

DEBT CRISIS IN THE 80s — Cheryl Payer



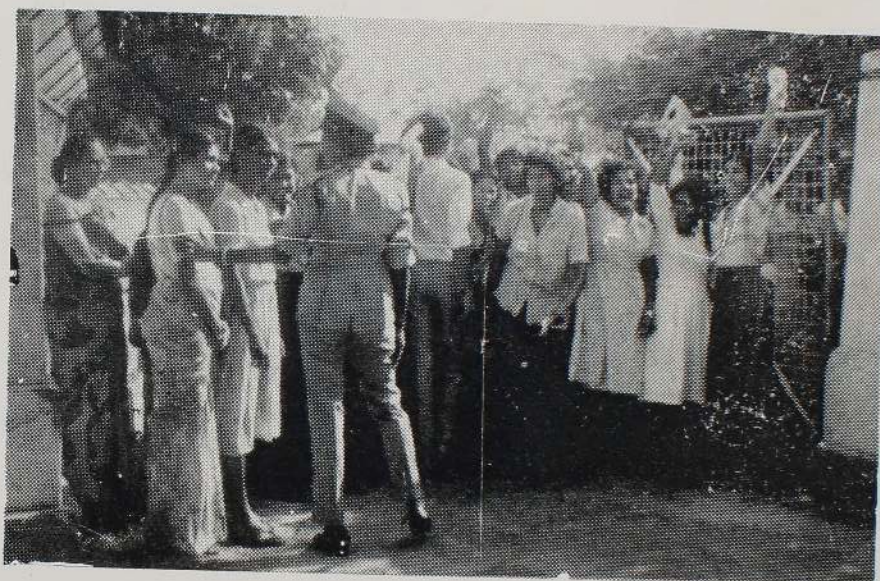
LANKA GUARDIAN

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After the student protest

A VIOLENT WOMEN'S DAY

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ETHNIC ISSUE

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International Women's Day: converging currents

Dayan Jayatilika

NEWS
BACKGROUND

Britain's elite counter-terrorist shock force, the SAS, would not have been flattered. Last week, not only were SAS trained Police Commandos stationed outside Colombo University, but as a photograph in the sports page of the "Sun" confirms, they were also deployed at the Royal-Thomian cricket match. In a certain sense the week that began on March 4th provided a snapshot of the situation in the South, the currents at work and the trends that are emerging. On Tuesday March 5th the University students launched a National Day of Student Protest. The widespread nature of the agitation especially in the provincial towns and the extent of participation by school children could be glimpsed even in the pages of the censored press, as could the State's responses. The *Divaina* headline of March 7th read "Colombo University Students Baton Charged". The story was essentially a Parliamentary report of the Opposition M.Ps, notably Sarath Muttetuwegama and Dinesh Gunawardhana.

The National Day of Student Protest ended coincidentally with a meeting of the 3 Party bloc at Borella. The very large attendance at the rally was due much more to the house-to-house campaigning done by students in the locality a few days earlier and the interest generated by the students' struggle generally, than by the magnetic attraction to the list of speakers or parties. Still, hard hitting speeches were made by Athauda Seneviratne, Sarath Muttetuwegama, (who made intelligent acknowledgment of the initiatory and catalytic role of the students) and above all by Vijaya Kumaratunge. Significantly though, the meeting ended with the University Students in the audience chanting slogans that the 3 party bloc should take up the struggle more vigorously. In the

midst of this chant Dr. Colvin R. de Silva, wrapping it up urged the Police and the government not to commit the same folly they already had in the North and turn the children of the South into terrorists.

The working week culminated on March 8th; International Woman's Day. There were two mobilizations on that day both of which were violently dispersed by the Police indicating the hypersensitivity of the State to any kind of dissent and also the growing significance of the women's movement as a socio-political force.

