



BLACK JULY RE-VISITED



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ON

NGO'S

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TRENDS

Saving the police image

Save the image of the police, a senior policeman told his men. Uncouth behaviour, discrimination and bias ruined the image of the police, Superintendent of Police S.W., Y.B.M.B. Beddewela said addressing a parade.

Treat the rich and the poor alike because they were all equal before the law; act on complaints whoever the complainant, the SP told the men.

The new Inspector-General of Police, Mr Frank de Silva, said similar things on assuming office recently. Will the police change?

Power is the object

DUNF leader Gamini Dissanayake told a district conference of his party in Kandy that power was the object of any political party. Towards this end a party seeking power would align with Thondaman or any man, or remain in the Opposition forever as some parties seemed content to do.

The UNP's head was swollen because there was no effective opposition. And, the UNP would do anything to remain in power, the DUNF leader said.

Anura, Ronnie strengthen system

President D.B. Wijetunga, the UNP leader, told the Party's 39th Annual Convention in Colombo that the recent entry of Anura Bandaranaike into the UNP would strengthen the party and the democratic system and the return of Ronnie de Mel, a former UNP Finance Minister, was "significant and important".

Mrs B cracks whip

Central Provincial Council SLFP members were summoned to Colombo by party leader Mrs Sirimavo Bandaranaike following reports that three of them had asked for a secret ballot at the Opposition sponsored

no-confidence motion on the Council's UNP chief Minister.

Mrs Bandaranaike would no way tolerate those stepping out of line in the party, a spokesman said.

BRIEFLY...

New laws against sedition

Media organisations and the Free Media Movement immediately protested when the Government announced tough new laws which defined criticism of the government, ruling personalities and even the constitution as "sedition", making offenders liable to 20-year jail terms and the confiscation of their property. The new laws were introduced under the Emergency Regulations.

Support President, say prelates

Sri Lanka's highest ranking Buddhist prelates the Mahanayakes of Malwatte and Asgiriya said on the occasion of courtesy calls paid them by the new Higher Education Minister Anura Bandaranaike that the nation's problems could be solved if both major political parties (the UNP and the SLFP) fully supported President D.B. Wijetunga.

The prelates said that service to the nation was more important than party politics.

Police set on army deserters

Army Headquarters has asked the Police to help track down soldiers who desert. In ten years 22,547 have deserted the army; 131 of them are officers.

Deserters on the loose pose a serious security threat, a spokesman said. Many have been responsible for armed robberies and other acts of violence. The bulk of the deserters are from the Gampaha, Kurunegala and Anuradhapura districts, according to an army headquarters source.

Biological colonialism

Half a million Indian farmers gathered in Bangalore to protest a new threat from the West — biological colonialism. Giant West based companies are now patenting seeds which they "develop" in their laboratories. They are trying to do this by defining to their own advantage the meaning of "Knowledge", a spokesman for the farmers said.

These rich companies in the West say that knowledge handed down for generations from father to son in poor Third World countries is not knowledge because it is based on a natural process; only what is found in a laboratory is knowledge. So poor farmers may soon not be able to grow food anymore because the process has been patented after repetition in a laboratory in the West.

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CONTENTS

News Background	2
NGO's	3
India	5
Understanding East Asia	9
Russia	11
Media and Conflict (2)	13
Constitution	15
Chester Bowles (2)	16
J. R. Years (17)	18
Books	20

D.B. Vs. THONDAMAN — GAMINI THE CASUALTY

Mervyn de Silva

In the mirror of the exciting events between the two assassinations (Lalith and President Premadasa) and the CPC brouhaha, we had a fleeting glimpse of the new political processes and trends. In other circumstances we would have cause for surprise in the manifest failure of even our maturest politicians and ablest of analysts to appreciate the nature of post Premadasa change.

Premadasa was not just the lower-middle class lad who made it to the top. He was the quintessential city-slicker who was smart enough to break out of his metropolitan 'prison' and roam the countryside where there was untapped voting power waiting to be mobilised — a new generation which had a glimpse of the Good Life on a village Kaday TV set. The garment factories project was launched not merely to exploit the opportunities offered by the global quota system. The factories were located in the countryside and small towns to allow the "candidate" a head-start in the election campaign, converting his limitations as a city-slicker into a political advantage.

Having watched the Premadasa campaign, political observers should have been prepared for the change in Presidential election strategy with Mr. D.B. Wijetunge's assumption of office. No *aristo* like Mrs. Bandaranaike, President Dingiri Banda Wijetunge's popular appeal is to Kandyan middle-class and peasantry who share an inherited antipathy to the "stranger" in their midst, the cheap indentured Indian Tamil labour that the British tea companies transplanted. His gut-reaction is to resist pressure from the C.W.C. That

is precisely why we watched him dig his heels.

In turn, the proud Thondaman stood his ground on the question of re-structuring the plantation industry, particularly on the demands of the management companies — 240 working days as against the 300 demanded by the unions; the daily wage proposals, the extension of the 5 year contract to a 30 year pact, power to dismiss, retrench etc.

Since President JR's time, and more so, under Mr. Premadasa's presidency the CWC boss was treated with special respect. He was recognised not simply as a Cabinet minister but as a party leader, and a trade union boss who represented a vitally important constituency, important as a vote bank but more important as boss

of the estate labour which produced tea and rubber, the largest exchange earner.

Mr. Thondaman was taken aback when he was informed by the Presidential Secretariat that all work on a Vocational Training Institute supported by NORAD (Norwegian) funds had been stopped and a committee of officials appointed to inquire into the matter.

"As I said before the tone was most uncordial.... I felt that I was not wanted by the government" Mr. Thondaman told Roshan Pieris of the *Sunday Times*. "I was most hurt..." he added.

Mr. Gamini Dissanayake has been thwarted at every turn. He may however succeed the next time, if Mr. Thondaman can persuade the 6-7-8 CWC members who joined his deputy Mr. Sellasamy to defy the group leader at voting time. The decision to appoint a committee of inquiry seems to have upset the octogenarian CWC leader who has not been slighted in this manner by any national leader. But he will have to change his tactics to preserve CWC unity, the all important consideration.

The big loser is Mr. Dissanayake. So much so he seems to have lost both his self-assurance and his bearings. The SLFP-led PEP is enjoying the situation — the UNP/CWC/DUNF caught up in a crazy run-around.

But if Mr. Dissanayake cannot get the chairmanship next time, his political fortunes would be at the lowest pitch since 1970 when SLFP-led United Front won a runaway victory.

ET TU, JUNIUS

Mr. Kongahage (Chairman):

"But do you take responsibility for the authenticity of the facts in that book"

Mr. Dissanayake:

"Most of it, most of it. Even President Jayawardene accepts the authenticity of most of it, because he knows".

I wish to state, says President JR in a letter to President Wijetunge and Prime Minister Ranil Wickremasinghe "that the statement attributed to me is not true..."

New NGO rules — CRM protests

The Civil Rights Movement (CRM) invoked George Orwell when it reacted to the new emergency regulation introduced on Dec. 22 to compel NGOs to register if they are in receipt of over Rs. 50,000 per year.

The regulation following the report of the NGO commission appointed by President Premadasa. The former Supreme Court judge Mr. Raja Wanasundera headed the Commission.

The government promulgated emergency regulations for compulsory registration of non-government organisations which are in receipt of money, goods and services in excess of Rs. 50,000 per year.

The emergency regulations also provide for the monitoring of NGO receipts and disbursements for money, goods or services in excess of Rs. 100,000 a year, the state-owned *Daily News* said.

Emergency regulations for the registration and monitoring of NGOs were promulgated to implement two most important

recommendations of the Presidential Commission of Inquiry into non-governmental organisations, which President Ranasinghe Premadasa appointed after numerous complaints by the public alleging abuses and malpractices by certain NGOs.

The warrant issued under the hand of the former president appointing the NGO commission stated that there was no framework for monitoring the funding activities of NGOs; and that funds, especially from foreign sources, were allegedly being misappropriated or used for activities prejudicial to national security, public order, economic interests and for activities detrimental to the maintenance of ethnic, religious and cultural harmony.

The NGO commission recommended, among other things, laws to cover compulsory legislation, monitoring of foreign funding, appointment of a commissioner, establishment of a secretariat, an NGO fund and necessary co-ordinating mechanisms at different levels of government.

The emergency regulations promulgated cover the two main areas of registration and monitoring of receipts and disbursements, as the enactment of legislation would take a long time, official sources said.

The NGOs will have to register with the Director of Social Services. He will be the authority for the monitoring of receipts and disbursements.

The CRM said that "such a mindset" was "reminiscent of the concept of some Big Brother to watch over all activities". Reminding the public that it has been functioning since 1971, under successive governments in periods of insurgency, strikes, massacres, civil strife, terrorist violence, large-scale 'disappearances' and extra-judicial killings. They have also seen the most atrocious and draconian emergency regulations. But never was there an attempt to interfere with the free functioning of independent organisations.

NGO's The question of Accountability

1. Introduction

This brief paper is intended to present, at a time when the function and operation of non government organizations ("NGOs") is being subjected to considerable discussion, an overview of the existing statutory framework within which NGOs exist and operate, a summary of the fiscal consequences attaching to certain NGOs and recommendations as to issues of accountability. It is stressed that it is of paramount importance that there be no challenge to the principle of non-interference, central to the integrity of the work of NGOs.

