001.

This column takes the liberty of quoting relevant extracts from an article written by Fr Paul Caspersz who has long involved himself with the problems of plantation workers from the vantage position of being among estate workers.

## Supplementary Agreement

"The Agreement of 15 March 2001 stipulates the daily rates of pay separately for tea and rubber estate workers, as follows:

For tea estate workers: (i) Rs. 101 per day, with EPF and ETF; (ii) plus Rs. 15 per day as price share supplement on which EPF and ETF will not be paid; (iii) plus Rs. 5 per day as- attendance incentive, if the worker gives. over 75 per cent attendance in the month.

For rubber estate workers: (i) Rs. 98 per day, plus EPF and ETF; (ii) plus Rs. 14 per day as attendance incentive, if the worker gives 75 per cent attendance- in the month. There is no price share supplement in rubber estates.

In order to assess the success of the satyagraha, it is necessary to compare these stipulations with those that obtained before it. The earlier stipulations, according to the Collective Agreement of 20 June 2000, were as follows.

For tea estate workers: Rs. 101 (daily wage) plus Rs. 6 (price share supplement) plus Rs. 8 per day for 85-90 per cent attendance or plus Rs. 14 per day for over 90 per cent attendance. For over 90 per cent attendance, the worker would therefore be entitled to Rs. 121 per day; for 85-90 per cent attendance, Rs. 115 per day; for less than 85 per cent attendance, Rs. 107 per day.

For rubber estate workers: Rs. 98 (daily wage) plus Rs. 8 per day for 85-90 per cent attendance or plus Rs. 14 per day for over 90 per cent attendance.

Under the 20 June 2000 Agreement the tea workers (female or male) would therefore get a maximum daily wage of Rs. 121 and a minimum of Rs. 107; the

rubber estate workers would get a maximum daily wage of Rs. 112 and a minimum of Rs. 98 per day.

What, and how much, do the workers gain by the Agreement of 15 March 2001?

First, no worker received the increase of Rs. 16 per day though this was the demand with which the satyagraha started. Second, those tea workers who already received Rs. 121 per day under the earlier Agreement and those rubber workers who had earlier received Rs. 112 per day received, under the Supplementary Agreement, no increase at all. Third, those tea workers who earlier received Rs. 115 or Rs. 107 per day, would now receive Rs. 116 per day plus Rs. 5 if they gave attendance of over 75 per cent; those rubber workers who earlier received Rs. 98 or Rs. 106 per day would now receive Rs. 112 per day if they gave attendance of over 70 per cent. Fourth, those workers who earned the largest increase were those who gave the least attendance, that is, attendance under 85 per cent: for tea workers the increase is from Rs. 107 to Rs. 116, or Rs. 121 if they reached the minimum attendance norm of 75 per cent; for rubber workers the increase is from Rs. 98 to Rs. 112, if only they reached the new minimum attendance norm of 70 per cent.

Hence if the CWC, the LJEJU and the JPTUC claim that the satyagraha campaign was a complete success, they would be greatly overstating its results. If, on the other hand, pro-UNP and the smaller Unions state that the satyagraha, was a complete failure, they would be greatly understating its results.

What about the Employers' reactions to the Supplementary Agreement? Despite statements of some Employers that their agreement to the new terms was forced on them by the Government, there is sufficient reason to believe that they have stolen a march over the Unions. Some of them had privately stated, even at the time of parleys leading to the Agreement of 1 June 2000 that they would be prepared to pay up to Rs. 135 per day. So for the wages to be pegged at a maximum of Rs. 121 for tea and Rs. 112 for rubber would befor them a cause for merriment in their clubs as they toast to one another the Supplementary Agreement of 15 March 2001.

### Question the Companies!

Furthermore, the Union leaders should make more of the fact that the Plantation Companies can easily afford to pay their workers - the source of nearly all their wealth - the extra sum of Rs. 400 per month, if only for the reason that the companies pay no tax while their predecessors, the SPC and the JEDB, did. In the ten-year period between 1982 and 1991, the Central Bank Annual Reports give clear evidence that the Government revenue from tea and rubber taxes and duties was Rs. 23.3 billion while the total of Government transfers to the SPC and JEDB was only Rs. 1.7 billion, so that the net revenue to Government was Rs. 21.6 billion or more than Rs. 2 billion per year. This large sum of money is now retained in the coffers of the Companies, not to pay higher wages to their workers, but to pay high salaries and offer perks of various kinds to their Directors, management agents and also better terms to their shareholders.

"At Rs. 400 per month for an estimated total of 270000 workers, the extra bill for the Companies will be Rs. 108 million per month, or Rs. 1.3 billion per year - much less than what the SPC and JEDB gave the Government as revenue and which the Companies now retain.

**the Plantation Companies can easily afford to pay their workers ... the extra sum of Rs. 400 per month....**

**...In the ten-year period between 1982 and 1991....the Government revenue from tea and rubber taxes and duties was Rs. 23.3 billion while the total of Government transfers to the SPC and JEDB was only Rs. 1.7 billion, so that the net revenue to Government was Rs. 21.6 billion or more than Rs. 2 billion per year. This large sum of money is now retained in the coffers of the Companies...**

The Unions should also ask the Companies the amount they pay out as management fees and to what extent the management agencies are separate from the Company owners. Or are there interlocking directorates? Could not the management agencies be satisfied with lower fees in order that the Companies may pay higher wages to their workers? The estate workers, when asked, say that under present conditions and allowing for the secularly low wages paid to the estate workers since the inception of the plantation economy, a realistic minimum all-inclusive wage should at present be at least Rs. 150 per day with EPF and ETF.

Incidentally, how is it that under the present laws of the land the Companies pay no EPF and ETF on the price share supplement and on the attendance incentive? The loss to the workers upon retirement is very high because of the present practice of non-payment of these dues.

### Meeting Arguments

Finally, allusion needs to be made to two arguments which are often used - even in circles which should be better informed - to show that there are factors which would work as compensation for what are admittedly the low wages paid to estate workers. The first argument is that estate households have more income receivers than rural and urban families. Thus it is too often argued that estate households are even better off than others because the total household income would be higher in the average estate household than in other sectors of the population. Hence it is said that estate households gain on the swings what they lose on the roundabouts. Some employers are reported as saying, during the satyagraha that some estates households receive' a total income of Rs. 9000 or more per month. Could they specify the number of such households? One may suspect that the number could be counted on one's ten fingers.

However, a careful study should be made of the data in the periodical Consumer Finances and Socio -Economic Surveys of the Central Bank. These show conclusively that although the number of income receivers in the estate household is higher than elsewhere, yet total household income and household per capita income is by far the lowest in the country."

# Brazil's landless peasants dig in their heels

*With the help of the landless peasants' movement in their country called the MST, Brazil's rural poor are getting organised and taking over unproductive land. The MST also takes up issues related to the struggle for people's rights to be included in matters that affect their lives.*

✍ Eduardo Nunes

**T**ropical rain forests, remote beaches, expansive rivers, indigenous tribes. These are the images that pop into most people's minds at the mention of Brazil. Rural scenes.

But rural areas are not where you'll find most of Brazil's people.

In terms of population, nearly 80% of the country's inhabitants live in cities, and have economic dealings in such things as industry and finance, as opposed to 'non-urban' enterprises such as agriculture. Export goods like airplanes, automobiles, trucks, optical cables and steel account for some 70% of the GNP [gross national product]. Traditional agricultural products such as coffee and soy beans account for less than 25%.

It is somewhat ironic, then, that Brazil's most important social movement today is rural-focused: the landless peasants' movement, in which more than three million people are directly involved. Known as MST (Movimento Sem Terra) in Brazil, it is a movement that embraces a wide range of people, from the young to the elderly, from rural workers to the urban unemployed.

## Unfair distribution

It is perhaps no secret that land distribution in Brazil is deeply unfair, and has been since the Portuguese conquest. Less than 3% of the population holds nearly two-thirds of the nation's half-billion arable hectares. Some 4.8 million rural Brazilian families - roughly 25 million people - eke out a meagre existence as temporary labourers or slash-and-burn farmers in the

country's expansive interior.

At the same time, more than 60% of Brazil's land remains unplanted. If it is used at all, it is for ranching or tax write-off purposes.

It was for the purpose of addressing these issues that MST was organised. Although peasant movements are nothing new in Brazil, the current incarnation of this movement, of which MST is the most prominent representative, was born in the Roman Catholic Church during the decline of military rule in the mid-1980s.

MST grew in number and importance by advocating for the rights of the landless. They organised poor communities and, most controversially, some of these groups of landless people took over unproductive land.

The tactics used by MST are controversial. In rural areas, however, rich landowners have also shown themselves to be willing to side-step the rule of law in their treatment of poor labourers and indigenous communities. Indeed, the activities of MST often take place within the context of extreme inequality and sometimes violent domination of the poor by the rich.

The response to their work has itself not infrequently been violent and repressive. It has not been unusual for MST members to fend off armed attacks by police or hired gunmen, or for their leaders to be arrested and imprisoned.

**Some 1,200 land reform advocates in Brazil have been killed over the past 15 years,** according to the Roman Catho-

lic Church. In some cases where they have been able to hold onto the farms, the federal government has granted them land titles, with the legal owners receiving compensation for the land.

Using this strategy, MST has successfully settled 210,000 landless families on 7.3 million hectares of land. More than 110,000 other families remain camped outside idle plantations all over Brazil, awaiting their turn to claim and work the land. Most likely, the transition of these lands to their hands will not be peaceful.

## Life remains difficult

Other tactics have produced positive outcomes for landless residents, as well. **As a result of MST pressure, the government has placed more than 310,000 landless families on expropriated plots since 1994, and plans to settle another 300,000 families by the end of 2002.**

The problem is not limited to land, however. Even for those who have benefited from land acquired through the efforts of MST, life remains difficult. Most have no credit access and no market opportunities. Selling to the domestic market which is controlled by a few powerful groups, including some transnational ones - is a limited option. Exporting is nearly impossible. **The reach of the current global economy does not include small farmers and small business operators.**

The leaders of MST understand that their success thus far can be attributed partly to the fact that their focus has not been limited merely to obtaining land, but on broader issues having to do with the struggle for people's rights to be included in matters that affect their lives.

'We're a symbolic force that shows Brazilian society that it is possible to change,' says Sem Terra's co-founder Joao Pedro Stedile.

**The land has become a tool for rural workers, and a symbol for urban ones.** ■

## - Third World Network Features

**About the writer:** Eduardo Nunes is programmes coordinator for World Vision Brazil. The above article first appeared in *Global Future* (First Quarter, 2001), published quarterly by World Vision.

# Human Rights violations issue to raise its head again

✍ M.C.M. Iqbal

It is disturbing to note that the issue of human rights violations in Sri Lanka is going to raise its head once again at an international forum, namely the next meeting of the Commonwealth Heads of State at Brisbane, Australia, in October this year. It is reported that Amnesty International is to single out Sri Lanka along with three other Commonwealth States - Malaysia, Zimbabwe, and Kenya on human rights violations, which are rampant in these countries. It appears that this is likely to be a key issue that is to be discussed at this meeting.

## Disappearances & Australian High Commissioner's Appointment

The controversy that preceded the appointment of the present High Commissioner for Sri Lanka in Australia, is going to be raked up once more. Several human rights organisations including Amnesty International had voiced their disapproval of this appointment. The Government however went ahead with this appointment despite the views expressed.

**The implementation of the recommendations of the Commissions of Inquiry into Disappearances is yet to take place.** In fact how serious the government is in implementing the recommendations and dealing effectively with those against whom credible material indicative of their involvement in human rights violations had been brought to light by the said Commissions, is questionable. A Missing Persons' Unit established in the Attorney General's Department is expected to take legal action against those persons named as being responsible for the disappearances. But since this Unit has to refer back these files to the Police Department to re-record the evidence of the witnesses, the relevant files tend to either get unduly delayed or not acted upon at all. **The accused in the few cases filed are allowed to be in service in spite of a requirement in the Establishment Code that any State of-**

**ficer against whom a criminal case has been initiated, should be interdicted from service till the conclusion of the case.** This is one of the reasons why violations of rights continue with impunity.

We hear of reports of illegal arrests, torture and even disappearances of persons, very often. Meaningful steps do not seem to be taken to end these incidents. Even a promise of a Presidential Commission of Inquiry to inquire into the 600 odd disappearances that had taken place following the re-taking of Jaffna from the LTTE is yet to be fulfilled.