Like the Trade Union Movement, the Women's Movements is divided into two main currents, one dominated by the traditional Left and firmly under the control of established political parties and the other a New Left formation which is much more autonomous. But the resemblance with the Trade Union Movement ends there, because March 8th concretely demonstrated, the autonomous Left currents is the much stronger, and in this the Women's Movement has a closer resemblance to the Students Movement. Unlike both the Workers and Students Movements however, the Women's Movement has personalities who can command the respect of both currents: Vivienne Gunawardena, who was roughed-up this year too, but this time allegedly by a Police Commando. A United Women's Day action presided over by Vivienne was an obvious formula and the Women's Action Committee (WAC) — the autonomist Left formation — made a genuine attempt in this regard. However, but not surprisingly the three party bloc vetoed these unity moves. The WAC then linked up with two other groups, the important CMU women's section and the pioneer-

ing Voice of Woman (Kantha Handa) and formed a Women's Day Committee, which organised a demonstration from De Mel Park to New Town Hall and a rally at the latter venue.

The Police, having refused permission for the demonstration placed a heavy contingent at De Mel Park to prevent women disembarking from buses and congregating there. Still, about 500 women managed to gather in the Park. When they were ordered to disperse they did so in small clusters, regrouped near Hyde Park and proceeded to shout slogans as they marched forward. In the Town Hall area the tear gas shells started falling, quickly followed by a baton charge. General by-standers at the Town Hall bus stops suffered from the gas too. A Kelaniya University student was rushed to the Accident Service with a head injury. Four women activists were taken into custody. Meanwhile the marchers proceeded through and around the Park to new Town Hall, thronged the entrances and yelled slogans at the Police lined-up opposite them.

The two most militant contingents of the demonstration were the Progressive Women's Front (PWF) lead by Padmini Palliyaguru and a three hundred odd strong bloc of women university students who displayed the banner of the Inter University Students Federation. Though women students had

taken part in Left politics and even the 1971 insurrection, they have never been participants of the **Women's** Movement as such. In fact this was the first time they were present as a group at a March 8th women's mobilization. Having participated in student struggles in recent weeks, not only did they augment the March 8th action quantitatively but they also brought an extra zest to the events of that day. Indeed the best speech at the in-door rally was by a Colombo University fresher, one of the two women students who spoke on the occasion. Interestingly enough the more enlightened student leaders had to argue against some of the sceptical elements in the Inter-University Students Federation to secure the participation of women students in the March 8th event.

ANOTHER VIOLENT WOMEN'S DAY

Sunila Abeysekera

In recent years, it has become a feature of Sri Lanka's multifaceted, sometimes incomprehensible if not irrational political life, that on March 8, celebrated all over the world as International Women's Day, a special brand of violence is used against women. On the one hand, there

are state-sponsored women's day meetings where the rulers pontificate on the virtues of motherhood, the importance of preserving one's femininity while 'participating in development' and other similar sentiments, while on the other hand policemen and women are given orders to baton charge, tear gas, assault and arrest other women from non-governmental organisations who are likewise celebrating Women's Day!

Of fundamental importance is the linkage between the National Question and the Women's Question that was made on March 8th. The main thematic slogan of the mobilization was "For Just and Fair Peace without Repression". And the grievances voiced by the Mother's Front of Jaffna were taken up by the Sinhala women. This was also reflected in the literature that was in circulation. The popular education committee of the Women for Peace distributed an excellent leaflet containing the testimony of two mothers one from the North and the other from the South who shared the common sorrow of having lost their sons in this war. The CMU women's section circulated a hard-hitting statement while the women's Centre Ja-EI also distributed its literature. The important Women's Day policy statement issued by the converse of the meeting the Women's Day Committee was a theoretically sound document which deserves the widest possible dissemination in all three languages. It focussed on rape and repression. Slogans called for the "blending of the voices of the mothers of North and South." The statement demanded that the government desist from establishing new colonies in North and East.