This autonomy and freedom from arbitrary interference is integral to the effectiveness of NGOs who are engaged in human rights work or projects on alternative developmental models or with environmental concerns which are critical of the state. The vibrancy and strength of Sri Lanka's democracy is linked to strong civil

A Law and Society Trust Paper

society institutions, of which such NGOs form an essential part.

There is no homogeneity among NGOs. There are essential distinctions in the structure and the programme of NGOs. There is, however, a schism between those NGOs which raise funds, by appeal to the public in fulfillment of their purposes and their programme and those whose activities and operation do not entail the mobilisation of such funds. NGOs engaged in the public collection of funds are, for the purpose of this paper, held to be in a category separate from other NGOs. This paper does not address the supervisory treatment of fund-generating NGOs and recognizes that there may be grounds for the inception of a scheme of supervision, dependent on whether funds received by the NGO are obtained through

appeal to the public.

2. Constitutional and Fundamental Rights of Association

Article 20 (1) of the Universal Declaration of Human Rights and Article 22 of the International Covenant on Civil and Political Rights recognized the right of freedom of association. This right is, however, not an absolute one and is subject to such restrictions as may be necessary and reasonable.

At another level, the right of association may be regarded both as an incident and, more importantly, a necessary condition for effective participation in a democratic society, quite clearly a right tied with an individual's right to exist and take part in such activities as are necessary for his or her fulfillment. As such, denial of the right is a denial of the right to personhood.

The Constitution of Sri Lanka guarantees certain fundamental rights including

the right of freedom of association [Article 14 (1) (c)]. Articles 15 (3) to (5) inclusive, limit the right of freedom of association by reference to the interests of racial and religious harmony or the national economy. Article 15 (7), which applies to all fundamental rights, provides that the enjoyment of such rights is to be subject to the interests of "national security, public order and the protection of health and morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society".

It may be seen that while no unconditional right of freedom of association exists, both international law and the constitution of Sri Lanka recognise it as fundamental, and inalienable by stultification on illegitimate grounds or by unreasonable administrative requirements.

3. Fiscal consequences

The status of an NGO has direct consequences on the assessability of its funds under the Internal Revenue Act.

NGOs which are established for a charitable purpose, and which continue to carry out these purposes, fall within the definition of charitable institutions in the Inland Revenue Act.

Grants to these NGOs are not taxable income, as these grants do not fall within the definition of income.

The profits and income of charitable institutions are exempted from taxation under the Inland Revenue Act, in certain circumstances, if for example, the profits are applied solely for the purposes of the charitable institution.

Any income or profits of such NGOs which do not fall within the above are liable for taxation subject to an allowance of Rs. 42,000/-.

4. The Legislative Framework: Formation and Operation

No universally applicable system of registration exists for NGOs. There is, however, a measure of control exercised over those NGOs that, as a consequence of their juristic form, fall within the purview of certain legislative enactments. These statutes which are activated by the formal attributes of a NGO, rather than its activity or function, contain provisions as to operation and accountability. Additionally, there exist other statutes that focus on NGOs

whose operations are concerned with certain identified areas such as social welfare. Again, provisions for effective regulation do exist. The lacunae that exist in the existing statutory framework are not substantial: they occur with regard to those NGOs that adopt a form not subject to regulatory controls such as those NGOs that opt to operate as unincorporated associations. These concerns can, for the most part, be adequately addressed either by reform of the existent legislation or the adoption of a voluntary code of conduct.

Each relevant statutory enactment is considered below with reference to provisions as to registration, financial accountability, transparency of operations and the effect of non-compliance.

(a) Voluntary Social Service Organizations (Registrations and Supervision) Act, 1980

A voluntary social organization is defined as an organization of a non-government nature, dependent on public donations for its operations, and which has as its main objectives the provision of relief and services to the sick, poor, destitute and victims of disaster. There is, therefore, necessarily a disclosure of operations.

The Act requires every voluntary social service organization to be registered. The Registrar has broad powers of inspection and investigation. There is, additionally, power in the Minister to establish a board of inquiry into allegations of fraud. Failure to observe provisions of the Act is an offence punishable by fine.

(b) Societies Ordinance, 1891

The ordinance applies to societies formed for the purpose of providing some benefit to its members and any other society which the Minister, by gazette, notifies as recognized under the Act.

The Ordinance requires the accounts of a society to be available for public examination and annual audit. There is also provision that registered societies must be bodies corporate and that the Registrar of Companies may specify the information to be included in the documents, including those effecting registration, required to be filed.

(c) Companies Act 1982

There is provision for the registration

of an association as a company. Where there is a prohibition on the distribution of income to its members, an association that applies its income in promoting its objects may be registered as a limited liability company with the deletion of the word 'limited'.

A company must register its memorandum and articles of association which is to set out the primary objects of the company. This step will, to a significant extent, delineate the intended, if not actual, activities of the NGO adopting corporate form.

Every company must file an annual return which must contain details as to the indebtedness of the company, and include a balance sheet for the company. An auditor's report must accompany the balance sheet.

Failure to comply with the provisions, which tackle concerns of financial accountability will result in a Court order for compliance and is deemed the commission of an offence punishable by fine.

The Registrar also has power to call for information and to inspect books in respect of information that should have been filed but actually has not. The Registrar may, where he considers it necessary, appoint one or more competent inspectors to conduct an inquiry into the affairs of a company.

The outstanding questions of the means by which there may be greater scrutiny over the undertaking of a corporate NGO is an issue that extends into the debate over corporate governance. This is, perhaps, no consolation but denotes the extent of the problem which is not likely to be resolved by the establishment of a general overseer of NGOs. This is clear from the experience of the Registrar of Companies; if the activities and misfeasance of corporations is confined only to a limited extent by the extensive disclosure requirements and the presence of one central regulating activity, it remains dubious, if not palpably wrong, to assume that a central supervisory agency concerned with the registration and investigation of all NGOs will function more effectively with respect to the issues of transparency and accountability now raised with reference to NGOs.

(To be continued)

Exposure of a Hoax

Hector Abhayavardhana

A learned audience in Colombo had the opportunity recently of listening to a distinguished American professor from Wisconsin predict that "within a common ideological and institutional framework, the RSS (Rashtriya Swayam Sevak Sangh) — VHP (Vishva Hindu Parishad) — BJP (Bharatiya Janata Party) family now seems to be edging closer to the achievement of its ultimate goal: namely, seizure of the central apparatus of State power and the remaking of India into Ram Rajya". It must be said at once that he was not alone in his prognostication of doom for our neighbouring country. Let alone the more distant past, even recent political events and sociological facts have been shoved aside to catch the resonance in one's ears of the tramp of primitive armies of half-savage men and hysterical women marching backwards to a millenium that has long ago lapsed, if it ever existed.

Few people were willing to recognise that "Hindutva" was little more than a hoax perpetrated on the people of India. Hindu society was always hegemonised by the twice-born up castes of the country (Brahmins, Kshatriyas and Vaishvas) who were distinguished by the sacred thread that was strung across their shoulders. It was the thread that separated the holy, the powerful and the rich from all the rest. Though the BJP, RSS and VHP consisted primarily of those who also were distinguished by the thread, they lacked power in the contemporary society. In Uttar Pradesh, Brahman, Thakur and Bhumihar landlords had the major share of lands in the central and eastern districts; only in the Western districts did the challenge of Jats and Gujars (among Sudra castes) challenge their domination. At the time of Independence, in spite of all the changes that went before, 8% of agricultural households owned virtually all the cultivated

land. Among them Thakurs (Kshatriyas) and Brahmins owned 57% of the cultivated area, while the intermediate castes owned another 32%, the Muslims 11% and the Untouchables 1%.

Large landholding in UP had an impact on the practices of caste society. In central and eastern UP, Thakur landlords were so powerful that they affected Brahminical status culture: they desisted from direct cultivation and leased out their lands to tenants (often from the backward castes) and employed field labourers from among low castes and Untouchables. Some castes sought to change their ritual status by inventing fresh myths of origin like the Ahirs who claimed descent from the mythological Yadu dynasty of Lord Krishna and called themselves Yadavas. Similarly the Kurmis who demanded that they be called Kurmi Kshatriyas in view of their descent from God Indra. Besides, Sudra castes competed with each other for higher recognition in the ritual hierarchy and incapacitated themselves for the common struggle against economic and social discrimination.

The civil disobedience movement that was launched in 1930 enthused large numbers of young people who flocked to the Congress banner all over the country. Emboldened by the Bardoli satyagraha campaign of 1928, they set out to draw attention to the hardships of the peasantry. In the UP the demand was made for the stoppage of payment of taxes and soon this developed into a campaign for stopping the payment of rent. Mahatma Gandhi himself issued a manifesto to the UP peasants asking them to pay only half the legal rent while securing a receipt for the whole amount. The formation of the Congress Socialist Party in 1934 provided a special stimulus to the Kisan (peasant) movement and the All-India Kisan Co-

ngress was formed in 1936. A Kisan Manifesto was drawn up and presented to the Congress Working Committee to be included in the programme at the forthcoming legislature elections in 1937. The demands included a 50% reduction in land revenue and rent, a moratorium on debts, abolition of feudal levies, security of tenure for tenants, a living wage for agricultural workers etc.