## Sri Lanka's Human Rights Commission

The establishment of the Human Rights Commission (HRC) in 1996 was one of steps that the government was compelled to take to stem (or at least to make it appear that it is making an attempt to stem), the continuing phenomena of human rights violations. But subsequent events proved this organisation to be grossly incapable of halting these violations. Complaints of violations of fundamental rights especially by the police or the security forces need swift and effective action if future violations are to be deterred. But the HRC does not even have time to acknowledge the complaints it receives. It is learnt that there is a backlog, of almost 10,000 complaints to the HRC to be looked into.

The HRC was set up to be an independent body that would provide inexpensive and easily accessible relief to anyone whose rights had been violated, but this was not to be. It turned out to be another government department. The HRC is obliged to perform its functions of inquiring into complaints against State officials without causing any embarrassment to the State. The Members of the Commission themselves are appointees of the President. Not one of them is a full timer.

They attend to their duties in more lucrative positions they hold, before they could find time for the HRC work. It is therefore no wonder the HRC became what it is now.

In the absence any full time members of the Commission to oversee the work of the office, the officials of the Commission continue to be very lethargic just like most other government officials. Most who sought the assistance of the HRC or the NGO officials who sought information from the HRC would bear witness to this fact. Their incompetence and lack of training in the relevant fields have even been acknowledged by the Commission itself, in its annual report for 1999.

Besides not having full time members, the procedures the HRC has to follow in its attempt to enhance its capacity is a stumbling block to its efforts. The cadre requirements have to be submitted to the Presidential Secretariat and the Salaries and Cadre Commission for approval. Whether the former will be happy to have an effective HRC and the latter will be happy to see the expenditure on the HRC staff increasing is a matter for conjecture. In view of this, the much needed restructuring of the HRC into an administrative unit, investigation unit, human rights education unit and a mediation unit, will never see the light of day. Consequently the HRC continues to be an expensive ornament of the government. The efforts of the Asia Foundation and USAid to be of assistance to this institution, has not had much effect in improving its services or its image.

The Commission itself cannot be blamed for this state of affairs. The structural weaknesses, the fetters of red tape, the absence of full time Commissioners, the lack of will on the part of the government to make it an effective and a laudable institution and finally the absence of adequate, competent, trained and dedicated staff, are some of the factors that have made it impotent. No wonder the government is going to face a very embarrassing situation at the next meeting of the Commonwealth Heads of State in Australia where all these weaknesses are going to come under scrutiny with adverse publicity to the country. ■

**About the writer:** *The writer who is presently a consultant in the Law and Society Trust was formally Secretary of the Zonal and later All Island Presidential Commission on Disappearance and Involuntarily Removal of Persons*

# SL High Commissioner in Australia alleged to be responsible for atrocities

## Former detainee under General Perera speaks out



Major General Janaka Perera presented his credentials as the new High Commissioner for Sri Lanka to Sir William Deane, the governor General of Australia on 21 st June 2001 at the Government House.

**A**sian Human Rights Commission (AHRC) on 28 June issued an eyewitness account of extreme physical and psychological torture, overcrowding and hundreds of disappearances /extrajudicial killings at an illegal military detention camp (in Wehera, Kurunegala district, 25 miles from Kandy) run by the man appointed Sri Lankan High Commissioner to Australia, Major General Janaka Perera.

Tim Gill, spokesperson for AHRC, based in Hong Kong said "We are releasing the harrowing account of the eyewitness not to encourage a witch-

hunt of the appointed High Commissioner but to show the scale of the atrocities committed 'in Sri Lanka between 1988 and 1992, and to call for those responsible to be brought to justice."

In the statement, the detainee recalls the extreme overcrowding and shackling in the cells and halls; the removal of the detainees when humanitarian agencies came to inspect the camp; the 'disappearance' of literally hundreds of fellow detainees; the sadistic forms of torture used on him and on others; and the psychologically impact of having to watch fellow detainees being tortured daily in front of you.

Mr. Gill continued, "The fact that a man associated with such heinous crimes has risen to such a high level is not an anomaly - it is characteristic of the systematic nature of the disappearance of up to 60,000 people, carried out by those at the highest echelons of power in Sri Lanka. Instead of facing a court for this crime against humanity, those responsible are promoted on the basis of their experience in creating terror."

AHRC has known the eyewitness since the early 1990's and has studied the case carefully. AHRC has also independently verified the relevant facts related to this case. Further, the story of the detainee is completely consistent with the details of the detention camps kept during this period according to the official reports published by government appointed commissions.

**The Crime Against Humanity constituted by the systematic disappearances between 1988 and 1992, was noted by a UN Working Group as the 2nd highest number of disappearances committed in the world. These disappearances were not part of the Sinhala-Tamil conflict** (CW emphasis)

The AHRC states; "These disappearances occurred mainly in the southern part of Sri Lanka and the victims were largely Sinhala youth. The disappearances were not a campaign by a hostile foreign enemy, nor were they part of a bloody civil war or revolution. It was a campaign by a democratically elected government (UNP) to remove an opposition. The victims need not have been involved with insurgents; attending a meeting or a speech or even reading a book was sufficient to be targeted for extra-judicial killing. Many of the victims were outside the insurgency movement some victims were simply members of legally recognized opposition parties. Many were just children."

### A Detainee's Reminiscences of Wehera Detention Camp, Kurunegala, Sri Lanka

I was a detainee of Wehera, Detention camp: an illegal, military detention camp from March to September 1989. The memories of the camp are very vivid in my mind and I still suffer nightmares due to this experience. My life was saved due

## HUMAN RIGHTS

to the intervention of Mr. Ossie Gunesekara, a prominent politician at the time who had earlier helped Mr. Janaka Perera (the head of the camp at the time of my imprisonment) in his career. Mr. Janaka Perera has recently been appointed the Sri Lanka High Commissioner for Australia.

I was brought to the Wehera Detention camp on information provided by some informer. I had some distant connection with JVP in 1971 and this was the cause of the arrest, though I had no other connection thereafter.

Wehera detention camp was well known to people of the Kurunegela district and in fact it was quite well known in other parts of Sri Lanka too. Detainees from the following villages and towns were brought there: Chilaw, Galgamuwa, Tabutthegama, Giriulla, Mawathgama, Ridigama, Polgahawela and other nearby places.

At the time I was brought to the camp there was only one detention room. It was about 20 feet long and 10 feet wide. When I arrived there were about 40 people there.

All the detainees were kept chained to each other all the time and only unchained when going to the toilet.

About two hundred soldiers were there in the camps. They were separated into several groups there were those who went to make arrests; those who interrogated (consisting altogether of about 50 persons who were always in civilian clothes) and those who guarded the camp.

Every day new persons were brought. When the room was too full, new prisoners were kept tied up in the hall outside.

Every night a few people were taken out. Their names would be called and they had to come out. These persons did not come back. Sometimes, detainees were told that they had been taken to Colombo, but everyone knew they were taken out and killed. Soon we learned that dead bodies were found in the junctions of roads and rivers.

Sometimes groups as large as 20 persons were brought from one single village. Usually all of them were killed.

About two months after my arrival, another hall was built and small rooms were created as cells. By then the number of detainees had increased. In this new construction there were places for hanging people by the arms or legs and for performing torture on the prisoners.

There were some common methods of torture. One was to tie the hands and feet (with legs bent backwards) of a person behind their back. Then a nylon rope was put between the legs of the person and the whole body was pulled upwards and downwards, using a pulley system. The moving rope on the crotch supported the entire weight.

Another method was to hang the person upside-down by the legs with a rope and pulley system and to pull him up towards the roof and then down again towards a fire lit on the floor. Sometimes chili powder was put into the fire so that the person would inhale the fumes along with the heat and smoke.

Another method was to put a polythene bag around the head of the person and to tighten it at the neck. In this state of suffocation and with their hands tied behind their backs, they would be pulled up and down with ropes and then jabbed at both sides of the waist with the torturer's fingers.

**Some of these things were done to me, and I saw these things done to others every day. Seeing this being done to others while you are in the same cell is as frightening as if it was being done to you and leaves a tremendous fear in your mind.**

**During the time I was there, 400-500 persons were taken out at night and never returned. There is no doubt they were killed and their bodies put in various public places.**

Yet another method followed at this camp was to use some of the detainees themselves as torturers. These were persons who turned to be informers after being brought to the camp. One day, as a result of assaults by these persons, one person died inside the camp itself.

Some of these things were done to me, and I saw these things done to others every day. Seeing this being done to others while you are in the same cell is as frightening as if it was being done to you and leaves a tremendous fear in your mind.

During the time I was there, 400-500 persons were taken out at night and never returned. There is no doubt they were killed and their bodies put in various public places.

Out of the people in the camp, the cases of two persons were raised in public inquiries. One was a person called Wasantha from Polgahawela, about whose disappearance questions were asked in Parliament. Another was a woman called Kumari from Mahawatte. I saw both of them at the camp prior to their disappearance.

A few months after my arrival at the camp, all of the detainees were put on a lorry and taken out. Several fainted, thinking that they were being taken to their deaths. We were taken to a jungle and kept there until night-time and were then brought back to the camp. I learned later that Red Cross officers had come on that day to inspect the camp.

Some detainees including myself were taken to Poonai camp (run by police). Before being transferred, police officers took statements from us and also took photographs of us. Thus we managed to pass from the military custody (in Wehera) to police custody. This I know was due to international pressure. I also learned that those who were not transferred were killed before the Wehera Camp was closed.

If the complaints of persons made during and immediately after these times from the places mentioned above are taken it would not be difficult to make a list of persons who were detained at Wehera camp.

However, people have ceased to com-



plain. It is no use. There was and is no real inquiry. If it is possible to convince people that there would be such an 'inquiry the people will come forward. I will also. And I can think of so many others. Till then, I too must look after my own safety.

The story of the Wehera detention camp is no secret It is very much known publicly. The images of what people saw are bound to remain quite vivid in everyone's minds more so of course in the victims' families. It is also quite well known that the head of this camp and its mastermind throughout its existence was Mr. Janaka Perera.

It is the expertise he acquired here at this camp, which helped him to go up higher and reach greater heights.

**'Disappearances' Sri Lanka during the period of 1988 - 1992 : A Summary**

It is a well documented fact supported by State-appointed Commissions of Inquiry reports that there were over 26,000 disappearances (and according to NGO estimates 60,000) in Sri Lanka between 1988 and 1992 under the United National Party (UNP) -led government. The UN Working Group on Enforced or Involuntary Disappearances ranked Sri Lanka as the country with 2nd highest number of disappearances in the world (using the figure of about 12,000 disappearances reported to the Working Group by 1999). In 1994, the present Peoples Alliance (PA) government appointed 3 Commissions of Inquiry into involuntary removal or disappearances of persons. The Commissions carried out intensive fact-finding and presented their reports to the President of Sri Lanka in September 1997. A fourth Commission, looking into the disappearances that were not covered by the first 3 Commissions, has submitted its report but it is not yet available. These disappearances occurred mainly in the southern part of Sri Lanka and the victims were largely Sinhala youth. The disappearances were not a campaign by a hostile foreign enemy, nor were they part of a bloody civil war or revolution. It was a campaign by a democratically elected government [UNP] to remove an opposition. The victims need not have been involved with insurgents; attending a meeting or a speech or even reading a

book was sufficient to be targeted for extra-judicial killing. Many of the victims were outside the insurgency movement; some victims were simply members of legally recognized opposition parties. Many were just children. According to the interim reports and final reports of the State-appointed Commissions:

- \* a large number of persons, estimates range from 26,877 to 60,000 persons were made to disappear between 1988 and 1992;
- \* there were a large number of child victims approximately 15% of victims were below the age of 19;
- \* these actions were planned and executed with the involvement of those at the highest political levels;
- \* the entirety of the legal enforcement mechanism was utilised to carry out these disappearances;
- \* there were widespread illegal detention and torture centres; and the purpose of the enforced disappearances were extra-judicial killing and elimination of evidence.

All these aspects clearly prove that these disappearances constitute a crime against humanity.

Despite the Commissions' reports and various recommendations by the UN Working Group on Enforced or Involuntary Disappearances, there has not been any genuine attempt by the Sri Lankan government to bring justice nor decent compensation to hundreds of thousands of the family members of the disappeared. Moreover, most of the politicians and senior officers in the police and military who are responsible for these crimes against humanity are still at large. The law enforcement system, which was used to carry out these disappearances has today collapsed to the extent that there is continuous torture by the police, custodial deaths, increasing crime with the operation of criminal gangs in Sri Lanka, and the general public has lost its confidence in the law enforcement system.

More information relating to disappearances in Sri Lanka are available at the Cyberspace Graveyards for the Dis-

appeared at [www.disappearances.org](http://www.disappearances.org) including the Final Report of the Commission of Inquiry into the Involuntary Removal or Disappearances of Persons in the Western, Southern and Sabaragamuwa Provinces (in Sri Lanka) (see Reports -> Sri Lanka).