Two years ago on March 8, a peaceful group of women, after handing over a petition to the US embassy, demanding that the Indian Ocean be made a zone of peace, were assaulted and detained at the police station; during the course of this incident, Mrs. Vivienne Goonewardena, former MP, was kicked and abused. The resulting court case, which Mrs. Goonewardena won, led to the 'famous' demonstration by thugs outside the houses of the Supreme Court judges who made the ruling. At the same time, a meeting organised by the Women's Action Committee to celebrate Women's Day found itself barricaded inside the New Town Hall by the police.

Subsequently, the country went through the pogrom of July 1983. Violence against Tamil women in all parts of the country was a key feature of this and we have witnessed an increase in the general levels of violence in our society since then.

In 1984, once again members of the Women's Action Committee were forcibly dispersed by the police on March 8, near the Vihara Maha Devi park in the heart of Colombo. As a recent editorial in the women's journal VOICE OF WOMEN has pointed out:

"Women are subjected to many forms of violence—from harass-

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ment in the street and the workplace to domestic violence, rape and incest. Many cases of women victims of such violence have been highlighted recently in the national press; this has given rise to an impression that such violence is on the increase, though it is equally likely that such violence has always existed though not reported in the media.

"This is a question however, that up to now has been shrouded in darkness and it is only recently that there has been open discussion of the violence to which women are often subject in our society; many have deluded themselves that violence and crimes against women occurred only rarely in our society even though they might be common in other countries.

"Violence against women is, of course, also connected with the increasing levels of violence in our society. The fact is that in spite of the officially proclaimed philosophies of non-violence, we are actually living in a very violent society. The ethnic riots of July 1983 and the continuing violence which is taking a deadly toll of young Tamils and Sinhalese are manifestations of this situation.

"Women are subject to violence in many forms in this generalised climate — as victims of ethnic violence, as strikers and pickets, as dissidents espousing causes not popular with ruling powers, even as peaceful demonstrators.

"We are deeply concerned with the fact that law enforcing agencies have not been very effective in combating such crimes against women, particularly rape. Two recent cases — the acquittal

of a member of parliament accused of rape, as well as the acquittal of the chief suspect in the Denegama rape and murder case — reveal the need for agitation by women's groups on this subject. We need to take up and follow court cases, make our interest felt and publicise such cases. We also need to step up agitation to change the laws concerning such crimes."

Last week, on March 8th 1985, the violence continued.