The Kurmi tenants provided the backbone of the Kisan movement started by the Socialists and both Kurmi and Yadava tenants provided the volunteers of the no-rent campaigns. But the conservative leadership of the UP Congress consisted of Brahmin and Kayasth elements who were too powerful for the Socialists, who were themselves dependent in the countryside on small landlords of Brahmins and Thakurs. In neighbouring Bihar, conditions were even worse. The Congress was led by middle-class professionals of Kayasths and Brahmins with close links with Bhumihar, Rajput and Brahmin landowners. They refused to sanction a no-rent campaign as part of the Civil Disobedience Movement. When the Socialists supported the struggles in several districts and, as the struggles widened, as low caste cultivators were increasingly embroiled with upper class landlords, the Bihar Congress leadership prohibited all Congressmen from participation in Kisan Sabha meetings.

One writer on contemporary Indian caste has referred to the condition at the time of Independence as one in which caste, class and power were closely intertwined. The sacred thread provided a clear divide between the upper castes and the backward classes. With two exceptions: the Kayasths of UP and Bihar and the Jats of western UP were included in the upper castes without belonging to the

twice-born. There was also a small middle-class of landowners among the Yadavas and Kurmis who, on account of their English education, had found employment at the lower levels of the civil service or in service industries. The Congress party leadership was completely dominated by the upper castes. Among the twenty most important figures in the Constituent Assembly not one belonged to the Sudra castes.

But the Constitution of the Indian Republic had set up a parliament and State assemblies on the basis of adult franchise, and the overwhelming majority of electors belonged to the Backward classes and the Scheduled Castes. Immediately after Independence, militant lower caste leaders set up the Bihar State Backward Classes Federation and lobbied for constitutional provision of special facilities for the Backward Classes. The Government of India appointed a Backward Classes Commission in 1953 which produced a Report two years later recommending reservations of 25% to 33 1/3% for class I and class II government posts and reservations of 70% in various professional schools. No longer was it imperative to run after ritual status in the manner of the twice-born. Much more lucrative was it to seek to achieve social mobility outside the caste system by recourse to state power and authority. Unfortunately, the Backward Classes Commission Report evoked such an uproar in both houses of Parliament, when it was introduced in September 1956, that it had to be tabled and kept waiting until October 1964. Even then the decision taken was that there should be no reservations in the All-India services and that the State governments should be permitted to implement the policy of reservations as each of them thought fit. It was no surprise then that the Commission report came to be completely ignored in both UP and Bihar.

There is a full account of all this in a chapter on "Middle Classes and Castes in India's Politics" in *India's Democracy: An Analysis of Changing State-Society Relations* Edited by Atul Kohli. In Bihar the Yadavas were the most numerous caste outside the tribal areas, consisting

11% of the population. Almost overnight the local units of the Congress party began to admit them, gave them representation on the Pradesh Congress Committee and allotted a modest number of seats to them in the State Assembly. In UP, however, Brahmins and Thakurs constituted more than 16% of the population as against 8.7% of Yadavas, who were also unevenly concentrated in the central districts of UP and the eastern areas adjoining Bihar. The "coalition of upper classes" also had powerful support among the 12% of Scheduled Castes and 15% of Muslims. The Backward Classes had to look outside the Congress party for political leadership against the upper classes. Even Charan Singh, who emerged as the powerful leader of the prosperous Jat peasantry of the western districts found the roadblocks within the Congress insuperable. This is what opened the way for the Socialist Party under the charismatic leadership of Rammanohar Lohia.

Already, in 1957, the Socialist Party in Bihar had agreed to support the demand of the Bihar Backward Classes Federation for implementation of the Backward Classes Commission recommendations for reservation of posts. In 1959 the annual conference of the Socialist Party adopted a resolution committing the party to secure 60% of leadership posts in political parties, government services, business and armed forces for Sudras, Harijans, Scheduled Tribes, religious minorities and women. The annual conference of 1961 resolved that 60% of the Socialist Party's candidates at the forthcoming general elections should be from these groups. By the end of the 1960's, as a result, the party had won a sizable following among the small cultivators of the Yadava, Kurmi and Lodh castes. During the election campaign of 1967, the Socialist leader Karpuri Thakur (belonging to the barber caste) appeared as a Backward Classes leader with a wide following, promising 60% reservation for these castes. The Congress party was defeated in both UP and Bihar, with the Socialists emerging as the largest non-Congress party. But the struggle for power was not a straight fight between Forward and Backward classes. A new division had come to the surface.

In Bihar the Yadavas had become the second largest caste group in the Legislative Assembly. Demanding installation of a Yadava Chief Minister, they colluded with top Congress leaders to bring down the Socialist-led administration of Karpuri Thakur's Samyukta Vidayak Dal. In UP a similar process was underway with the Jats led by Charan Singh seeking alliance with marginal farmers and low castes of the central and eastern districts through a new Bharatiya Kranti Dal challenging the twice-born castes leading the Congress party. Assisted by changes in relations on the land brought about by Zemindari abolition, Yadavas and Kurmis in Bihar and Jats, Ahirs and Gujars in UP appeared as a new agrarian class generated by the Green Revolution.

The BJP projected itself with the assistance of the new consolidation of Backward Classes in the struggle to bring down Congress power in UP and Bihar. The Socialist Party broke up into segments, especially after the death of Rammanohar Lohia and the Janata Dal emerged as the instrument of Backward Class politics. A spurious anti-Congress front with the Janata Dal and the Communists enabled the BJP, party that had always been limited to dependence on Bania support in the towns, to seek to become the new party of the twice-born castes with support from Backward Class elements. With the collapse of the Janata governments at the centre and in UP, the BJP stepped up its claim to represent all Hindu castes on the basis of defending their interests against Indian Muslims who were alleged to be aligned with Pakistan. It was the apparent success of the BJP in the Hindi-speaking States of UP, Madhya Pradesh, Rajasthan and Himachal Pradesh that revealed their irrelevance to the struggle being fought by the Backward Classes and Scheduled Castes to shake off domination and discrimination from the coalition of upper castes in government. The very movement of the twice-born castes in the direction of the BJP brought about a new alignment of the upper Backward Classes with the Harijans and the Muslim masses in Uttar Pradesh.

Recipe for reform lacks dash of spice

Stefan Wagstyl

The ghost of the destruction of the Ayodhya mosque, which has haunted India for a year, has been laid to rest.

The verdict from six state elections held last month is clear. Though vote counting has yet to be completed, the electorate has rejected the militancy propagated by the Hindu revivalist Bharatiya Janata party.

Supporters of the BJP, the main opposition to the ruling Congress (I) party in parliament, unleashed widespread violence and political unrest after they stormed the mosque last December, resulting in more than 2,000 deaths. At the time of the riots the BJP's support was rising. Before Ayodhya, the BJP controlled four of the six states. Now it will run just two.

The BJP's defeat comes as a relief to the Congress party and Mr P V Narasimha Rao, the prime minister, who even a few months ago feared the BJP might do well enough in the state polls to give unstoppable impetus to its demands for an early general election.

The outcome is thus the prospect of greater political stability for the government than seemed likely earlier this year. Mr Rao, who was under attack from within his own party for failing to combat the BJP with any vigour, has seen his softly-softly approach vindicated. Now he can look forward to leading the party and the country at least until the next general election due in 1996.

Mr H K L Bhagat, the Congress party president, says: "The results have strengthened the party and strengthened the prime minister".

Businessmen have also welcomed the poll result as it provides some assurance of political stability at a time of economic change; so too have stock market investors who sent the Bombay Stock Exchange's index up

Businessmen have also welcomed the poll result as it provides some assurance of political stability at a time of economic change; so too have stock market investors who sent the Bombay Stock Exchange's index up 59.71 to 3,292.85 on the first trading day following the election results.

Mr Tarun Das, director-general of the Confederation of Indian Industry, a leading employers' organisation, says: "Stability at the political level is good news for the economy and for investors, including foreign investors".

However, the fact that the government is now relatively stable does not mean that it is popular. The election results show that Indians remain disillusioned with their national political leaders. The fall in BJP

support was not matched by any surge in enthusiasm for Congress. Without such enthusiasm, Mr Rao and his party will find it difficult to carry out controversial policies — notably the economic liberalisation he started in 1991.

The appeal of Mr Rao's Congress party has worn this nearly 50 years after it came to power as a nation-builder, leaving Indians looking for a new direction among their political leaders. Some have found it in the BJP's brand of Hindu nationalism, though, as the state polls show, others, such as those who voted for the populist coalition in the largest state of Uttar Pradesh, are repelled by the party's militant Hindu nationalism.

Nearly one third of Indian voters were eligible to vote in the state elections which took place in four states — Uttar Pradesh, Rajasthan, Himachal Pradesh, and Madhya Pradesh — where the BJP had previously held power; and in two other small states — the city of Delhi and the north-eastern state of Mizoram.

Congress benefited from the anti-BJP vote mainly in the states where it was the only credible alternative — Himachal Pradesh and Madhya Pradesh, where it overturned BJP majorities, and Rajasthan, where it reinforced its position as the largest opposition party.

But in Uttar Pradesh, the most populous state and the heartland of north Indian politics, the anti-BJP vote was captured not by Congress but a powerful third force in the form of the alliance between the Samajwadi party and the Bahujan Samaj

party, representing mainly the deprived lower castes. Congress won just 28 seats in the 425-member state assembly which it once dominated.

The BJP may be down but it is not out. It remains the single largest party in Uttar Pradesh with 176 seats. It retained control of Rajasthan and won Delhi, where state-level polls were held for the first time in 40 years.

Mr K R Malkani, the BJP's spokesman, says the party needs to broaden its support. He claims it suffered because it was wrongly portrayed as a one-issue party committed to claiming the site of the Ayodhya mosque for a Hindu temple. "We have to explain ourselves better to the average man".