**From the Sri Lankan Government's Commission Reports:**

The following are extracts from the Final Report of the Commission of Inquiry into the Involuntary Removal or Disappearances of Persons in the Western Provinces, which may help to understand the circumstances in which the disappearances occurred.

Explaining the meaning of 'disappearances' in the Sri Lankan context: "Killings on the spot, termed extra-judicial killings, constitutes the ultimate in 'involuntary removal'. Disappearance following an abduction is in our finding only a euphemism for a killing, a reality that the absence of recovery of the body should not be allowed to obscure."

The Secretary of the Movement for Defence of Democratic Rights (MDDR), an umbrella organisation of voluntary organisations who work in the field of political, civil socio-economics and cultural rights, stated in evidence: "At the time terrorism came to be used as a political tool in the North, the State's view was that it could be brought under control by slaughter. The resultant State Terrorism could have only restricted operation in the North. But within the Police and Army and even the Govt., the prevalent view was that killing was an essential tool, and machinery to this purpose, to be put to use at any time whatsoever, was set up by the State. This machinery was set up in a framework that couldn't be challenged via the courts. The only legal weapon available against abduction and killings was the writ of Habeas Corpus. If the inquests and investigations requisite under ordinary law operated, the law would not have been reduced to this state of helplessness. Emergency Regulation (ER) 55 permitted a burial without an inquest. ER55's "message" to the Security Forces was that a human body was no more than that of a dog or other animal."

Source-Asian Human Rights Commission

# An end to impunity?

**T**he "Pinochet effect," as jurists are calling court decisions and new political stances that followed the elderly Chilean dictator's arrest in London in October 1998, has substantially modified the human rights picture in the Southern Cone.

The most outstanding progress, according to lawyers, human rights activists and victims or their relatives, is the inexorable overturning of laws and resolutions that granted impunity to military officers accused of crimes against humanity.

Augusto Pinochet's arrest in London - which at the time sparked conflicting reactions and even put entrenched adversaries in the same camp is now seen as the event that showed the world the consequences of international agreements that transcend any single country's borders and laws

One judge's decision to impose justice in the case of events that occurred in another country, because that country denied justice, breathed new life into concepts and accords that served as a basis for decisions by other magistrates and gave new dynamism to international courts.

It also shook the delicate foundations of the transition toward democracy in Southern Cone countries - processes that demonstrated, in the words of Chilean writer Ariel Dorfman, "excessive prudence and misunderstood realism, the incessant, annoying excuse that nothing could be done."

The new picture pits laws that closed the books on human rights cases and absolved governments and officials of responsibility - and which established a framework of weakness and concession in the Southern Cone and often tied judges' hands - against international accords on forced disappearance, genocide, torture and crimes against humanity that had been signed and ratified by the same governments.

**In an international chain reaction, laws that protected human rights abusers are being overturned.**



*"Where are they?" Forced disappearance is a "continuing crime"*

Twenty-eight months after Spanish Judge Baltasar Garzon ordered Pinochet's arrest, on Jan. 30 Chilean Judge Juan Guzman Tapia indicted him for his part in 57 murders in the case known as the "Caravan of Death"

Besides being considered the "burial of impunity in Chile," the case against Pinochet, once backed by the Chilean courts, also allowed the dismantling of attempts by the armed forces to evade future criminal action.

By acknowledging the deaths of 200 disappeared people who probably were thrown into the ocean, the military attempted to turn cases of forced disappearance into murder cases. According to interpretations of Chilean law, forced disappearance is a continuing crime, not covered by amnesty laws that protected members of the armed forces from prosecution for murder.

Relatives of victims, including Argentines and Uruguayans, rejected the military's arguments and demanded that

court investigations into the cases continue.

In late February, Chilean President Ricardo Lagos, who is under pressure from the military to find a "political solution" to the human rights issue, expressed concern over the avalanche of court cases. The cases are based on new concepts: that the crimes are of a continuing nature and that no statute of limitations applies. By being defined as genocide, regardless of the individual circumstances (homicide, abduction, torture or disappearance), the cases become crimes against humanity, not subject to a statute of limitations.

It is for a continuing crime that Pinochet, whom Guzman set free March 14 on US\$3,400 bond, a decision upheld by the Fifth Chamber of the Santiago Court of Appeals, is to be photographed and fingerprinted for police files.

This means that Pinochet's police record will identify him as being indicted for covering up the crime of aggravated kidnapping followed by homicide. In March, the Appeals Court of

Santiago reduced the charges from responsibility for the crime to covering up the crime.

In Argentina, the "Pinochet effect" has prompted investigation into cases of the abduction of children of political prisoners during the dictatorship. Because these cases were omitted from amnesty measures, some judges interpreted the law as allowing the courts not only to try to locate the children, but to prosecute those responsible for the abductions.

The debate over the courts' jurisdiction paved the way for abduction to be considered a continuing crime.

In Argentina, as in Chile, court probes into disappearances and abduction of children have proliferated. Some cases also involve members of the Uruguayan and Chilean armed forces that operated in Argentine territory

On March 6, the process took a dramatic turn after Federal Judge Gabriel Cavallo ruled that Argentina's amnesty

laws were without effect, opening the way for the trial of 1,000 members of the armed forces accused of committing human rights violations under the dictatorship.

These events, which have shaken Argentine and Chilean society, are unlikely to be repeated in Uruguay or Paraguay.

Former Paraguayan dictator Alfredo Stroessner (1954-89), who is in exile in Brazil, has been indicted in about 20 cases of murder and disappearance associated with Operation Condor, although so far Paraguay has not requested his extradition. In 1992, Paraguay was the scene of the discovery of the "archives of terror," records describing how Paraguayans were killed and disappeared during the Stroessner regime.

In Uruguay, although President Jorge Batlle has given priority to cases of children who disappeared during the military dictatorship (1973-85) the government is backing a law that would close human rights cases, a political solution that would avoid the identification of members of the military who committed human rights violations.

A Peace Commission established in August 2000 is receiving information, provided voluntarily and confidentially, that would clarify the cases without resulting in punishment of those responsible.

According to lawyer Pablo Chargonía, adviser to the human rights commission of the Inter-Union Workers' Plenary/National Workers' Convention (PIT/CNT), the country's only central labour office, Batlle is attempting to "avoid having human rights complaints gain such force that they lead to questions about the political system and its intervention before the coup, authoritarian tendencies within some political parties, and relationships and links, both at the time and now, between politicians and military officers responsible for the coup."

So far, no Uruguayan judge has taken the initiative to reopen investigations on the basis of arguments that the crimes are of a continuing nature and that statutes of limitations do not apply. But at least one step forward came in March, when Supreme Court President Milton Cairoli admitted the validity of these concepts.

- FROM MONTEVIDEO, SAMUEL BLIXEN  
-Latinamerica Press

# Bishop's accused killers on trial

## Supreme Court was the scene of drama and contradictions.

Three years after Guatemala city auxiliary Bishop Juan Gerardi was beaten to death after releasing a landmark report delineating responsibility for human rights violations during the country's civil war, his accused killers have gone on trial in the Supreme Court of Justice.

Three military officers and a priest were accused of killing Gerardi on April 26, 1998. Margarita Lopez, the housekeeper of the parish where Gerardi lived, was charged with helping to cover up the crime.

The trial's beginning was characterised by the same drama that marked the investigation of the crime. On March 21, unidentified attackers hurled explosives into the backyard of Judge Iris Barrios, one of three judges hearing the case, shattering windows.

"It didn't scare me, it made me mad," said Barrios, who was unharmed. All three judges have been provided police protection.

When court opened on March 22, one defendant, Capt. Byron Lima Oliva, had to be dragged into the courtroom while screaming, "Wake up, soldiers, we have a common enemy."

His father, Col. Disrael Lima Estrada, also a defendant, claimed to have had a heart attack, although a court physician said his only problem was nervousness. The judges finally postponed the opening until the next day.

Lima Estrada is a former head of army intelligence. Lima Oliva and Sgt. Jose Villanueva, the third military defendant, are officials of the dreaded Presidential Guard (EMP), whose headquarters is just two blocks from the murder scene.

On March 23, chief prosecutor Leopoldo Zeissig laid out his case, argu-

ing that Gerardi's detailed report on war atrocities 'directly caused his death.' Zeissig claimed that Lima Estrada was particularly terrified that Gerardi might be called into court to testify about atrocities committed by the military.

Such fear was apparently well founded. Ronald Ochaeta, former director of the archdiocesan human rights office that Gerardi founded, testified on April 26 that in a conversation with the murdered bishop shortly before his assassination, Gerardi expressed excitement about several new projects he was planning in the wake of the report, including an acceleration of exhumations from massacre sites and lawsuits against several officials responsible for the massacres.

"Bishop Gerardi has become the principal figure of the struggle against impunity in Guatemala," said rights activist Helen Mack, who also testified in court. "His investigation into the country's historical memory was done with a vision for long-term change. And it was going to conclude not with the report, but with a process that would lead to reconciliation. That process is what finally motivated the military to assassinate Bishop Gerardi."

While they believe they have established a motive, prosecutors lacked an eyewitness. So the prosecution team, which includes lawyers from the Public Ministry as well as the church human rights office, presented witnesses who placed the defendants at the scene about the time of the murder.

The most dramatic testimony came April 30, when Ruben Chanax Sontay told how he helped move Gerardi's lifeless body at the request of Lima Oliva and Villanueva. Chanax, who said the EMP paid him to report on Gerardi's movements, also said he saw Lima Estrada apparently managing the operation from a store across the street.

This is the first case in Guatemala in which high-ranking military officers have been called to testify. Several claimed to have difficulty remembering the night in question. Others were conspicuously nervous including Maj. Andres Villagran, who told investigators in 1998 that he had seen Lima Oliva at EMP headquarters the night of the killing. When Villagran testified April 2, however, he claimed to have been confused and said he had not seen Lima Oliva that night.

Villanueva claimed he was in an Antigua prison the night of the killing. His attorney, Roberto Echeverria, called another prisoner, Gilberto Gomez Limon, to testify to that fact on April 26. The prosecution claims that Villanueva regularly bribed his way out of the prison, and Gomez Limon, who wore a bullet proof vest while testifying, agreed, telling the court that Villanueva had special comforts inside the prison and that "whoever had money could pay 300 or 400 quetzales (equivalent to US\$40 or \$50) and leave for awhile."

Gomez Limon further embarrassed Villanueva when, under cross-examination, he claimed that Echeverria had offered him about \$13,000 to change his story.

Bishop Mario Rios Montt, who succeeded Gerardi as head of the human rights office, testified on March 30 that the murder was "delicately prepared, technically executed and had consequences that were well thought out." Reflecting a common belief, Rios Montt suggested that the defendants were not the ones ultimately responsible for ordering the killing.

The prelate also testified that the church was offered a deal by the brother of then-President Alvaro Arzu (1996-2000). Rios Montt said Jose Antonio Arzu told him that if the church would sign a statement absolving the military of responsibility for Gerardi's killing, the government would abstain from prosecuting the Rev. Mario Orantes, the priest accused of helping murder Gerardi, for any possible involvement. The bishop rejected the deal.

The military is not the only institution whose dirty laundry has been made public in the trial. Guatemalans have also learned about the links between a former archdiocesan chancellor, the Rev. Efrain Hernandez, and a criminal gang run by his niece, Ana Lucia Escobar. One theory that prosecutors investigated was that Gerardi was killed by gang members when

he interrupted them robbing the parish of religious icons.

Both Hernandez and Escobar, who were among the first to arrive at the murder scene, testified March 29, and the contradictions in their testimony were notorious.

The case against Orantes, who appears in court dressed in pajamas and sitting in a wheelchair, was helped by a police psychiatrist who testified that in an early interview the priest lamented that Gerardi "died in my room I mean, in the garage."

The psychiatrist also testified at length about videos and photos discovered in Orantes' bedroom, including several sexually explicit photos of Orantes' German shepherd dog. The dog was taken into police custody when Orantes was first arrested for the murder in 1998. A former prosecutor in the case charged that the dog killed Gerardi when ordered to do so by Orantes. The dog has since died.

Ochaeta testified on April 26 that Orantes was "freshly bathed, well-dressed and serene" at the crime scene when others were weeping openly. Ochaeta said Orantes contradicted himself in recounting the events and that the priest refused to cooperate with church lawyers, instead hiring attorneys linked to the military. Ochaeta, now Guatemalan ambassador to the Organisation of American States, refused to retract a public comparison he once made between Orantes and Judas.