The BJP's defeat comes as a relief to Rao, who feared its success could have forced early general elections

Many middle-class Indians have sympathy for the BJP because they see it as a vigorous alternative to an over-conservative, tired-looking Congress. One leading businessman says: "If the BJP can develop a non-religious agenda, it could yet be the party of the future".

However, at least until the 1996 national elections, it is Congress which is in power. It will have opportunities for legislative action as early as today, when parliament meets for its winter session. It is already preparing the next tranche of its economic reforms for publication in the 1994-95 budget in February.

Mr Manmohan Singh, the reform-minded finance minister, has indicated the budget will bring further reductions in customs duties, tax reforms and measures to ease private companies'

entry into insurance and other industries dominated by state enterprises. He may also further liberalise foreign exchange controls.

However, the political obstacles to further radical reform remain daunting. Congress generally is willing to accept economic liberalisation — such as customs duty cuts and incentives for exporters and foreign investors — but only if it can be achieved without too much political hardship.

* * *

But, with a few honourable exceptions, MPs are loath to contemplate more painful measures — such as relaxing tough labour laws which prevent companies sacking workers and cutting jobs in the overmanned public sector, which absorbs about two-thirds of India's organised labour. As Mr P Chidambaram, a pro-reform MP and former commerce minister, says: "There is support for reform. But a critical mass of support is absent".

Mr Manmohan Singh believes that a pro-reform consensus is steadily growing both in Congress and in the country at large. Economic reform was not an issue in last month's state polls, not least because the BJP generally supports liberalisation. But Janata Dal and other parties of the left which have been strong critics of promarket reform fared badly at the elections.

MPs have good reason to be wary of radical reform. In the mountain state of Himachal Pradesh, the outgoing BJP administration pursued exemplary pro-market economic reforms — including trimming state spending, cutting subsidies for apple farmers and introducing a no-work, no-pay rule for civil servants who went on strike (which they often did). The result was electoral disaster.

But Mr Chidambaram believes that support for reforms could grow with a

stronger lead from New Delhi. Even cost-cutting in state-owned industry and other controversial measures are possible, he says.

At the Confederation of Indian Industry, Mr Das agrees: "Reforms are on Manmohan Singh's agenda. I believe the prime minister will now let him get on with it".

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Japan and San Francisco Conference

C. Mahendran

Our relations with Japan in modern times began in a meaningful way only after the second world war. The defeat of Japan and the reconstructions of that country thereafter was discussed earlier in our lectures. It is left for us now to analyse how Sri Lanka and Japan interacted, given the traumatic experience that country went through after the atomic attack of Hiroshima and Nagasaki.

In 1951 when the San Francisco Peace Conference was held, Sri Lanka had already broken with her colonial past, and as an independent country, participated in the Peace Conference. Mr. J.R. Jayawardene who was the Finance Minister of the government at that time represented Sri Lanka. The discussion at that conference, which were dominated by the Soviet Union and the U.S.A., was engrossed in arriving at a consensus on how best to tame Japan's militarism. In this effort the Soviet delegates kept on hammering at the theme that Japan should be divided into several bits of land. It was at this juncture his Excellency J.R. Jayawardene intervened and advised those present, that the fault for Japan unleashing war in the Pacific was a direct result of the actions of a group of military leaders of that country, and therefore it was not proper to punish the entire Japanese nation for this; and he quoted the famous words of the Buddha that "hatred does not cease by hatred but by love alone" and advocated that Japan should not be divided. At the end of Mr J.R. Jayawardene's speech there was considerable enthusiasm, among those present for the type of solution advocated by our leader. The Soviet delegate expressed reservation. The conference decided not to divide Japan. Since then the Emperor of Japan, the government and people of Japan, have had a special affection for the people of Sri Lanka. This was emphasized by the people of Japan when in 1990 they invited Mr J.R. Jayawardene and Madam Jayawa-

rdene to Japan and erected a stone tablet at the Kamakura Daibutsu commemorating the speech made by our leader.

Thus Japan's policy towards Sri Lanka has been one of benevolence and friendship. In addition to his Excellency J.R. Jayawardene's speech appealing to great powers, not to harm Japan, he also stated that Sri Lanka even though attacked by Japan and was entitled to reparations, was not interested in claiming reparations from Japan. This was the first time in the history of a nation, that a country had stated that she was not interested in reparations even though Sri Lanka was attacked by another country. The government and people of Japan thereafter took it upon themselves to help our people and our government in economic reconstruction of Sri Lanka. This fact was amply demonstrated by the economic assistance rendered by Japan to Sri Lanka on a per capita basis, Sri Lanka receives the third largest loan disbursement from Japan. It should also be stated that Sri Lanka commenced receiving loans from Japan in 1966. This alone shows that for our country to reach the third place in per capita loan commitments by Japan is the confidence Japan has in our country and in our economic performance.

Politically Sri Lanka and Japan have had close relations; in that there are no problems to speak of that need attention. Visits by leaders from Japan and Sri Lanka have cemented the healthy and warm bi-lateral relations. Mrs Sirimavo Bandaranaike visited Japan in 1975 followed by His Excellency J.R. Jayawardene as President in 1978. The present Emperor who was the Crown Prince visited Sri Lanka in 1982. Late President Premadasa visited Japan both officially and unofficially when he was the Prime Minister. Prime Minister Kaifu of Japan paid a visit to Sri Lanka in 1990 covering an active period of bi-lateral exchange at the highest level.

Foreign Ministers of both countries pay regular visits, the last one was when Hon. Harold Herat visited Japan in 1990. During these visits considerable work is done to consolidate the extensive economic which bind our two countries. The Overseas Economic Cooperation Fund of Japan has been extending loans to Sri Lanka since 1976. After 1986 Japan has surpassed the World Bank and USAID in terms of annual commitment amount of Overseas Development Assistance to Sri Lanka.

Recently OECF assistance has been principally for infrastructure, such as transportation, electric power and telecommunications.

The cumulative total of OECF loan commitment to Sri Lanka as of March 1991, amounted to Yen 226,636 million. Japan also gives Sri Lanka Grant Assistance, and on a yearly basis. Grant Assistance has been around 2 billion Rupees a year.

There is considerable trade between Sri Lanka and Japan, but this bi-lateral trade is weighted heavily in favour of Japan. Sri Lanka buys approximately 300 million US Dollars worth of goods from Japan annually and Japan purchases around 75 million Dollars worth of goods from Sri Lanka.

Foreign direct investment from Japan has been slow in flowing to Sri Lanka. But modest amounts are generated at present. This relationship can be further strengthened if the Sri Lankan side assiduously cultivates the private sector in Japan, learning to work in Japanese milieu and encourage Japanese investment, by joint and bi-lateral policies. Japan also is interested in helping the South Asian region as a whole. We in Sri Lanka should encourage this aspect of Japanese foreign policy, by actively participating in the South Asia forum initiated by Japan.

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Charlatans can never be the architects of a new economic order

Nikhil Chakravarthi

The startling news of the sweeping victory of the ultra-nationalist forces in the parliamentary election in Russia is a matter of considerable significance. It was but natural that in the background of this sensational assertion of ultra-nationalism in the parliamentary poll, Yeltsin's victory in the simultaneous referendum on the revision of the Constitution giving more powers to the President, has so far received little notice.

It was an Yeltsin-designed election exercise — the time, the terms of reference, the arrangements for conducting it — everything was as per the order of President Yeltsin, except the results. In fact it was over this very heavily-biased setting of Russian elections that had led to his conflict with the old parliament, which had resulted in October in the brutal armed attack on the White House of Moscow, by which Yeltsin had ruthlessly put down the resistance led by his rivals — Speaker Khasbulatov and Vice-President Rutskoi. That bloody suppression of Parliament by Yeltsin had ironically received an extraordinary outburst of appreciation from his so-called "democratic" patrons in Washington and London. The public revulsion to that ghastly display of force against his own people, must have contributed in no small measure towards the miserably poor showing of the pro-Yeltsin forces in the current elections.

The folly of that ferocious suppression of democratic dissent has been sharply brought home in the current elections as the Yeltsin supporter party, Russia's Choice after its pathetic poll performances, is now appealing to the Communists for

support in the formation of the new government. During the election campaign, Yeltsin's cronies dismissed the leader of the ultra-nationalist Liberal Democratic Party, Zhirinovskiy, as "a political clown". Today the verdict of the ballot box has shown up who deserves that title more.

There is much to learn for us from the Russian elections — for us as well as for many other countries, great and small. For one thing, it has shown up the bankruptcy of the West. The giants of the G-7 particularly the US, insisted upon the complete scrapping of the Russian economic structure in the name of free-market principles, while they denied the economic aid for such drastic structural transformation. Yeltsin had to repeatedly beseech the West for aid and appeared before the G-7 with a beggar's bowl, but he got a pittance of what Russia badly needed. The result has been that the entire economy has been thrown out of gear with mass impoverishment on one side and a flourishing under-world on the other, with unscrupulous crooks turning millionaires through blackmarket. Social sector benefits have been stopped while shortages and high prices rule the day.

Inevitably this has given rise to not only disenchantment with economic reforms but their open denunciation, while Yeltsin's importunities to Washington have hurt the national pride of the Russian people. His grovelling identification with Washington has tarnished his image at home. The mass resentment at all this has now been translated into votes for Zhirinovskiy's populist approach. Not without significance is the report that he has bagged an estimated three-fourth of votes in the Army. It is worth recalling that in his armed attack on the Parliament in Octo-

ber, Yeltsin could depend only on a small section of the Soviet army, the rest was reported to have refused to be a party to that putsch.

It is thus obvious that the mighty victors in the Cold War are today proved to be not only short-sighted but by their own act have undermined their stooge who has badly forfeited the confidence of the public in his own country. The result has been the backlash of ultranationalism. In other words, it is a very adverse reflection on the US policy which has been responsible for this phenomenon of a new type of nationalist fundamentalism in Russia. It would be foolhardy to dismiss it as fascism. The secret behind Zhirinovskiy's success lies in his articulation of the wounded feelings of a proud nation whom Yeltsin's American masters tried to humiliate in no uncertain terms, even putting shackles on normal commercial business as could be seen in the scandal over the Indo-Russian cryogenic rocket deal. The question that the West has to face is: If Zhirinovskiy is a fascist, who is responsible for making him one?

For us the Russian election results come as a warning for those in authority. While the modernisation and liberalisation of our economy were overdue, the Fund-Bank prescribed structural reforms are about to hit the common man in a big way. Apart from the inescapable rise in prices, the spectre of large-scale unemployment coupled with the grim prospect of extermination for a good section of indigenous enterprise — all these are being presented as part of the new economic strategy. The starving of the social sector, the heavy cut on education budget, side by side with the share-market scandals and magnum size corruption — all these have come

An eminent Indian editor, Nikhil Chakravarthi is one of South Asia's leading analysts.

while the nation's pride is hurt by the fact that the entire economic strategy has been imported from the West, without any significant indigenous input.

In the name of globalisation, Manmohan Singh has made the country subservient to the dictates of his mentors in Washington. Any perceptive observer knows that behind the debility of our foreign policy lies the heavy dependence on Western aid. For a nation with a history of proud nationalism, unbent even in the heydays of the Cold War, what we have been passing through is galling indeed. How out of step the vendors of the new economic policy are can be gleaned, for instance, from the manner in which the Finance Minister recently sought to run down the genuine urge behind the revival of the swadeshi spirit saying that this would harm the garment export trade. Dr. Manmohan Singh, on the other hand, is not on record to have taken any step against the US pressurisation for opening up of Indian market to textile imports. No wonder that a good friend and fellow-economist of Dr Manmohan Singh, a confirmed US-fan, has extolled him as the Gaider of Indian economic reforms. Today Gaider's handiwork has turned out to be a political fiasco for Boris Yeltsin.

It is this type of mentality that has fuelled ultra-nationalism in Russia and is bound to do so wherever national self-respect persists even in the midst of the so-called globalisation, another name for the economic domination by the big powers of the North. The real face of this new economic strategy is to bring about disintegration of national cohesiveness and debilitate healthy national self-respect. The time has come for those who are entrusted with the governance of our democracy to heed to our people's genuine urge more than the super-moneylender's dictates from abroad.

The Russian elections have a lot for us to ponder over. Charlatans can never be the architects of a new economic order — neither in Moscow nor in New Delhi.

Why worry about Russia's elections

Brian Beedham

London

But eastward, look, the land is dark. Or, not to misquote the 19th century poet Arthur Hugh Clough too bleakly, let us say that Europeans peering eastward this week find little for their comfort in what they see.

The coming weekend's Russian vote will not be the clean-cut break through to a new, better, kinder Russia that too many optimists have too rosy thought it would be. The vote will, with luck, bring such a Russia a little closer. But that history-tormented country has only just begun the long road to political and economic modernity. In two already visible ways, the road is going to be more rugged — for the Russians themselves, and for the world around them — than the optimists had expected.

Number one: These elections may not change all that much in Russia's own political battle. It is depressingly possible that the new parliament will not be different enough from the old one that Boris Yeltsin blew away with tank shells to unite the country around a program of serious reform.

The four parties that most people call "reformist" will between them almost certainly win a comfortable majority of seats. But these four do not really agree with each other about what reform means, and their leaders all have their own private ambitions. It seems unlikely that many of their candidates will stand down in favor of better-placed reformers before election day, as has been hopefully suggested. The reform vote could end up badly split.

The opinion polls (for what they are worth in today's confusion) say that the two truly reactionary parties — the Communists and Vladimir Zhirinovskiy's wildly misnamed Liberal Democrats — may pick up a fair number of seats. And the parties of the woolly middle, the ones that claim to be innocent of both the pain of the Communist past and the pain of today's economic austerity, could also do pretty well.

It is not impossible that the new parliament will contain a big enough opposition to block at least part of President Yeltsin's agenda, even with the huge powers that his proposed new constitution will give him. It should be no great surprise if this happens. Many Russians have been badly hurt in the past three years' economic collapse; others are dismayed by Mr. Yeltsin's repeated lurches unto dictatorial arrogance. No incumbent would go into such an election with an easy heart.

But, surprise or not, there is a grisly irony in the prospect. The only real argument in defense of Mr. Yeltsin's constitution-breaking abolition of parliament in October was that he needed to clear the way for a smooth enactment of his reform program. If that smooth enactment is still denied to him, the tanks he sent against the White House will have created a horribly dangerous precedent, for no decisive gain.

Number two: The other sufferers from Russia's still incomplete transition to normality are likely to be Russia's neighbors — and that does not mean only the countries of what Russia proprietorially calls its "near abroad".

The most striking thing about the past few months has been the growing unanimity among Russians of all political opinions that the rest of us owe their country a sphere of influence, a chunk of the world they can call their own. Those who make this claim range from embittered ex-Communists and wild-eyed neo-nationalists all the way across the spectrum to liberals like Andrei Kozyrev, the foreign minister. They all want the right to take a hand in their neighbors' arguments, with a gun in the hand.

Again, this is no surprise. The end of the Soviet Union was not just the end of a broken ideology. It was also the collapse of a great state, a power in the world, the sort of place people feel proud to belong to. In a twinkling of the eye, Russia had been transformed from imperial superpower to ruined supplicant. Such a shock strikes deeper into a country's conscious

ness than a mere change of political beliefs. No wonder that all sorts of Russians, whatever else they disagree about, should have joined in this reassertion of the right to be a country that people take their hats off to.

But again, this is a cause of alarm to the rest of Europe. So far, both Europeans and Americans have been markedly reluctant to criticize Mr. Yeltsin for what he does either at home or abroad, because he is assumed to be at bottom a reliable friend of the West. It is time to take a harder look at that comfortable assumption.

It may seem no skin off Europe's nose that the Russians have started playing the great power again on their southern flank, in Georgia and Tajikistan and in the Armenia-Azerbaijan mess. (Even this could prove complacently wrong, if a poking of Russian fingers into Muslim nests stirs up the angry and indiscriminate bees of Islamic radicalism.) But it matters much more directly to Europe if Russian reassertiveness turns westward. Think of what the Russian 14th Army is already doing in Moldova; of Russian claims on Ukraine of Russia's rumbling quarrel with the Baltic states.

Russia's "near abroad" lies just as much to its west as to its south. In one way, the western section is the more important, because it includes the fellow Slavs of Ukraine and Belarus, whom Russians see as natural partners in a new, post-Communist center of power. That takes them right up to the borders of Poland and Hungary. Russia's near abroad is also democratic Europe's near abroad.

This raises great questions for Europeans. The new democracies of East-Central Europe, already calling for protection against what they see as a returning tide of Russian power. Does the West go on telling them not to fuss? Bill Clinton's people, on the far side of the Atlantic and with their eyes turned toward Asia, show signs of being more tolerant of Russian re-expansionism than next-door-to-it Europe can afford to be. Are there here the makings of a large European-American clash of interests?

Say not that the struggle in Russia does not matter. The flashes of lightning in the eastern murk should be making Europeans think.

(International Herald Tribune)

MEDIA AND CONFLICT (2)

A South Asian Perspective

Regi Siriwardena

However within the morden statism — states of South Asia the potentialities of conflict lie not only in the fact that the different identities of linguistic or religious groups have been solidified by mass communication. There is also the fact that what in a pre-modern South Asian society might have been a localised clash between two contending groups in a village becomes now a national event because it is projected by the media and its ripples spread far beyond the original scene of violence.

Observers of ethnic and religious riots in South Asian countries in recent times have often drawn attention to the role played by partisan or biased reporting and expression of inflammatory opinion in the media. It would be too simplistic to say that such riots were caused by the media; the relative importance of media in this respect, as against the influence of provocative rumours or the element of deliberate organisation of violence by interested groups, is often difficult to assess. As a large generalisation, it may be said that the role of media in relation to such outbreaks of violence has been less often that of acting as the immediate trigger than that of creating a long-term state of feelings and attitudes which, given the appropriate situation, erupts into violence. That is why I want to concentrate on one example where it seems unlikely that the communicators intended or were aware of the fact that the outcome of the message they were projecting would be an act of mass religious violence.

Perhaps the most extraordinary media event in any South Asian country in our time was the telecasting by Indian TV of the Rama story as a serial. It achieved an incredible popularity, taking on partly the character of a media carnival and partly of a religious ritual. It has been said that in many places across India on Sunday mornings ordinary life came to a standstill while people sat with their eyes glued to their TV sets. Probably the serial's makers and sponsors had no other intention than that of creating a popular media spectacle. This is not to say that the serial was innocent of any political character. In a recent essay titled 'A Historical Perspec-

ctive on the Story of Rama', the eminent Indian historian, Prof. Romila Thapar, points out that there are many versions of the Rama story, textual as well as oral, and that the TV serial privileged one version, 'familiar to North Indian Hindi speakers, and broadly to the literate few elsewhere'. She goes on: 'The choice of this version therefore makes a specific social and political statement, becoming all the more significant given that television is part of the Government-controlled media. With such powerful backing the serial comes to be seen as the national culture of the mainstream'. But while the serial had therefore a definite ideological character, its main consequence was perhaps unforeseen by its authors. For there can be no doubt that the Rama story on TV played an enormous part in helping fundamentalist and extremist Hindu groups in boosting their cause in the Ayodhya dispute. The culmination of this process was the demolition of the Babri Masjid in December 1992, which led to massive violence, destruction and loss of lives throughout India.