As the trial moved into its second month, Guatemalans commemorated the third anniversary of the killing. At a Mass concelebrated by 80 priests and 14 bishops in the Metropolitan Cathedral, Bishop Alvaro Ramazzini of San Marcos said Gerardi was "a grain of wheat that dies in order to give life. His death, joined to the death of our Lord, becomes a seed of hope, peace and justice for Guatemala."

Ramazzini drew applause when he said, I invite you, I beg you, I exhort you to unite our forces to continue the struggle of Bishop Juan Gerardi, a struggle he sealed with his blood, a struggle to demand a fair trial in the investigation of his killing, that they won't look for expiatory victims, that it will uncover the truth, whatever that truth may be, and that impunity in Guatemala will be buried forever."

-FROM GUATEMALA CITY, PAUL JEFFREY  
-Latinamerica Press

## Four convicted in Bishop's murder

Three military officers and a priest found guilty in a groundbreaking court decision

Three Guatemalan judges ignored repeated threats and on June 8 declared three military officers and a priest guilty in the 1998 slaying of Bishop Juan Gerardi. A human rights champion, Gerardi was brutally murdered just two days after releasing a landmark report that blamed the military for the bulk of the suffering during his country's recently concluded civil war.

The military officers convicted at the end of the 46-day trial were retired Col. Byron Disrael Lima Estrada, former head of army intelligence; his son, Capt. Byron Lima Oliva; and a former presidential bodyguard, Sgt. Jose Obdulio Villanueva. The three received 30-year sentences.

The Rev. Mario Orantes, a priest who shared a parish residence with Gerardi, received a 20-year sentence for complicity in the murder. The Bishop's house keeper, Margarita Lopez, was acquitted of a charge that she helped destroy evidence of the killing.

The court's decision was a landmark in the Guatemalan struggle to end impunity.

Bishop Alvaro Ramazzini of San Marcos said the verdict "demonstrates that justice can be done even when the accused belong to two powerful institutions, the military and the church."

At the end, while acknowledging that no one had proven who actually killed Gerardi, the judges declared that the three military officers were "co-authors" of the crime, involved in planning and carrying out the murder, as well as altering the crime scene afterward.

The exact charge of which the officers were convicted, "extrajudicial execution," implies that they acted as agents of the State. The judges essentially declared the bishop's killing a political crime, carried out by a military that had long been threatened by Gerardi's pastoral concern for truth telling and justice.

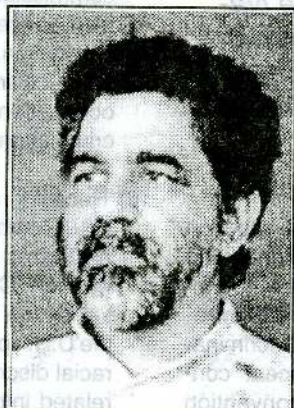
The judges denied the prosecutor's request to convict Orantes of the same charge, ruling instead that the priest "contributed to the planning and, in failing to denounce the deed, permitted the alteration of the crime scene, which turned him into an accomplice."

-Latinamerica Press

# Alleged Violation of Priest's Rights by Jesuits

## The Case of Fr. Pallath Joseph

On April 28, 2000, Fr. Pallath J. Joseph was dismissed from his Order, the Society of Jesus, in the Indian State of Kerala by Fr. Provincial John Manipadam—a decision that was approved by the head of the Jesuits in Rome, Superior General Rev. Fr. Peter-Hans Kolvenbach.



A Jesuit priest of 33 years in Kerala, India Fr. Pallath Joseph has been dismissed without justifiable reasons, physically assaulted and left without any means of livelihood. The reason for such abuse was some criticisms made by him of some persons of his order.

Fr. Pallath J. Joseph was a Jesuit priest for 33 years and reputed anthropologist who has written extensively on culture and religion. He opted for justice ministry in his order with the permission of his superiors. The facts of the case have been verified by the AHRC (Asian Human Rights Commission)

Fr. Pallath J. Joseph complains of inhuman treatment, unfair dismissal physical assault and other forms of physical harassment, blackmail through gutter press and many other forms of abuse and violation of rights. Beside these complaints, AHRC is also in possession of many other documents relating to this matter, including articles and letters written by other priests in support of Fr. P.J. Joseph's claims.

AHRC's representatives were introduced to Fr. P.J. Joseph in Kerala by other priests. After interviewing him and several other priests, AHRC is satisfied that the facts narrated in the complaints are au-

thentic. AHRC also became aware that in Kerala these incidents are well known and media had given considerable publicity to the events. There are also several court cases related to these incidents now before courts.

In AHRC's view there are several issues of human rights violations involved in the case. They are:

- Right to life of a person who has given 33 years of his life to work as a Jesuit;
- Ambiguous nature of allegations against him and lack of serious and morally defensible investigations;
- Physical assault and throwing away of the body by persons under the direction and direct supervision of two Jesuit superiors;
- Use of gutter press for blackmail and damage to his reputation;
- Dishonouring the agreement entered into between Fr. P.J. Joseph and the Society of Jesus as a result of intervention by a bishop; and
- Poor quality of human relations shown and the nature of dispute settlement methods used by his order in these incidents.

AHRC urges the Jesuit Superior General \*in Rome

- \* To initiate an open inquiry into all these matters with full representation given to Fr. P. - Joseph;
- \* While the inquiry is taking place, to honour the conditions of the agreement entered into between Fr. P.J. Joseph and the Society of Jesus on 28 October with the intervention of Bishop of Calicut; The conditions were

- (1) Jesuit Provincial gets for Fr. Joseph incardination either in Calicut or Kannur dioceses where he worked 25 out of his 33 years as a religious in order facilitate his present work;
- (ii) to find him accommodation either in a Jesuit house or in a semi-Jesuit house in Malabar region;
- (iii) to give maintenance till his appeal cases given in the ecclesiastical as well as in the civil courts are heard;
- (iv) to withdraw the false police cases they have filed against him; To especially inquire into the complaints regarding physical abuse and take appropriate action against those who have committed them. (These person have been named by Fr. P.J. Joseph in his letter) and compensate Fr. P. Joseph for such physical and psychological abuse;

To ensure the means for livelihood for Fr. P.J. Joseph;

\*To take appropriate actions to prevent such occurrences in the future.

AHRC is aware that the incidents mentioned here may disturb some persons, particularly from the West, who may be shocked to find such behaviour from persons in such a reputed religious order. As AHRC has extensive experience in South Asia, it is not surprised by these events. Unfortunately, Catholic Clergy had adopted many aspects of the dominant model of priesthood in the region, which is Brahmanism. Brahmanism, which created the Caste system of India, has always used extreme forms of abuse against its opponents. Even throwing human excreta and urine on them was common. In fact, in 1989 the Indian government passed The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 to forbid such activities. AHRC is however sad to see a repetition of such type of behaviour. If some progress can be achieved in this case, it may become useful in establishing more humane dealings among religious and priests, with full respect for human rights and human dignity.

Meanwhile summons has been issued by the Magistrate Court in Calicut to seven Jesuit priests and another person for physically throwing out their colleagues of 33 years Fr. Pallath J. Joseph.

-Asian Human Rights Commission

# For an end to caste-based discrimination!

*[Ed. Note: The following statement was issued at the conclusion of the Global Conference against Racism and Caste-Based Discrimination that was held in March 2001 in New Delhi, India. The meeting, which was convened by the National Campaign on Dalit Human Plights, was held in preparation for the U.N. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that will take place in August 2001 in South Africa.]*

The Global Conference against Racism and Caste-Based Discrimination was convened in New Delhi from March 1 to 4, 2001, and included representatives and victims from India, Nepal, Bangladesh, Pakistan, South Africa, Japan, Sri Lanka, the Netherlands, Denmark, Germany, Hong Kong, the United Kingdom and the United States.

The participants of the global conference strongly condemn caste discrimination (occupation and descent-based) and the practice of untouchability that is the source of immense human suffering and the cause of gross human rights violations and the dehumanising and degrading treatment of 240 million people.

We, the participants of the global conference, have listened to disturbing testimonies from victims of caste-based discrimination who have suffered extreme violence, abhorrent conditions of work, degradation, exclusion and humiliation. We have also heard from experts, activists, academics and grassroots leaders about their work to end caste-based discrimination. We appeal to governments and the international community to end this crime against humanity, and we strongly endorse the following declaration.

## Preamble

(1) Taking note of the concluding observation of the U.N. Committee on the Elimination of All Forms of Racial Dis-

crimination (CERD) "that the situation of scheduled castes and scheduled tribes falls within the scope of the International Convention on the Elimination of All Forms of Racial Discrimination" and that the term "descent" contained in Article 1 of the convention does not refer solely to race and encompasses as well the situation of scheduled castes and scheduled tribes as cited on Sept. 17, 1996, in the document CERD/C/304/Add.13,

- (2) Affirming that caste as a basis for the segregation and oppression of peoples in terms of their descent and occupation is a form of apartheid and a distinct form of racism affecting victims equally irrespective of religion,
- (3) Asserting that untouchability is a crime against humanity,<sup>1</sup>

(4) Recognising that caste-based practices - distinction, exclusion and restrictions on social and occupational mobility - which lead to a negation of humanity and the inability to exercise all human rights are affecting at least 240 million people in South Asia and millions of others in East Asia and West Africa,

(5) Recognising that the 52nd U.N. Sub-commission on Human Rights, given their concerns over caste-based discrimination, passed a unanimous resolution calling for a working paper on occupation- and descent-based discrimination,

(6) Recalling conclusions drawn by the U.N. Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), the U.N. Committee on the Rights of the Child (CRC), the U.N. special rapporteur on racism, racial discrimination, xenophobia and related intolerance and the U.N. Human Rights Committee that Dalit men, women and children endure severe forms of discrimination, violence and exploitation because of their caste status,

(7) Committed to the inclusion of caste-based discrimination on the agenda and in the declaration and programme of action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance (WCAR), to be held in Durban, South Africa, from Aug. 31 to Sept. 7, 2001,



- (8) Calling attention to the proceedings of the Bellagio consultation, the European preparatory meeting of non-governmental organisations (NGOs), and the Asian and African expert meetings in preparation for the WCAR which specifically address the problem of caste discrimination,
- (9) Encouraged by the solidarity expressed by NGOs at the WCAR preparatory and expert meetings and taking note of the consensus reached in the Asia-Pacific NGO Declaration in Tehran for inclusion of caste-based discrimination on the agenda of the WCAR and in the declaration and programme of action,
- (10) Taking note of governments' obligations to uphold universal standards of human rights under the U.N. treaties and covenants,
- (11) Commending those governments that are supporting the inclusion of discrimination based on caste on the agenda of the WCAR,
- (12) Noting that many countries have recognised that certain communities, such as the Dalit peoples in India, Nepal, Pakistan, Sri Lanka and Bangladesh, the Buraku people in Japan and other communities in Senegal, South Mauritania and other countries, face caste-based discrimination,
- (13) Recognising that governments have undertaken constitutional, legislative and policy initiatives as well as have established administrative bodies to combat discrimination based on caste and race but also that, due to a lack of political will, these efforts have been insufficient and are being diluted, subverted and not properly implemented,
- (14) Noting that women, especially Dalit women, represent the most oppressed sections of all societies and that they face multiple forms of discrimination, including caste-based, religious and patriarchal ideologies and practices,
- (15) Taking note of the support of some

public leaders, the media, NGOs and concerned citizens from various walks of life who have condemned the existence and perpetuation of caste-based discrimination,

- (16) Strongly condemning the attempts of the government of India to oppose the inclusion of caste-based discrimination on the agenda of the WCAR and urging other governments to support the inclusion of caste-based discrimination on the WCAR agenda,
- (17) Denouncing governments, particularly in India, that refuse to comply with or recognise their legal obligations as defined by the CERD,<sup>2</sup>

The participants of the global conference adopt the following:

**Programme of Action**

The participants of the Global Conference against Racism and Caste-Based Discrimination call upon governments to:

**i. Measures at the National Level**

- (1) Enforce and implement an effective and time-bound programme to abolish untouchability and similar practices in all spheres,
- (2) Enact and enforce laws related to compulsory primary education and the elimination of child labour, bonded labour, manual scavenging, caste-bound free labour, the devadasi system or temple prostitution and other similar practices,
- (3) Ensure that all necessary constitutional, legislative and administrative measures, including appropriate forms of affirmative action, are in place to prohibit and redress discrimination on the basis of caste and that such measures, including those in Japan and India, are continued until discrimination is eliminated,
- (4) Monitor and publicise the extent to which existing laws have been implemented,
- (5) Monitor and analyse educational syl-

labi and textbooks that perpetrate caste-based oppression and exclusion and glorify worldviews that have contributed to the continued existence of a system of "hidden apartheid" and implement alternatives that emphasise human rights education at the school and university levels,