I have used the Ayodhya affair and its media prelude to suggest the ethical aspects of the immense power that media people hold in their hands. It is a power that can be disintegrating and catastrophic in its consequences in our societies, divided as they are on religious, linguistic and cultural fault-lines, unless it is used with a wisdom and foresight that is conscious of the plural character of these societies and of the perils of fragmentation.

Finally, I wish to say a word about the role of the media in relation to half the population of South Asia. I mean those who are born female, inherit the traditional disabilities attaching to women in South Asia and are subject to the prejudices, stereotypes and pre-conceived assumptions in terms of which women are still for the most part seen in our societies. Women's groups in South Asia have often criticised the gender biases, implicit or explicit, in mainstream media representations of women. Any viable communication ethic in South Asia today must take into account the treatment of women in the media, and I hope this aspect will receive its due importance in discussions during the next four days.

The first part of this article appeared in our December 1 issue.



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Presidential choices

A. Jeyaratnam Wilson

The election as President of Mr. D.B. Wijetunga by Parliament raises in accordance with Article 40 (1) (a) of the Constitution some intriguing questions:-

1. The new President has more than a years of President Premadasa's term to serve. He cannot therefore avail himself of the amendment which entitles a President to face his electors at any time after his fourth year in office. Former President J.R. Jayewardene used this and obtained re-election.
2. The *raison d'être* for the amendment was to enable the President to choose a favourable opportunity like a prime minister under the Westminster model.
3. In the case of President Wijetunga, he could be a sitting target for the opposition, if the times are bad. The U.S. and French executive presidents are in a similar position as they too serve fixed terms. The U.S. president however functions differently; his is a combination of presidentialism (inclusive of veto powers) and congressional government without a prime ministerial system. The French have defined roles for their prime minister and president. The Sri Lankan constitution on the other hand places the president as chief executive and in the position of a British prime minister; the prime minister *per se* has only restricted functions, mainly as chief of the government's majority in parliament.
4. There is still another problem; given the island's political culture, the people identify the President as the embodiment of the government, not cabinet or Parliament. Thus a President successful in obtaining re-election before a parliamentary general election can reasonably expect that his party will win at the polls on the crest of the wave of his own election. In President Wijetunga's case, Parliament will have to be dissolved before he faces the electors, as Parliament's term ends before that of the President.

The electorate will to some extent be confused. Will they elect a parliamentary majority hostile to President Wijetunga since a candidate from the victorious party will stand for election and could possibly win? It all depends on how well the Opposition is mobilised.

5. If the presidential and parliamentary majorities are coincidental, there will be no problem. If they are contradictory, then there will be friction. The President may find it untenable to hold his position. He will have one of two alternatives: (1) resign because cabinet and Parliament will refuse to cooperate with him or (2) revert to being a ceremonial head of state if that is at all agreeable to the government in office. Furthermore Article 43 (2) states that "the president shall be head of the Cabinet" but with a hostile Parliament and cabinet he will not be permitted to function in that role.

The question of contradictory majorities engaged the attention of President Jayewardene who stated that was "the Catch 22 question". The other principal architect, Lalith Athnathanduli, in an interview he gave me (when he was Minister of Trade and Commerce) said "the two (President and Parliament) will have to *learn to share power*". Again, our political culture (and the plans made to eject former president J.R. Jayewardene when Hector Kobbekaduwa was expecting to win) makes such a possibility unlikely; for under the constitution even if a new president is elected, the existing president relinquishes office on the 4th February following. Parliament will make it difficult for the President to function even as Commander-in-Chief. There could be successive votes of no confidence by Parliament (without the requisite majority), making it extremely embarrassing for the functioning president.

The French have a way out of the impasse. The word is *cohabitation*. President Francois Mitterand has had to resort to this technique when confronted

with hostile majorities. He found Prime Minister Jacques Chirac, who contested him unsuccessfully and later became Prime Minister, difficult to work with. The president therefore claimed control over defence and external affairs leaving domestic policies to his Prime Minister. All this is in keeping with French political culture which is different from ours. Besides the French do not have a clear two party system as we do to all intents and purposes. They have "political families" which shade into each other. So coalition-building in France is a practicable proposition.

6. Lastly the framers of the Constitution appear to have neglected to provide for a situation when a President is elected by Parliament.

Article 30 (2) states the President shall "be elected by the People". Article 31 (2) stipulates "no person who has been twice elected to the office of President shall be elected again". The term is six years.

According to these provisions President D.B. Wijetunga is entitled to be elected for two further terms, as in his first term he was not elected by the people but by Parliament. It is also a moot point as to whether former president J.R. Jayewardene could have stood for a second elected term for he was *not elected* by the people for his first term. Parliament passed an amendment that he was *deemed* to have been elected. But this was Parliament's decision and the President was not the choice of the people in his first term.

The United States anticipated such an eventuality. After President Franklin Roosevelt's unprecedented four terms as President, the XXII Amendment of 1951 provided that "no person shall be elected to the office of President more than twice and no person who has held the office of President or acted as President (italics ours) for more than two years for a term to which some other person was elected President shall be elected *more than once* (italics ours).

Importance of the 3rd World

Howard Schaeffer

Bowles's views often set him apart from most other foreign policy practitioners and commentators of the time. He agreed with them the "free world" faced dangerous challenges from Moscow and Peking and that United States needed to take the lead in containing Communist power. He devised his foreign policy constructs in a Cold War context and considered them not only morally just and in accord with America's historic purpose but also effective containment strategy. He was convinced that the United States had to develop powerful forces to respond credibly and flexibly to the threat of aggression from the Communist countries. But while he did not want U.S. foreign policies to ignore the power of the gun, he also wanted them to stress the power of the ideas that had made America a distinct society, "a city set upon a hill" with a message to the world.

The developing Third World, and especially Asia, excited Bowles and became the focus of his attention and creative energies. Differing with many members of the often Eurocentric U.S. foreign policy establishment of his time, he maintained that the fate of the planet would turn on what happened in this Third World. His fundamental, long-held position was that the United States needed to stress "positive" policies that would identify it with the aspirations of Third World leaders and peoples, not "negative" ones such as military measures designed simply to thwart Communist threats.

A major element in Bowles's approach was his insistence, soon widely accepted even by ardent cold warriors, that Washington recognize the potency of nationalism and accept the preferences of many Third World governments for independent, non-aligned foreign policies. He showed similar courage and foresight in opposing security pacts such as SEATO and CENTO that Eisenhower's Secretary of State John Foster Dulles developed to bring smaller Asian countries into the Western alliance system. He was an outspoken opponent of colonialism, and warned that the United States could not

afford to defer to the interests of its NATO allies as the decolonization process worked itself out in Asia and Africa. Fearful that the United States would be cast as a latter-day colonial power if it intervened militarily to fight what in his correct estimation were unwinnable wars in Southeast Asia, and skeptical at all times of military solutions to problems, especially in the Third World, he strongly opposed proposals to introduce American troops into Vietnam and Laos and prophetically predicted that this would lead to disaster.

Unlike most other senior American officials, Bowles became a warm admirer and good friend of Prime Minister Nehru. He was a leading advocate of the importance of India to the United States. He consistently sought to develop closer political, economic, and in the 1960s, security ties between Washington and New Delhi. He fought hard, ultimately unsuccessfully, against a U.S. military relationship with Pakistan. For years he argued that the United States should mobilize Asian nationalism against what he considered the threat of Chinese expansionism in Southeast Asia and elsewhere not through Dulles-like pacts but by encouraging and providing behind-the-scenes support for an indigenous Asian Monroe Doctrine led by India. As he looked for more effective ways to contain Communist China, a country that both fascinated and frightened him, he also explored approaches that could moderate the behavior of the Peking regime and reduce its ties to the Soviet Union. Like so many of his initiatives, these endeavors often brought him into sharp conflict with powerful contemporaries more ideologically rigid or less politically courageous than he was.

Economic assistance to the developing world was a major item on Bowles's "positive" foreign policy agenda. He believed that extensive, carefully programmed aid linked to precepts assuring its proper use, preferably in a democratic setting, could be an important Cold War tool. But unlike many of his contemporaries, Bowles also saw foreign aid as a moral obligation that reflected the historic spirit and revolutiona-

ry principles of America. It represented for him the most rewarding and tangible aspect of America's postwar international role, the opportunity to export America wealth, experience, and values to help the world's poor help themselves to achieve better lives under free institutions.

Bowles's emphasis in the immediate postwar years and long afterwards on the importance of foreign aid helped give it the centrality to U.S. policies toward the Third World it has had since the mid-1950s. He was not a development economist and displayed some impatience when those with academic credentials in that field tried to talk theory with him. But his lack of academic sophistication did not deter him from developing a set of guidelines which he believed could maximize the benefits of economic assistance. He held that aid should be given with no political strings attached. He defined that concept rather narrowly, largely to mean that the United States should not force an aid recipient to alter its foreign policy to a pro-Western posture as a condition for eligibility. But he *did* believe in economic strings, and insisted that aid recipients reform their economic policies and administrative practices as preconditions for U.S. help. Equitable land reform was always high on his agenda in this context.