- (6) Allocate adequate funds for and effectively implement programmes for the socio-economic empowerment of communities discriminated against on the basis of caste or descent,
- (7) Ensure full proportional representation based on the percentage of the national population of Dalits, Buraku and other groups excluded on the basis of caste in all sections of society, including the police, judiciary, public service, media and private industry,

(8) Urge statutory and constitutional bodies, such as national human rights commissions, commissions on women, race, minorities and other relevant groups, as well as the Asia-Pacific Coordinating Committee of National Institutions, the African Coordinating Committee of National Institutions and the International Coordinating Committee of National Institutions to take up the issue of caste-based discrimination and support its inclusion on the agenda of the WCAR,

- (9) Urge national and State governments to take all measures to combat caste-based discrimination against women, and develop programmes and strategies,
- (10) Urge governments not to deny passports to people wishing to attend the WCAR in Durban, particularly Dalit activists,

**ii. Measures at the U.N. Level**

- (11) Demand that the WCAR agenda specifically address caste-based discrimination and that the WCAR Platform for Action identifies concrete measures for ending this form of discrimination,
- (12) Demand that the caste system be included in the WCAR documents as

a major source of discrimination,

- (13) Call upon the WCAR to underline the necessity for States to adopt immediate concrete measures to eradicate the widespread discrimination and persecution that targets Dalits, Burakumin and other communities facing discrimination on the basis of caste or descent,
- (14) Call upon CERD and the special rapporteur on racism, racial discrimination, xenophobia and related forms of intolerance to reaffirm their position that caste-based discrimination comes under the purview of the CERD and to state that caste should be addressed at the WCAR,
- (15) Call for a declaration by the United Nations that untouchability constitutes a crime against humanity,
- (16) Call for intensified efforts to educate the public about the extent of caste discrimination and about the contributions of Dalit culture and history,
- (17) Urge the appointment of a U.N. special rapporteur on caste discrimination,
- (18) Declare April 14 (Dr. B. R. Ambedkar's birthday) as the International Day of Dalit Solidarity,
- (19) Recommend that U.N. development agencies pay particular attention to caste violence and caste discrimination, assess the impact of their existing programmes with regard to caste and develop programmes and strategies designed to curb abuse and encourage accountability.

Endnotes

- 1. Untouchability is the subjugation and denial of the basic human rights of people who are labeled as being "impure," a practice sanctified by religious tradition.
- 2. The Human Rights Commission of Sri Lanka does not subscribe to this section of the declaration.
- 3. The Human Rights Commission of Sri Lanka does not subscribe to this section of the declaration.

ARTICULATION OF ANGER AND PROTEST

# One Million Dalits to Embrace Buddhism

[Ed. Note: The story below appeared on April 9, 2001, in The Telegraph published in Calcutta, India.]

**A**fter the cycle of conversion and reconversion, a rebellion is brewing in India in the shape of the world's biggest crossover to a religion. One million Dalits are expected to embrace Buddhism on Oct. 14, 2001, in an articulation of anger strikingly similar to black America's march against the white mainstream.

The particular date-45 years after Dalit leader B. R Ambedkar renounced Hinduism and found solace in Buddhism-has been chosen with care to hammer home the Dalit rage against the country's social stratification.

The objective behind the mammoth conversion is not only to rebuff the caste Hindus and the Brahminical order but also to remove the internal contradictions dogging the Dalits, who are divided into various camps representing the Balmikis, Paswans, Chamars, etc.

The decision on mass conversion has been made by the All-India Confederation of Scheduled Castes and Scheduled Tribes that groups together four million Dalits.

"This is for our survival as humans," said K Ramankutty, president of the confederation's Kerala branch. "Buddhism is a caste-less religion. That is the primary reason why we want to embrace it. We have no enmity with anyone. It [the conversion] is for human rights."

However, if the conversion plan takes place, it is certain to raise the hackles of the Sangh Parivar. Sangh hardliners who have opposed conversions have often found it difficult to answer charges that they have done little to dismantle the numerous social barriers in their religion. The conversion of one million people will be seen as fur-

ther proof of their perceived failure to nurture reforms.

The conversion is also expected to equip the Dalits to fight the constitutional review that is being seen by some sections as an affront to Ambedkar, one of the founding fathers of the statute.

Ramankutty lambasted the central government that is led by the Bharatiya Janata Party (BJP) for trying to review the Constitution.

"They are trying to bring Manu in place of Ambedkar. They are misinterpreting provisions of the Constitution to defeat the purpose of reservation and to resort to large scale privatisation. We will soon have no place in the social hierarchy," he said.

Ram Raj, the national chairman of the confederation, termed the conversion the "biggest cultural event in the world." He said that "the most crucial decision" to embrace Buddhism has the concurrence of Dalit leaders from almost all Indian states.

The confederation is planning to organise a series of programmes, including rath yatras (cross-country caravans), to prepare the Dalits for a cultural change. The target is to convert the nation's entire scheduled caste and scheduled tribe population in the country of 25 crore or 250 million people, Ram Raj said.

The confederation will devise an agitation programme for reservation in the judiciary, army and private sector in view of the central government's decision to disinvest from public sector units.

-Human Rights SOLIDARITY



# Britain accused over slave trade

Chris McGreat in Pretoria

**T**he South African government has accused Britain of blocking an international declaration that the transatlantic slave trade was a crime against humanity on the grounds that the traffic in millions of humans was legal at the time.

British officials concede that the UK does object to the African proposal to recognise centuries of slavery as a crime at a United Nations-sponsored conference on racism, xenophobia and similar injustices to be held in South Africa in September. But they say Britain is acting on legal advice, in agreement with the rest of Europe, and that the UK is prepared to call the slave trade a "tragedy".

Slavery, and demands for compensation, will be at the forefront of a two-week meeting opening in Geneva today to settle the wording of documents to be used at a conference already beset by accusations of anti-semitism and attempts by some governments to block issues that reflect badly on their own countries.

India is refusing to allow a debate on the caste system and Middle East States want the meeting to denounce Israel for practising apartheid and genocide against Palestinians.

## Slavery and Reparations

But it is the question of slavery and reparations - that threatens to dominate and even destroy September's conference, amid the European refusal to concede that a crime was committed and American threats to withdraw funding if compensation is on the agenda.

The controversy focuses on the wording of a paragraph drawn up at a meeting of African countries in January that asks the racism conference to: "Affirm that the slave trade is a unique tragedy in the his-

tory of humanity, particularly against Africans - a crime against humanity which is unparalleled, not only in its abhorrent barbaric feature but also in terms of its enormous magnitude, its institutionalised nature, its transnational dimensions and especially its negation of the essence of the human nature of the victims."

The director general of South Africa's foreign ministry, Siphon Pityana, said Britain was at the forefront of opposition to the proposed paragraph.

**"Britain is leading this argument. It is saying that the slave trade was legal so it cannot be a crime. It is supported by other countries who are most responsible for slavery, like Spain and Portugal. The Scandinavian countries are with us,"** he said. ('CW' emphasis)

Britain says the wording is unacceptable because international law cannot be applied retrospectively.

"It doesn't mean we are ignoring history," said one British official. "We are not trying to devalue what happened. No one is doubting the barbarism of the slave trade. But the legal analysis is that you can't apply it retrospectively and it must be tested against the legal standards of the time. Customary international law at

the time did not oppose slavery."

Britain proposes a different wording that will "affirm that slavery and the slave trade are an appalling tragedy in the history of humanity"

The Europeans are prepared to say slavery is a crime but only when applied to present-day trafficking in humans in countries such as Sudan.

"What the EU is ready to do in terms of language is to say that if it occurs today it is a crime against humanity," the official said.

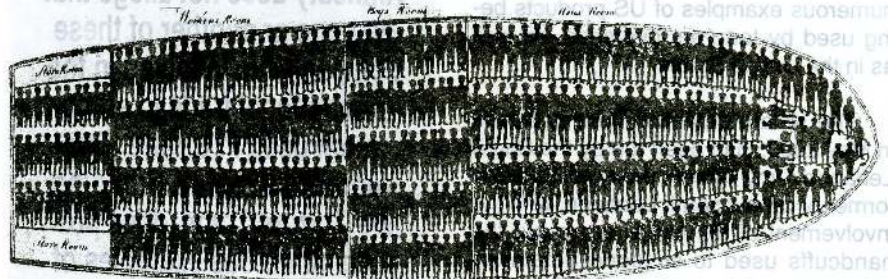
British officials deny that the UK is leading opposition to recognising slavery as a crime. They say that although British diplomats in Geneva are the ones raising objections to the African proposal, they are at the talks as representatives of the entire EU.

Mr Pityana accuses Britain and its European allies of hypocrisy over what constitutes a crime against humanity.

The United States is prepared to recognise all slavery as a crime against humanity, but wants to shift the focus from the transatlantic trade and match it with the centuries-long traffic in humans from east and central Africa by Arab slave dealers. But it objects to paying compensation, as does the UK.

A British official said compensation for slavery or colonialism was out of the question, **"We are not to be prepared to link the question of development aid with past history,"** he said.

-The Guardian (UK) 21 May



*Plan of an African Slave Ship's lower Deck with NEGROES in the perspective of only One Row*

# A.I. Calls for end to torture trade

June 26 was declared as an International Day

*In a new report released by Amnesty International, it is revealed that a number of US-made torture devices are used by torturers - including law enforcement agencies - in as well as outside the United States. Amnesty international is urging all governments to ban the use, manufacture, promotion and trade of police and security equipment whose use is inherently cruel, inhuman or degrading.*

✶ Robert Weissman

**T**he international commercial trade in torture equipment is thriving.

So concludes a new Amnesty International report, which shines a spotlight on the makers of law enforcement equipment and how their devices are used by torturers around the world (including in the United States).

## "Made in USA"

Amnesty has compiled a list of more than 80 US manufacturers and suppliers of electro-shock weapons and restraints. Amnesty does not allege that any one or another of these companies is involved in the international trade in equipment used in torture. But Amnesty's report, *Stopping the Torture Trade*, does provide numerous examples of US products being used by torturers overseas, as well as in the United States.

The Kham detention centre, closed in May 2000, 'had been run by the South Lebanon Army, Israel's proxy militia in the former occupied south Lebanon, with the involvement of the Israeli army, but the handcuffs used to suspend detainees from an electricity pylon where they were doused with water and given electric shocks were clearly marked "The Peerless Handcuff Co. Springfield, Mass. Made in USA"', Amnesty reports.

In a letter to Amnesty, Peerless expressed disgust that its products were used in the Kham prison, stating, 'in no way does Peerless Handcuff Company condone or support the use of our products for torture or for any other human rights abuse. ...We have not sold any restraints to the Israeli government or Israeli companies in almost 10 years.'

Asked if Peerless take steps to control the sale of equipment to torturers, a company spokesperson says, 'We restrict

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our sales as best we can to what we know are legitimate law enforcement authorities.'

Asked if the company has refused sales to 'legitimate' law enforcement authorities who are known torturers, the Peerless spokesperson says the company refuses to sell to 'among other countries, China North Korea, Iran and Iraq, and has turned down sales requests from these and other nations.'

'We have no interest in promoting sales to torturers, the Peerless spokesperson says. But, he adds, 'I don't think manufacturers can be held responsible' for misuse by law enforcement agencies.'

The Peerless case is not unique.

Amnesty says it has 'received numerous reports in recent years of the use of shackles and handcuffs in the torture and ill-treatment of detainees in Saudi Arabia. Several former prisoners have described how the security forces used restraints in coercing confessions.' Several of the restraints were stamped with the name of the US-based Smith & Wesson or with Hiatts, a UK company.

## Electro-shock Technology

*Stopping the Torture Trade* focuses as well on electro-shock weapons, which have been used to torture or ill-treat people in at least 76 countries, including the United States, over the last decade.

"Electro-shock devices have been deliberately, and often repeatedly, applied to prisoners' mouths, genitals and other sensitive parts of the body," the Amnesty report says. "Electro-shock torture is often combined with other forms of torture and ill-treatment, including psychological torture."

A new electro-shock technology is the stun belt, which is worn by a prisoner and remotely activated by the incarcerator, from as far as 100 yards away. A typical stun belt delivers an eight-second shock of 50,000 volts, according to Amnesty.

"The belt relies on the prisoner's constant fear of severe pain being inflicted at any time while held in a situation of powerlessness," Amnesty says.

The leading US manufacturer of stun belts says exactly the same thing.

Stun Tech literature says 'After all, if you were wearing a contraption around your waist that by the mere push of a button in someone else's hand, could make you defecate or urinate yourself, what would you do from the psychological point of view?'

Amnesty' quotes Dennis 'Kaufman, president of Stun Tech, as saying, 'Electricity speaks every language known to man. No translation necessary. Everybody is afraid of electricity, and rightfully so.'

Amnesty international is urging the United States and other governments to ban the use, manufacture, promotion and trade of police and security equipment whose use is inherently cruel, inhuman or degrading. The group includes leg irons, electro-shock stun belts and inherently painful devices such as serrated thumbcuffs in this category.

Amnesty, is also calling for a suspension on the use and trade in devices, such as electro-shock equipment, whose medical effects are not fully known.

And the group is calling for a suspension of trade in equipment that has shown a substantial risk of abuse or unwarranted injury including legcuffs, thumbcuffs, restraint chairs and pepper gas weapons.

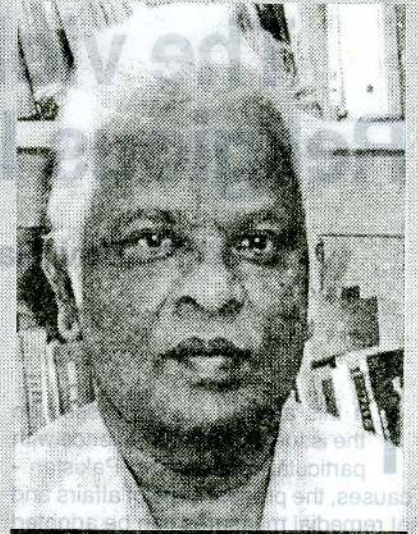
'It is crucially important that the 'United States act immediately in these areas,' says Amnesty International USA spokesperson Alistain Hodgett. 'The United States has, led the way in the development of new technologies used in torture, such as electro-shock devices. After export, they have quickly been replicated and spread around the world.'

Such regulatory measures as advocated by Amnesty seem reasonably achievable in the United States. Law enforcement equipment that can be used for torture is made and supplied primarily by small equipment makers and even smaller suppliers and distributors with little political clout.

**About the writer:** Robert Weissman is editor of the Washington DC-based **Multinational Monitor**, in which the above article first appeared (April 2001, 'The Torture Trade').

- Third World Network Features

## Sri Lankan Recognised with Human Rights Award



**Basil Fernando**

Basil Fernando, the executive director of the Asian Human Rights Commission (AHRC) in Hong Kong, has been awarded the second Kwangju Human Rights Award. The first Kwangju Prize for Human Rights was given to East Timor independence leader Xanana Gusmao in 2000. The award ceremony took place on May 18, 2001, in the south Korean city of Kwangju.

In response to his selection, Fernando said, "I feel both honoured and humbled by this decision. I accept this award on behalf of myself and my colleagues and associates of the Asian Human Rights Commission and Asian Legal Resource Centre with whom my work is intertwined. I hope the occasion of this award will provide us with a further opportunity to rededicate ourselves for a future in which all of us-men, women and children-can live with dignity and without humiliation."

Asked about his vision for the human rights movement, Fernando said, "There should be an intense dialogue between the people of good will in the South and the North on all issues affecting human rights. The powerful governments and multinational companies will continue with extremely destructive policies for our societies and the environment. Only strong movements of people will be able to obstruct such a course and ensure sustainable and harmonious development."

Fernando also believes that the promotion and protection of human rights has to become a people's movement:

"For a long time, the human rights movement has consisted of small groups who are often from the more educated classes. However, it is time for the ordinary people to participate in these movements and for human rights to become a topic that is discussed in everyday life. This is even more necessary today; for in almost all parts of Asia, there is a rapid breakdown of law and order and an increase of intense violence. The people themselves have to take the initiative in seeking reforms, such as police reforms, judicial reforms and reforms of the justice system. Furthermore, the human rights of the most neglected groups should be given prominence, for example, the issue of Dalits in India who have been at the bottom of society for thousands of years. There are similar groups in all parts of Asia. Unless people themselves take the initiative to develop and expand the human rights movement, the elite groups will be engaged in displacing democracy because the elites in Asia find the expansion of social quality to be threat to them."

# The violence of Religious Intolerance

✠ Rt. Rev. Samuel Azariah

In this article I have focussed on the issue of religious violence with particular reference to Pakistan - its causes, the present state of affairs and what remedial measures can be adopted to build a culture of peace and tolerance. However, before I do this, let me briefly review the history of religious intolerance and violence.

Incidence of religious intolerance and the violence that often accompanies it is not a new phenomenon. It has been with us for centuries. The rise of nationalism in Europe was accompanied by State actions that led to persecution and evictions of religious communities that did not subscribe to established religions. In the 17th and 18th centuries, the British drove the Protestant minorities to the Americas. In the 19th century religious minorities throughout Eastern and Central Europe - Bulgarians, Greek, Jews, Turks, Hungarians, Serbs and Macedonians - were driven out of their homes.

## Negative impact of Religion

In many ways, what we witness today in parts of Africa, Asia and Europe is a re-enactment of a similar tide of religious violence that once swept across Europe when the emotional power of religion was aroused and manipulated to intimidate, harass and persecute the people. Despite the enlightenment that education and modernisation has brought, it is unfortunate that we witness yet again the negative impact of religion on our societies. Perhaps today more than ever before, religious symbols and idioms are being manipulated to promote hatred, intolerance and violence.

It is therefore not surprising that the UN Special Rapporteur, Abdelfattah Amor concludes his Year 2000 report to the 56th

Session of the UN Commission on Human Rights by speaking about the forms of extremism. He says: "These forms of extremism very often originate with non-governmental bodies, sometimes with a group acting out of pure fanaticism related to ignorance and obscurantism, sometimes with extremist communities deliberately aiming to use politics in order to impose their religious views on society, but also and above all with 'professionals' of extremism exploiting religion for political ends. It is worth remaining aware and vigilant, however, regarding the passive or active complicity of State entities in most of those cases".

A cursory glance at contemporary conflicts in Sudan, Nigeria and Indonesia reveals not only the role of extremists, for example, in the form of private actors like the holy warriors from Java to the Maluku region in Indonesia in perpetuating violence, but also the inability of the State to control violence and restore law and order. In all three countries, extreme religious forces have manipulated and used religion to promote their respective political and economic interests. This has resulted in havoc and bloodshed. In face of this onslaught, the governments have either been afraid to take stringent action or have connived with the culprits in order to promote and protect their own personal political and economic interests. It is perhaps this lack of political will on part of the governments to control religious violence that has given credence to the notion of the "clash of cultures" debate which divides the world along religious lines.

It is a well-known fact that in the post cold-war period, religion has come to play a dominant role. It is also a major factor in undermining the plural basis of our societies. So much so that even a country like India with its long-standing commitment

to secularism and strong tradition of liberal democratic institutions is unable to escape the winds of intolerance. In fact, leaders of the religious majority in India have recently used the emotional appeal of religion to galvanize political power amongst the people. This has encouraged extremist religious forces in the country to create an environment of hostility, hatred and fear *vis-a-vis* the religious minorities.

## Caste Oppression

According to the Human Rights Watch, World Report 2000, "The Hindu nationalist Indian Peoples Party (Bharatiya Janata Party or BJP) which led India's coalition government during the year, appeared to condone the activities of right-wing Hindu groups responsible for attacks on religious minorities and people at the bottom of, or outside, India's caste system, including members of tribal groups. These attacks increased significantly in the months preceding national parliamentary elections in September and October. In Bihar a series of caste clashes and massacres between January and April once again reveal the unwillingness of the State authorities to protect the rights of those born in lower caste".

For decades, Dalits in India have suffered abuses, name-calling and humiliation at the hands of dominant caste groups - separate feasts, separate cemeteries even separately assigned seats in some churches are not uncommon. The treatment meted out to Dalits has received international attention. Some churches and related groups have taken the issue of atrocities and discrimination against the Dalits to the United Nations Commission on Human Rights. They have campaigned for the appointment of a Special Rapporteur to document the human rights violations against the Dalit community as a result of intolerance and discrimination.

Anti-Christian violence, incited by religious extremists, has taken the form of killing of Christians and burning of churches in the tribal regions of Gujrat, Madhya Pardesh and Orissa. The burning of an Australian missionary, Graham Staines, and his two children in Orissa was one in the series of incidents of religious violence that have, of late, afflicted the Indian society. The government has done little to bring these hate crimes under control. This has badly tarnished India's Gandhian image of nonviolence.

### Ethnic & Religious Violence

In Sri Lanka the ethnic conflict is now in its eighteenth year. It has taken a toll of thousands of lives on both sides of the ethnic divide. The conflict escalated in June 1983 when the rising tide of Sinhalese-Buddhist nationalism spearheaded wanton attacks on Tamils living in Colombo. The collective Sinhalese onslaught led by minister-of-parliament, Cyril Mathew had the characteristics of a religious ritual. Apart from the intransigence of the Tamil Tigers (LTTE), a major obstacle today to a negotiated settlement are the forces of Sinhala-Buddhist chauvinism that have convinced large sections of the people living in the South that a military solution is the answer to the conflict. Little do these forces realise that this approach is a drain on the country's much-needed resources.

Religious violence is not new to the sub-continent. The Partition of India and Pakistan was accompanied by a bloodbath of horrifying proportions. In the aftermath of the massacre that followed Partition, trainloads of dead bodies of Hindus and Muslims were sent across the lines of division between the two countries. Religious hatred was whipped to a frenzy by extremist forces on both sides, leaving wounds and scars that have yet to heal.

At that time, the founder of the Muslim movement for independence, Muhammad Ali Jinnah, promised that Pakistan would be a democratic State where people belonging to different religions would be free to practise their religion and have equal rights. Islamic party leaders who wanted Pakistan to be a theocratic state soon challenged him. The main challenge came from the Jamaat-e-Islami party led by the late Maulana Abul Aia Maudoodi, an Islamic scholar of repute. The first-known incidence of incitement to intolerance and hatred against religious minorities was directed by the Jamaat-e-Islami against the Ahmediya community - a Muslim group that does not subscribe to the finality of Prophet Mohammed. Hundreds of Ahmedis were killed and their worship places attacked in the campaign that was launched in 1954. The government declared martial law to bring the situation



under control. For his part in the campaign, the court sentenced Maulana Maudoodi to death, but on the appeal of Saudi Arabia, he was granted clemency.

Again in 1971, religion played a significant role in the massacre preceding the break-up of Pakistan and the creation of Bangladesh. Islamic vigilante groups created by Jamaat-e-Islami played an active role in the killings. Their task was to draw up the list of people - intellectuals, academics, lawyers, journalists, trade union leaders, peasant and student leaders - who subscribed to secularism and were thus considered a threat to Islam. They were either killed or handed over to the Pakistani army for annihilation. Robert Payne in his book *Massacre* says: "Muslim soldiers sent out to kill Muslims ... went about their work mechanically and efficiently until killing defenceless people became a habit like smoking cigarettes or drinking wine. Before they had finished, they had killed three million people." These atrocities took place in defence of Islamic ideology and were actively supported by Islamic forces in the country using the military as an instrument to carry out their objectives.

In 1977, the late General Zia ousted the elected government of Zulfikar Ali Bhutto. Bhutto was subsequently sentenced to death by a court in what many termed "judicial murder". General Zia ruled the country for over a decade during which the name of Islam was used to legitimise the army's brutal rule. On the pretext of introducing Nizam-e-Mustafa, the rule of the Prophet, discriminatory practices and policies against women and religious mi-

norities were introduced. In the name of Islamising the social and judicial system, harsh and brutal punishments were introduced, including stoning to death and lashes for adultery, cutting of hands for theft and dacoity, public lashing for drinking and a mandatory death sentence for blasphemy. The regime incorporated a system of separate electorates into the constitution. This system discriminates against the minorities and reduces them to the status of second-class citizens. These laws have contributed towards the creation of an environment of hatred, intolerance and violence against women and religious minorities.

Also during the eleven years of General Zia's rule the army, backed and encouraged by Islamic parties and supported by the United States and Saudi Arabia, actively participated in the Afghan war. In this war, religion was used to fuel hatred against the Russian-backed communist government. In the name of religion, cadres of holy warriors were raised, from Pakistan and the Afghan refugee camps to unleash violence of unprecedented intensity. The present rulers of Afghanistan, the Talebans, are a product of that period. Known for their harsh and brutal punishments meted out in the name of Islam and their disdain for women, this group is nurtured and supported by the Islamic parties and the military in Pakistan, and by the US and Saudi Arabia.