His clear preference for aid to popularly based Third World governments over assistance to authoritarian ones, especially right-wing regimes, reflected his strong belief in democratic values. He was convinced that only governments enjoying strong public support would be able to create the climate of popular enthusiasm required for successful economic development. He also argued that small-scale technical assistance, such as establishing training programs and assigning American specialists, was not sufficient for the economic progress of Third World countries. They required foreign exchange to meet their goals. He saw only a limited role for foreign private capital in the early stages of economic development, though that did not deter him from making efforts

to open India to American investment when opportunities arose. He also favored increasing regional planning and participation, as far as practicable through the United Nations, and urged that nongovernmental organizations be encouraged to undertake their own projects.

Many of these concepts seem commonplace enough today. But they were novel ideas when Bowles first promoted them in the early 1950s. Later in the decade he was successful as a congressman in writing some of them into legislation, and as Kennedy's under secretary of state played a key role in the revamping of the administration of economic assistance under the then newly-created Agency for International Development (AID).

Much of Bowles's thinking about foreign and economic development policy was influenced by his long innings in India. He put great emphasis on the comparative economic performances of India and China, a competition he called "the battle of the century." But he had a more sanguine view of India's potential world role than its performance to date has warranted. Nor have subsequent developments justified his conviction that U.S. and Indian interests were fundamentally congruent. He rarely acknowledged that there were far-reaching differences in perception, experience, and objective between the two countries that led them to approach issues in dissimilar, sometimes inimical ways.

Bowles's background in advertising often showed in his foreign policy years. His early experience in running a leading ad agency made him a highly skilled publicist and promoter. Few in public life during his best years there could rival his talents and energy as a salesman of ideas. But the legacies of his past on New York's Madison Avenue also included a few failings. One was his practice as ambassador of loading the policy options he presented to Washington in ways which favored the one he preferred. "If there's one thing I learned in the advertising business," he said, "it was to make people think they have a choice but not give them one." He also tended to be highly repetitive and single-minded; to derisive critics in the State Department and elsewhere he sometimes seemed to be marketing foreign policy as if it were a breakfast cereal or tooth paste. His detractors tended to sniff at his advertising background. Dean Acheson was probably the most acerbic on this score. Writing

about Bowles, Truman's secretary of state reflected that "time spent in the advertising business seems to create a permanent deformity, like the Chinese habit of footbinding."

Bowles's highly unorthodox public advocacy of his personal policy positions also reflected his advertising background. Few American ambassadors have campaigned as openly and strenuously as he did for policies the administrations they served had not yet accepted. If this raised some eyebrows in the State Department and elsewhere, he did not let that deter him. In private correspondence with influential friends, multiple mailings to congressmen and the media, official cables to the State Department and the White House, and articles for major publications, he issued from his New Delhi office a stream of copy designed to persuade other Americans that India was important

to U.S. interests. Confident that they would be converted to his way of thinking, he urged prominent Americans to visit India.

Not all of these visits were unalloyed successes. Bowles recounted that when the commander in chief of U.S. Pacific forces, Admiral Radford, came to New Delhi in 1952, Mrs. Radford found herself seated next to Indira Gandhi's husband Feroze at a dinner party at Bowles's residence. Catching only the last name of her Indian dinner partner, she exulted to him that never in her life had she thought she would meet the great Mahatma Gandhi. Mohandas K. Gandhi had in fact been assassinated four years earlier. When one of those to whom he told the story found it highly amusing, Bowles, who had no sense of humor about such things, sharply demurred. "It was the worst day of my life," he said.

The Scholar's Tale

Part 8

*The guilt of Self Appointment and Anointment
Clung yet to the elected Incumbent
Maybe mangled ghosts of the recent Election
Glided in without much circumspection*

*The anaesthetic for the Operation
Had been disfranchisement of the Opposition
Then betrayal by Bll Bunder
With his Naxalite hue and holler*

*The troublesome part of the process
Was release of the Habeased Corpus
With a moulting legal Eagle
Expert in frame-ups legal.*

*Thus guilt in Julius had no redeeming role
In the restless vortex of his souls Black hole
Guilt eddied in and was then transformed
Into the evil of dark Ambition.*

*So taking stock of his close Ceasarian shave
In Imperial eyes for whom he'd fain behave
He came up with the Naxalite pretext
Though his backyard was of Naxalite's bereft*

*While locals wondered whether Naxalites
Were Stalactites or may be Stalagmites
Julius struck with Swift pre-emptive skill
With his hand in his own Constitution's till.*

*Each amending Fundamental Squiggle
Writ by the ruffled legal Eagle
Was passed into Statute by his ransomed puppets
Their undated resignations in his bristling pockets.*

*Julius thus arrived by referendum where he started
Proving that his political world was round and charted
And while he thence rolled up the electoral map
Our Hero coded his signals for the cleansing Act.*

U. Karunatilake

On to July 1983

Arden

The police running riot and burning the Jaffna library and so much else was perceived the world over as Sinhala racism. Actually it was police lawlessness. It is to be noted that out of a total of 18 policemen killed by the Tigers up to then, 14 were Tamils. After the D.D.C. elections fiasco in Jaffna, the Tigers stepped up their violence. The president and his wife and the prime minister and his wife went to London to attend the wedding of Prince Charles.

On 27 July, 1981, the Tigers attacked the Anaikottai police station and killed two policemen. On 15 October Prabhakaran's L.T.T.E. ambushed two soldiers in a jeep on the Kankesanturai Road and killed them. On 22 October Uma Maheswaran's men attacked the People's Bank at Kilinochchi and got away with 40 million rupees, more than 2 million U.S. dollars at the rate then prevailing. An army corporal was killed, bringing the number of servicemen killed up to three.

The Anaikottai attack had resulted in the deaths of a Moslem policeman Nazeer and a Sinhalese policeman Jayaratna Banda. When the latter's funeral took place in his home town in Kurunegala there were racial riots there. The violence spread to many towns in the south and west of the island, and was particularly nasty in Sabaragamuwa. It was in Ratnapura that a glimpse of what was in store for the future was provided. There suddenly appeared vehicles carrying racist thugs who set fire to Tamil shops and boutiques and disappeared as quickly as they had come. They did no looting and did no physical injury to their victims. They were carrying out a drill they had carefully practised. This was an entirely new phenomenon, distinct from the normal ethnic violence resorted to by those bent on looting.

1982 brought more killings.

Serviceman Abeyratne Banda was killed at Kayts on 13 February and Police Constable Maheswaran, a Tamil, at Kankesanthurai on 22 March. On 2 July a police patrol of four was ambushed and shot dead by L.T.T.E. men at Nelliady on

the Pt. Pedro road. One of them was a Tamil constable.

Five days after President Jayewardene won his re-election, the L.T.T.E. attacked the Chavakachcheri police station. Two Tamil policemen and a Sinhalese police driver were killed.

The end of the year score was 32 policemen of which 18 were Tamils. The possibility of Sinhala retaliation on their compatriots in the South was no longer a consideration for the Tigers. From this point onwards all killings of police and servicemen by the Tigers were exclusively Sinhalese. Incredibly, the government's intelligence was totally unresponsive to the indicators. On 18 February 1983 an Inspector of Police and a police driver were killed at Pt. Pedro. Three days later an army corporal was killed in Jaffna. On 3 June two airmen were killed in Vavuniya. This was followed by the massacre by the forces of a large number of Tigers who had been rounded up. It was explained that they were shot while trying to escape. The Sinhalese chauvinist elements, who had already shown their hand in Ratnapura in July 1981, were planning a massive response to the activities of the Tigers. They were waiting for a suitable excuse. The excuse was provided by the P.L.O.-T.E. on 23 July.

At midnight, an army patrol from Gurunagar Camp was ambushed at Tinneveli on the Jaffna-Palali road and blown up with land mines. Thirteen soldiers, all Sinhalese, were killed.

This was the trigger the Sinhala chauvinists were waiting for.

It also happened to be the time around which the Tigers had decided that the safety of their compatriots living among the Sinhalese could no longer be taken into account in waging their guerrilla war against the government. The Sunday following the midnight ambush, tension built up in Colombo as the government prepared a military funeral for the dead soldiers at Kanatte Cemetery. A vast crowd gathered at the cemetery grounds where the bereaved families were waiting for the bodies to be flown down from Jaffna.

The crowd soon turned unruly. Finally, to avoid an ugly situation getting completely out of control, the government decided to cancel the military funeral and hand over the bodies to their families at the Army Headquarters in another part of Colombo.

On Sunday night there was sporadic violence all over the city directed mainly against Tamil-owned boutiques and shops.

On Monday morning the government-controlled Daily News carried a front page account of the ambush-killing specifically mentioning the fact that all thirteen dead were Sinhala soldiers. By mid-morning the city went up in flames. No attempt was made by President Jayewardene to address the nation and to reassure the people that the government was in control of the situation; no appeal was made to the people to keep calm and to desist from harming innocent citizens. The government appeared to be reluctant even to impose a curfew which was finally declared at 2 p.m.

The trained goon-squads, first seen in action in Ratnapura two years previously, now started operations.