Religious intolerance and violence have created havoc not only in Asia but in other regions as well. The church has a tremendous responsibility to build a culture of non-violence that accepts plurality and diversity. In this age of globalisation and inter-dependence, religions and beliefs must recognise and accept each other. They must work together for peace on the basis of common values that can provide a moral and legal framework for realisation of human rights and respect for the human dignity of all people, a culture of global accountability and tolerance that accepts diversity of beliefs and religious practices.\*

**About the writer:** Rt. Rev. Samuel Azariah is Bishop of the Church of Pakistan, Rawind Diocese and member of the World Council of Churches' Central Committee.

# Archbishop's appointment protested

Caribbean clergy see the naming of a US-born bishop as an insult to native priests.

The March 20 appointment of Aus-born Redemptorist, the Rev. Edward Gilbert, as Catholic archbishop of Port-of-Spain has been received with surprise and dismay in Trinidad and the rest of the English-speaking Caribbean. Gilbert succeeds the well-loved and respected Trinidadian Archbishop Anthony Pantin.

"I never thought that I would see this archdiocese made part of the process of recolonisation of our people, American style. I can only sympathise with Bishop Gilbert, who must be aware that his appointment can be interpreted this way," the Rev. Clyde Harvey, a Trinidadian priest, wrote in a letter tendering his resignation as chairman of the diocesan clergy the day after the papal nuncio to Trinidad, Archbishop Emil Paul Tscherrig, made the announcement.

"I consider it to be an insult to the native bishops and clergy of the Caribbean, to the people of Trinidad and Tobago of every race and the work and memory of our beloved Archbishop Pantin," Harvey wrote.

Pantin died in March 2000 and his successor was expected to be chosen from among Trinidad's local priests. Pantin was one of the first Caribbean bishops named in the period leading up to the 1960s and 1970s, when the region's British and Dutch colonies gained independence. In 1968, during an aborted "black power" uprising in Trinidad, protesters accused the Catholic Church of siding with local elites and invaded the Catholic cathedral in Port-of-Spain, painting white statues black and calling on the church to stop preaching "a white God."

In response, the region's predominantly native bishops issued strong pastoral letters about social justice and racism. Pantin abandoned his plush residence in the wealthiest part of Port-of-

Spain to live in Laventille, a shantytown outside the capital.

Harvey, one of the foremost advocates of a Caribbean theology rooted in the region's culture, has written a number of popular Caribbean hymns steeped in the rhythms of the region and works closely with HIV-infected and other marginalised people.

In recent years, however, there has been a reversal of the church's strong local thrust. Until the early 1990s, the 18 Catholic bishops of the English-, Dutch- and French-speaking territories that form the Antilles Conference of Bishops were all natives of the region. In 1992, Rome named a US bishop to head a third diocese formed in Mandeville, Jamaica, and appointed Gilbert prelate of the 90,000 Catholics on Dominica.

But the post of archbishop of Port-of-Spain, the largest and most influential see in the Englishspeaking Caribbean, with more than 300,000 Catholics, is a different matter.

"To appoint an American archbishop to the see of Port-of-Spain is a slap in the face of the local clergy, because it says that after 50 years of diocesan priesthood, there is not one local man who is fit to sit at the helm of the ship. This is quite untrue, when a few candidates were readily available," said the Rev. Martin Sirju, who works in a parish in Princes Town in south-eastern Trinidad.

Gilbert, who is scheduled to be consecrated in Port-of-Spain on May 5, said he expected some negative reactions.

"I had the same in Dominica, but we were able to break down the barriers fairly quickly and work together for the good of the church and the country as a whole," he said. "I have every confidence that the same thing will happen in Trinidad and Tobago."

The Rev. Pascal Jordan, a Benedictine monk who heads a normally unobtrusive monastery in Guyana, founded from an influential Trinidadian monastery led by a local prior, said publicly that as a liturgist struggling to help Caribbean people focus on celebrating Christ in Caribbean spirituality, music and rhythms, he has fought "strenuously against those americanophiles in our churches who seem content to wear a North American face and voice instead of their own."

He added that "the appointment of a North American to the see of Port-of-Spain



**Bishop E. Gilbert**



**Archbishop A. Pantin**

... shows contempt for all that the Caribbean Church has struggled to build over 35 years."

Tony Fraser, a columnist with Trinidad's *The Guardian* newspaper, put the issue more bluntly:

"In the post-colonial period, Rome recognized the peoples in Africa, Latin America and the Caribbean were coming of age and had to allow the emergence of local priests to govern themselves and their flock in keeping with their cultural selves," he wrote. "That was a political decision. Thirty years later, the papal nuncio of Port-of-Spain announces another political decision, scuttling that advance, and insults the intelligence of the Catholic Church and the entire national community with vague, senseless excuses for reasons why the church and the people of this nation should be recolonised."

Fraser said that Gilbert's appointment demonstrates "the centre-periphery, north-south, white-black, Eurocentric model."

The Rev. Keith Hardless, a British-born priest who has worked in Guyana for 30 years, wrote in the local *Catholic Standard* that the three most recent bishops appointed in the Caribbean have been white members of religious orders from the United States.

"How do you think the loyal Catholics of the Archdiocese of Chicago would respond to the appointment of our own Msgr. Terrence Montrose (the black Guyanese vicar general of the Georgetown Diocese) as their new cardinal?" he asked.

Hardless said the matter will not die down quickly, as Guyana's bishop and three other native Caribbean prelates are due to retire within the next five years.

"Then it will be our turn. ... Will the voice of the local church be heard?" he asked, adding, "If God felt that the infallibility of the pope was sufficient to guide the church, he would never have given us Vatican 11."

-From Georgetown, Guyana, **Adrian Joseph**

-*Latinamerica Press*

# Taliban order Hindus to wear yellow badges

**Luke Harding**

South Asia correspondent

Afghanistan's fundamentalist rulers have ordered all of the country's non-Muslim minorities to wear a distinctive yellow badge or cloth to identify themselves when they go outdoors.

In a move strongly reminiscent of the Nazis' treatment of Jews, members of Afghanistan's tiny Hindu community have also been told by the Taliban government to hang a two-metre strip of yellow cloth outside their homes, while Hindus living in Muslim households have been given three days to move out.

The Taliban minister for promoting virtue and preventing vice, Mohammed Wali, said yesterday that the decision had been taken following a religious decree or fatwa given by Islamic scholars. Hindu women will also have to wear the veil and wear a yellow chaddar with holes over the eyes. In the past they wore headscarves.

## Non Muslims should have a mark to be differentiated

"The ulema [scholars] issued a fatwa that the non-Muslim population of the country should have a distinctive mark such as a piece of cloth attached to their pockets so they could be differentiated from others," the Taliban-controlled radio station, Voice of Sharia, announced last night. It is not clear when the law will be implemented, nor how many non-Muslim Afghans will be affected.

Although there were once 50,000 Hindus in Afghanistan, almost all have now fled and only around 300 remain. The country still has a 2,000 strong Sikh community and one Jewish rabbi.

The Taliban minister yesterday said Sikhs would not have to identify themselves because they were easily distinguished by their turbans. Hindus have apparently been barred from constructing new places of worship and instructed to follow the Islamic Sharia code or face prosecution.

India condemned the decree last night, which was belatedly confirmed by the Taliban after two days of confusion as to whether it was genuine. "We deplore such orders which patently discriminate against minorities," the Indian foreign ministry said. "It justifies the action taken in imposing sanctions on the Taliban by the UN."

Some observers believe the new yellow tags could be used to protect minorities, rather than to persecute them, and would stop the wearers from being punished for breaking Taliban laws which only apply to Muslims. Male Afghan Muslims are obliged to grow a beard and pray at the mosque.

The once-thriving Hindu community has lived in Afghanistan for thousands of years. Most Hindus had settled in the southern desert town of Kandahar, earning a living as merchants and shopkeepers. But by the mid-1990s, at the height of the country's civil war, almost all fled with much of their property looted by rival mujahedin factions.

The sole surviving member of the country's Jewish community now lives in Chicken Street, Kabul's former hippy hang-out. Afghanistan still has a couple of functioning Sikh and Hindu temples, albeit in a State of disrepair.

*The Guardian* (UK)

**Theologian Pablo Richard**

## "We must defend diversity"

*The "globalised" world of the new millennium poses a series of challenges to churches. Latinamerica Press editor Barbara J. Fraser spoke in Lima with Chilean Catholic theologian Pablo Richard, director of the Ecumenical Research Department (DEI) in Costa Rica, about some of these challenges and the church's response.*

**Some people say liberation theology is no longer relevant while others say it is evolving. How do you see it?**

There is a process of diversification under way that responds to the complexity of the world of the oppressed. It's no longer enough to speak of the poor. We must speak of movements of youth, women, indigenous people, Afro-Americans, the landless, campesinos, those with AIDS, homosexuals. There is a diversification of liberation theology, with new categories—gender, generation, ecology, race, cosmological categories.

We can't leave out a global criticism of the system, but now this criticism has to come from the perspective of women of gender, of youth. There needs to be a global criticism of the economic system, the market model, the system of globalisation. This diversification is good, but if we become fragmented and lose the global vision we can become stagnant. And this global vision isn't only economic or political; it also has to take into account the cultural, ethical and spiritual dimension.

**For the Catholic Church and other churches, entering into dialogue with some of these groups has been difficult...**

There is a conservative current in the church that seeks to set unity up against all plurality and diversity. The development of liberation theology goes against the current of this conservative trend. We have to defend the diversity of groups even the diversity of churches and religious traditions in Latin America, and all diversity in civil society.

This conservative church is focused on dogma, on the institution, on the law and denies all diversity. There are many people who feel insecure. This diversification, this presence of the church in the world, makes them insecure and makes

them feel that they are losing power. The church's attempt to focus on itself is very dangerous. Liberation theology has to confront this phenomenon.

**The political and social situation in our countries is also very uncertain. What role should the church play in this sphere?**

The church's fundamental, long-term task is to reconstruct civil society from the bottom up, starting with communities—even though this means working like ants, through thousands and thousands of small-scale experiences. At the grass-roots level, at the civil society level, they are rebuilding the community and the family. The issues of women, family and youth are very important in this.

If we keep this work up for years, with clear strategies and areas of focus, with perseverance, in the long run I think the strategic objective is also a reconstruction of the State, from the bottom up. If the church closes in on itself, however, it will lose all relevance. It is also important that the church understand popular religious sentiment—as they say, the church opted for the poor and the poor opted for the Pentecostals. (We made an option for the poor) but we didn't really understand the world of the poor.

**What part wasn't understood?**

We didn't understand the cultural dimension, the religious dimension, the meaning of popular Catholicism, the mythical, charismatic, festive dimension. Perhaps the option for the poor was too ideological, but we didn't understand what the poor were asking of the church. The church must give greater impetus to the religious, spiritual and charismatic dimension, in the sense of rebuilding life, of course, and not with a charismatic spirit that alienates.

**One aspect of dialogue with popular religiosity is dialogue with indigenous religions. Has the church**

**moved forward or backward in this area?**

At first, a great deal of emphasis was placed on listening and discerning the presence of God in other cultures, not from the standpoint of conquest or evangelisation, but rather in dialogue between two cultures. In this regard, I think much progress has been made. But now the neo-liberal economic system is condemning indigenous people to death. So in many places the church has entered a new stage of defence of indigenous peoples, because many organisations abandoned them.

In Guatemala, the church is often the only institution that remains at the indigenous people's side. In many places, the church has dedicated itself to accompanying indigenous people in their migration from the countryside to the city. In Chile there are 1 million Mapuches in Santiago. The church has given them room, accompanied them, provided aid and training which has helped them maintain their identity. That work continues, with its ups and downs. Something similar is taking place with Afro-Americans.

**How can this rejection of the neoliberal model be reconciled with people's need to earn a living somehow?**

It's a complicated problem. There have been small-scale experiences of promoting micro-enterprises, supporting unions, fighting for the landless, accompanying migrants and displaced people. There are many concrete, local experiences that have allowed specific groups to survive. The church has fostered local processes of economic reconstruction, but there isn't a longer-term economic strategy.

Many economists say that there are many measures that can be taken to improve living conditions even within the current system. I believe it is very important to maintain a critical attitude toward the system, but one that doesn't impede taking steps within the system to make short-term gains. I like to quote the passage of the Gospel where Jesus says (of his disciples), "I don't ask that you take them out of the world but that you keep them from evil." We live in a tree-market economy but we have an ideological, ethical and spiritual dimension that does not respond to the free market.

-Latinamerica Press



**Contributed by the Christian Workers Fellowship (CWF)**

There were three events that stood out in the life of the Christian Workers Fellowship (CWF) during the first two quarters of the year 2001 which are sought to be covered here. The first was the Fellowship's Holy Week Programme confined this year to April 13, Good Friday, in view of the traditional New Year that fell the next day, making public transport almost impossible for participants for several days thereafter. This was followed by the CWF May Day Workers' Mass on May 1st morning. Some days later on May 19th came the CWF's Annual General Meeting adjourned earlier to enable the fuller printing in Tamil and Sinhalese of the Restructuring Guidelines and a better study of to be made of it by the Branches.

**Good Friday Programme**

The Good Friday Programme led on April 13 morning by the Revd Dr Hilarion Dissanayake omi former Professor at the Ampitiya Seminary, saw a keen but reduced number of participants for the reason already referred to. An initial difficulty was raised at the start of the discussion over the inclusion of an exclamation mark in place of a question mark after the wording of the theme of the Study - Reflection which should have read "Christ 'in Despair?'"

Fr Hilarion drew attention to the three aspects of the Christ figure in relation to the theme:

First the figure of the historical Jesus Christ who was pained and saddened (1) at the little faith of his disciples and their slowness to understand and (2) at the opposition from the Jewish religious authorities. Yet, driven almost to despair, he did not give up hope. He trusted that God would somehow make even his rejection and death a part of his saving plan. So in the face of death, he shared bread in fellowship and offered a cup of reconciliation to his disciples both as a memorial of his sacrifice and also as a foretaste of the new sharing society of the future.

Then Fr Hilarion dealt with whole Christ ("Mystical Christ) the Church. Christ identifies himself with all people - especially the poor and the oppressed (Mathew 25:31-46). Christ therefore identifies himself fully with the Asian peoples stricken with poverty and subject to exploitation by the powerful: he suffers in them.

Lastly there is the image of the cosmic Christ - present in the whole of creation. But today nature and creation are also exploited and destroyed.

Hence the problem of ecology but in no way and in no sense is Christ overcome by despair. Nor should we ourselves despair even in the midst of increasing calamities, crises and injustices in society and the degeneration of religion. We are called to persevere in trusting God just as Jesus did. God's plan for the transformation of creation and of society will not fail. He will make all things new and usher in the new age. His kingdom will come! The Eucharist is a powerful symbol and foretaste of this new Age in Christ.

The Good Friday Liturgy specially devised by the CWF followed in the afternoon conducted by the participants and assisted by Frs Hilarion Dissanayake and Yohan Devananda. The readings led to the unveiling and veneration of the Cross with the Reproaches and the intercessions of the people for the ills of the world followed. The Good Friday celebration of the Mass in all its starkness and brevity recalling and representing Christ's sacrifice was followed by a hurried communion of people and clergy ending abruptly and in confusion that recalled the conditions of the first Good Friday and so fittingly climaxed the programme.

**May Day Mass**

The forty second celebration of the May Day Mass which the CWF has had without interruption from 1959 was held at St Michael's Church, Polwatte this year preceded as is usual with a procession of witness through the streets of the neighbourhood accompanied by drummers and dancers with workers carrying the Red Flag of Labour and implements of work and singing the Workers' Litany. The Mass commenced with the singing of Magnificat during which the Lamp of God's Presence ( lit at the start by representatives of CWF from different areas of the country) was censed as were also the congregation. The Ministry of the Word which included a Buddhist reading was conducted by the workers themselves. The Gospel heralded by a procession was intoned in Tamil and the intercession of the people too were led in the same language. A play replaced the sermon in

addition to the CWF's May Day Message also distributed at the Service. ( See text of the message appearing as Annexure II to the Comment/Review in the yellow pages inside) The Peace and Offertory Procession followed with the offerings of bread and wine being reinforced by the Red Flag and implements of work. The workers presenting these offerings stood behind the clergy during the Ministry of the Sacrament and raised their hands upwards to support the action of the clergy whose hands were extended over the oblations during the Epiclesis (Invocation of the Holy Spirit). After the Breaking of the Bread, the Elevation of the Sacrament and Prostration, the communion of the people followed, the clergy receiving last. The Red Flag and Implements of work were then received back by the workers and carried out to the singing of the local equivalent of the Internationale, thus linking this Mass with the mass struggles outside. A fellowship breakfast followed in the Parish Hall. The Wine for the Mass and ginger tea for the breakfast were provided by St. Michael's Parish and the youth of the Parish participated at the Service as servers and joined in the choir leading the singing.

The clergy, participating in the procession and concelebration of the Mass came from all the mainline churches, including Bishop Kumara Illangasinghe of Kurunagala. the President of the Methodist Church the Revd Noel Fernando, Fr Duleep de Chikera Bishop-elect of Colombo, two senior Roman Catholic priests Fr Dalston Forbes and Fr Oswald Firth, the Rev Priyantha Wijegoonawardena, (Baptist Church) and several other clergy from different churches numbering over twenty.

This May Day Mass was followed by a similar celebration in Hatton organised by the plantation workers assisted by Fr. Paul Caspersz and Fr Maria Anthony which saw a reduced but committed congregation.

**Annual General Meeting**

The CWF's Annual General Meeting (AGM), was concluded on May 19th at Kamkaru Sevana. Ratmalana. After some discussion, the Restructuring Guidelines printed in Sinhala and Tamil booklet form was accepted, subject to any future improvements. A new Board of Trustees numbering five were elected. These consisted of P. Subasinghe, H.B.Wanninayake, M. Nesamany, O.A.Ramiah and Revd S.K.Kadirgamar.

After lunch a new Working Committee was also elected with an increased number of Tamil members. The all-important radical process of restructure has however still not been concluded despite the formal acceptance of the Restructuring Guidelines by the AGM, for there is a lot of work still to be done to implement the restructuring process. In fact one could even say that there has been some reaction to it on the part of a section of the membership who have been unfriendly to its implementation. So these objections will have to be eased out and the situation resolved in the coming months.

**Episcopal Ordination**

The influence of CWF ceremonial and worship was evident at the Episcopal ordination of Fr Duleep de Chikera, as the Anglican Bishop of Colombo on May 24 at the Cathedral of Christ the Living Saviour. Fr Duleep has been a good friend of CWF and while we helped in the arrangements made for this celebration, extend also our warm good wishes to him on his elevation to the episcopate.

**Fr. Arnold Heredia and others arrested**

A close friend of CWF and well-known human rights activist Fr. Arnold Heredia, former Executive Secretary, Idara-Amn-o-Insaf, Karachi (Idara), Aslam Martin, Project Coordinator, Idara, Karachi and Riaz Nawab of Caritas Pakistan, Karachi along with 14 Muslim protectors were arrested on January 10, 2001, during a peaceful protest procession against the misuse of Blasphemy Law.

This Law has been misused against many Pakistanis and especially the religious minorities, who are more vulnerable. Since January to October 2000, 38 cases have reportedly been filed against 58 people including 3 women. Five cases have been filed against 6 Christians.

All-Faith Spiritual Movement (AFSM) arranged the protest demonstration. According to the organisers the AFSM is a conglomeration of people of all faiths with a common goal of fighting against the exploitation in the name of religion. The demonstrators gathered at Empress Market in Saddar, Karachi on January 10, 2001 around 4:15 p.m. and intended to proceed towards Governor's House to present their memorandum asking

that a high level committee should be constituted to review all cases filed and decided under the blasphemy law.

A large contingent of police, awaiting demonstrators' arrival at Saddar, came into action and about 300 protestors were forcibly dispersed. The police and law enforcement agencies resorted to baton-charge and lobbed teargas shells. Seventeen (17) people were arrested. And this was the first time in the history of Pakistan that a case was registered under section 144 against a Catholic priest, while he was protesting for the rights of minorities. In addition they were charged with the offences including rioting, riot/armed with weapon, un-lawful assembly, violation of orders to disperse, obstructing public servants, assault or use of criminal force, attempt of murder, and willful assault under Pakistan Penal Code (PPC).

Fr. Arnold along with the other detained protestors was presented before the magistrate, where the human right activists filed their bail application, which was rejected by the court. Police asked for 6 days remand, till January 16, which was accepted by the court.

In a joint press conference on January 11, 2001, at The Karachi Press Club, the human rights activists and the political leaders demanded for immediate release of Fr. Arnold, Aslam Martin and all the other innocent persons and that all the false cases on them be withdrawn. They also urged the Chief Executive of Pakistan to intervene to save the honour of Pakistan in the international community.

On January 15, all the detainees were transferred to Malir District jail. Fr. Arnold, Aslam Martin, Riaz Nawab and S.M. Haider were granted bail by the session court on January 16. Later that evening they were released.

Born on October 10, 1940, Fr. Arnold Heredia was ordained priest on January 24, 1965.

In 1969, Fr. Arnold founded Pakistan Christian Industrial Service. In 1970 he attended an Asian Training Workshop organised by Christian Conference of Asia in Japan. In 1972 he was appointed founding Executive Secretary of Idara-e-Amn-o-Insaf and Chief Editor, Monthly "Jafakash" - an organ of Idara. He put in tremendous efforts for the growth of Idara and led it for a long period of 28 years - a long journey from cold war era to globalisation. He handed over Idara's leadership to the second line generation in January 2000. He worked among Baghri tribal people in Larkana parish, Sindh from 1980 to 1984. He did his MA Sociology in 1986. He served Christ The King Seminary, Karachi as Rector from 1987 to 1993.

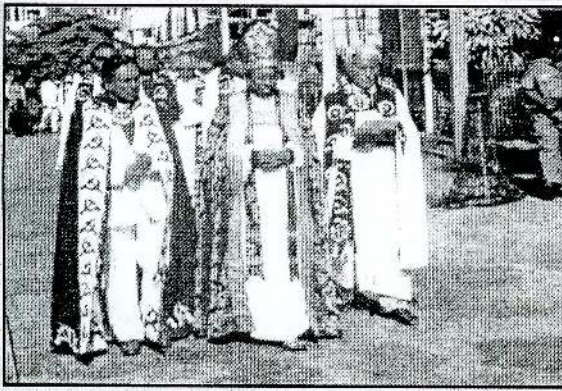
Fr. Arnold is actively involved in the struggle for human rights for the last three decades and in recognition of his tireless struggle for human rights, he had consecutively been elected member of the Central Council of Human Rights Commission of Pakistan from 1988. Fr. Arnold authored a book on community organisation and numerous articles on human rights issues.

Courtesy: Justice & Peace News/IDARA News



Fr. Arnold Heredia (hand-cuffed with fellow prisoner)

# CWF May Day Mass: 42nd Celebration



Church Heads join Procession



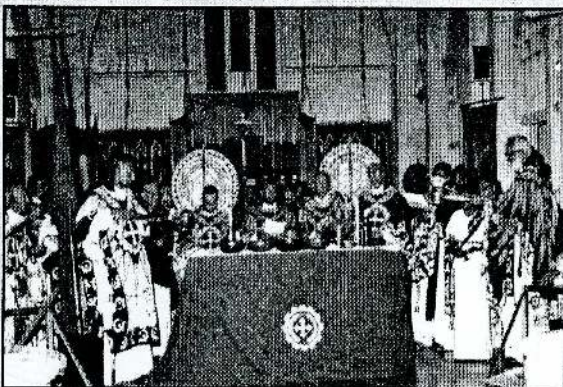
Lamp Lighting by women



Incense put on during Magnificat (Luke 1: 46-55)



Presenting Oblations and implements



The Eucharist Commences



The Breaking of Bread



Sharing in Communion



Marching out in to the World led by the Red Flag

# IMPUNITY *due to*

## DEFFECTIVE Police Investigations & Prosecution System

THE PROSECUTOR - ATTORNEY GENERAL'S DEPARTMENT - IS THE WEAKEST LINK IN SRI LANKA'S JUSTICE SYSTEM

MAP OF SRI LANKA INDICATING MASS GRAVES DISCOVERED SO FAR

Total number of disappearances in Sri Lanka:

**30,000**

According to Official Records

(disappearances from 1989-1992)

Out of this figure 15% were below the age of 19



26 DETAINEES MASSACRED IN THE PRESENCE OF 60 ARMED POLICE OFFICERS

ELECTION VIOLENCE LEADS TO NO PROSECUTIONS

MASSIVE DISAPPEARANCES NOT PROSECUTED

NO INVESTIGATIONS INTO MAJOR CRIMES

CRIMINALS DISTURB THE SOCIAL PEACE

PEOPLE LIVE IN FEAR - LOSS OF FAITH IN THE RULE OF LAW

CASE OF NIMALRAJAN AND OTHER JOURNALISTS NOT PROSECUTED

# WHAT NEEDS TO BE DONE...



- Reform the prosecution and criminal investigation system
- Restore rule of law
- Prosecute all criminals and human rights violators
- Establish an international tribunal to prosecute mass disappearances