Some days later, cabinet spokesman A. de Alwis, in a talk over T.V. said: "This is not a mere Sinhala-Tamil riot.... This is part of a very deep plot to overthrow the government". This caused general amusement, because most Lankans believed that the trouble-makers were important persons very close to the government. Besides, although to a cabinet minister a plot to overthrow the government was the most heinous crime imaginable, to most citizens the race riots were far more frightening and distressing than any possible danger to the continued existence of the government. De Alwis, however, drew attention to a pattern in the new type of race violence, which many people had themselves already noted:

"Although riots took place, burning of houses and shops took place, in widely different parts of the city there was a

distinct method in every case: the rioters came along, took out the people from their homes, or the employees from the shops, put them on the road, then carried some of the goods on to the road and set fire to them. Wherever it happened, it happened in exactly the same way. This was the pattern. There were, according to information now in the hands of the government, definite instructions not to loot. They carried lists of names and addresses; they knew exactly where to go. There was looting, but that was the work of the thugs and hooligans you find in every street junction".

Burning and looting went on, despite the curfew, for days. Thousands of Tamils were stranded and refugee camps had to be improvised for them. Physical harm to the victims — and there was plenty of it — was not the work of the trained squads.

For five days the country heard nothing from the head of the government. Then finally, on Thursday 28 July the president addressed the nation. It was a disastrous performance, reassuring perhaps to the Sinhala chauvinists but certainly not calculated to restore calm among the people. In the course of his speech he said:

"Because of this violence by the terrorists the Sinhala people themselves have reacted... The government has now decided that the time has come to accede to the clamour and the natural request of the Sinhala people that we do not allow the movement for division to grow any more. The cabinet this morning decided that we should bring legislation, firstly to prevent people from entering the legislature if they belong to a party that seeks to divide the nation; secondly, the legislation will make parties that seek to divide the nation illegal, or proscribe them. And once they are proscribed their members cannot sit in the legislature. (Such persons) will lose their civic rights and will not be able to hold office in any movement or organisation or practise a profession... I cannot see any other way we can appease the natural desire and request of the Sinhala people to prevent the country being divided".

Not one word of sympathy for the innocent citizens who had been victims of the racist violence. President Jayewardene has repeatedly shown a reluctance to talk to the nation whenever (as so often happened in his regime), there was a nation-

nal calamity.* He offers no reassurance to the people, no sympathy to the victims. He automatically sees the event solely as a threat to his presidency. (When in April 1987 terrorists slaughtered nearly 500 civilians, he remained silent for several days. Then at a gathering of his party in Karadeniya he was reported to have said: "Under our constitution the government is the president and his cabinet. The elected President does not resign except for ill-health or lunacy. This is not relevant in my case (sic)". (Daily News 27 April 1987)

* When, however, on 18 August 1987 two grenades were flung into a parliamentary committee room where the president was in conference with his parliamentary group, in an unsuccessful attempt to assassinate him, within hours Jayewardene was on television informing the nation of this heinous crime!

South Asia

The South Asian NGO Working group on 'Human Right Democracy and Civil Society', meeting in Dhaka on 12 December 1993, decided to hold a consultation running parallel to the SAARC heads of state summit scheduled for the autumn of 1994 in New Delhi. The working group was established to facilitate South Asian co-operation in promoting democracy human rights and the development of a vibrant civil society in South Asia. Among other decisions taken by the working group are:

- a) The formulation of a draft common NGO position on the functioning of the voluntary sector in region. It was proposed that this draft would be circulated to a representative section of the NGO community. It was hoped that this paper would provoke discussion and introspection in order to facilitate the effective independence as well as accountability of NGOs in the region.
- b) The working group called upon South Asian Governments to examine the feasibility of devoting at least one percent of their GDP to promote democratic institutions and civic cultures. These funds should be proportionately disbursed to recognised political parties for the purposes of policy research, the strengthening of party organisations, and in promoting internal democracy within the party.

This reform could facilitate professional inputs into the work of political parties and free them from financial

The president's speech greatly disheartened all law-abiding citizens and was especially galling to the Tamils.

As promised in the president's speech, the sixth amendment to the constitution designed to prevent violence to the territorial integrity of Sri Lanka, was rushed through Parliament and became law on 8 August.

The amendment contained a provision obliging Members of Parliament to take an oath against espousing a separate state in Sri Lanka, an oath that the T.U.L.F. members who had been elected on a mandate to work for a separate state could not take. They forfeited their seats in parliament. This was to prove a great mistake from the government's point of view because it found itself bereft of any persons to negotiate with other than Tigers with guns.

dependence on large corporations and other illegal and suspect sources of finance. The expenditure need to be public and transparent and subject to audit by the Auditor General. The working group will develop a concept paper to further refine these proposals including the drafting of model legislation.

- c) The group noted that certain countries in the SAARC region had been successful in publishing well documented Annual Reports on the status of human rights. It was felt that this exercise needed to be replicated in other countries of the region where such exercises have not so far been done. It was hoped that this would lead to the creation of a South Asian human rights watchdog. It was also felt that there is a need to coordinate all the regional initiatives on human rights, democracy and civil society issues.
- d) The SAARC working group reiterated the urgency for SAARC countries to ratify all the international instruments and their optional protocols. Furthermore, it called for the early incorporation of these provisions and their enforcement in the relevant municipal legislation.

The working group meeting was chaired by Dr. Kamal Hossain and was coordinated by the Law and Society Trust of Colombo, Sri Lanka.

IPKF misadventure — biased view

Shekhar Gupta

Indian Intervention in Sri Lanka

By Rohan Gunaratna

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One of the key players in India's Sri Lankan misadventure recently confessed to me that within 48 hours of the Rajiv-Jayewardene accord in 1987, it was painfully obvious to him that India did not have the "temperament to become a regional superpower". On top of the list of the various traits lacking — ruthlessness, ambition, arrogance — was the absence of a Machiavellian intelligence agency that separates also-rans from power players in the World community. The Sri Lankans certainly disagree, considering the effort their own intelligence agencies seem to have put in to make this book possible. Rohan Gunaratna, a Sri Lankan writer of repute, has obviously been given trunk-loads of documents on Indian intelligence activity in Sri Lanka, including RAW's top-secret correspondence with its Sri Lankan counterpart, the National Intelligence Bureau (NIB). The result is a damnation of India and RAW, which is blamed for everything, from initiating Tamil insurgency to setting up the accord, the war and then plotting against the IPKF as well. The pity is, despite the book presenting a Sri Lankan point of view with a blatant bias, it is partly correct, for the IPKF operation was as much a saga of Rajiv Gandhi's lack of comprehension of world affairs and the Indian establishment's myopia on long-term security, as a colossal failure of intelligence.

To know more about it, however, you

need to go, not to the NIB, but to any of the harried IPKF commanders. Hard intelligence was either not available with RAW, or was not passed on to the IPKF in time. So routine had this become that many in the IPKF had begun to wonder if RAW was not playing a cynical double game, keeping channels to the LTTE open for political gains. Dozens of Indian army vehicles and patrols were blown up over culverts and repeated queries to RAW for road maps of the north-east fell on deaf ears while the most comprehensive maps lay locked up in a cupboard in the agency's headquarters. Worse was the embarrassment of the IPKF catching suspected Tigers and RAW seeking their release as they happened to be its "sources". The standing joke among Indian officers was: "How many RAW agents did you apprehend today?"

Unfortunately, it is this aspect of RAW's tactical bungling that Gunaratna fails to throw any new light on. But he is extremely accurate in concluding that the Indian policy was not as much to dismember Sri Lanka as to create trouble and extract concessions from Colombo under pressure of a separatist Tamil movement. It squares up with the Indira-Rajiv era politics at home as well: remember Bhindranwale, the Bodo Security Force, GNLF and so on, as also policy failures across the board.

But the mistake Gunaratna makes is in believing that those on his side of the Palk Straits are better than the Indian counterparts whose confidence they are betraying to him. If anything, they were even more inefficient as their continuing failure to contain the LTTE or solve the assassinations of several top political leaders shows. Accordingly, if Gunaratna had relied on accounts of Sri Lankan Tiger training camps published in the Indian press rather than on Sri Lankan intelligence,

he would have got most of the spellings of places and people's names right and would not have talked about training camps in New Delhi's R.K. Puram and Green Park, where it's difficult even to find parking space.

What is of value is the correspondence Gunaratna has unearthed between RAW chief during the IPKF days, Anand Verma, and his Sri Lankan counterpart as well as the details of Verma's meeting with Jayewardene. But I am not sure which side comes off worse. Also, while talking of bungling and sheer diabolical double-cross, Gunaratna could have mentioned R. Premadasa and the Sri Lankan intelligence under him who provided arms and ammunition to the Tigers while they were being chased by the IPKF. Even Lalith Athulathmudali, who has been quoted copiously in the book, had alleged that armaments were sent by Sri Lankan intelligence to the LTTE, and, most ironically, in Tata trucks given by none other than India.

Frankly, this is a book an Indian should have written, for the Sri Lankan misadventure is a saga of failure on all fronts: intelligence, policy and politics. For us, in India, the fact that RAW was up to terrible tricks is not such a big issue. In 1971, following the ruckus created by revelations of CIA wrongdoings, US Senator John Stennis, a strong supporter of the "company", had told the Senate: "Spying is spying. You have to make up your mind that you are going to have an intelligence agency and protect it as such, and shut your eyes some and take what is coming." Why RAW failed so miserably, pushing India into a war it never wanted, and yet losing every objective it had set out to achieve while the LTTE carries on, having added the scalps of Rajiv and Premadasa to its tally, is the question that somebody, some day, and on the Indian side, will have to answer.

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