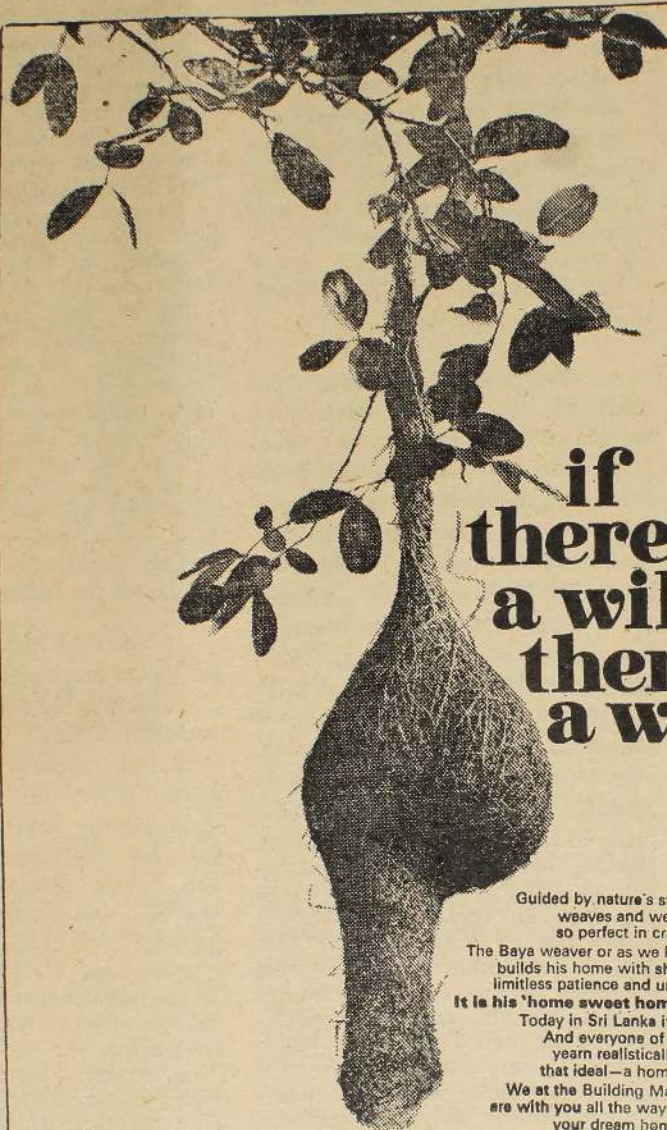
A Women's Day Committee made up of several independent women's organisation — the Women's Centre, Ja Ela, the Progressive Women's Front, the Negombo Women's Committee, the Women's Section of the Community Education Centre, Malabe, Women and the Media Group, the Women's Commission of the National Christian Council, the Voice of Women and the Women's Organisation of the CMU — had planned to celebrate International Women's Day by holding a public meeting at the New Town Hall on Friday the 8th March. Since many women belonging to these organisations were expected to travel from various outstations to Colombo on this day, it was decided to gather them together at the De Mel Park in Slave Island and walk in a procession to the New Town Hall. Police permission was sought for the procession as well as for the meeting and monies duly paid for both the park and the hall. On the 7th March, in the evening, the Committee received a letter from the Police Commissioner informing them that permission could not be granted for a procession. By then, however, it was far too late to pass on changes in plan to the members.

Accordingly on March 8, the women proceeded to De Mel Park at 2 p. m. On arriving there, they found the Police already in possession of the park. After a dis-

cussion with the Police officers, during which we explained that many of the women who would be coming there would be persons not at all familiar with the city and therefore we had a special responsibility to ensure their safe passage to the hall, it was agreed that small groups of women would be allowed to walk along Union Place to the New Town Hall. Accordingly, groups of women were sent off from the Park. Despite their original agreement, the members, of the Committee who were charged with the responsibility of sending off the groups of women from the Park were constantly harassed and even threatened with a cane, as if they were mere school children. (More about the cane later!) By 3 p. m., in spite of the fact that several groups of women we were expecting had not turned up by then, the members of the Women's Action Committee were compelled to leave the park.

At about 3.30 p. m. a jeep load of police personnel, men and women, converged on, tear gassed and attacked a small group of women who had reached the Town Hall area. There was no warning to disperse and scant respect shown for the other persons who happened to be waiting for buses in the bus stands along that stretch of road. One woman suffered a deep wound on her head and had to be admitted to the Accident Ward of the General Hospital. Four other women were arrested. Their crime: using their democratic right of expression to put forward slogans such as BRING DOWN THE COST OF LIVING, MOTHERS OF THE SOUTH JOIN HANDS WITH THE MOTHERS OF THE NORTH ABOLISH THE LAW LEGALISING NIGHT WORK FOR WOMEN, HALT THE SACRIFICE OF OUR HUSBANDS, FATHERS AND BROTHERS UNDER THE COVER OF THE NATIONAL QUESTION, TEAR UP THE NEW UNIVERSITIES BILL, ABOLISH THE DOWRY SYSTEM and ENACT THE PROPOSED LEGISLATION GRANTING THREE MONTHS MATERNITY LEAVE.

(Continued on page 9)



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The communal problem in Sri Lanka

A CANADIAN VIEW

J. R. Roberts

(The author, a Scholar from Ontario spent two years in Sri Lanka 1982-1983.)

Much has been said and written, particularly over the past year, about the communal problem in Sri Lanka. While some may despair, in fact, this is a healthy sign of a living democracy and gives hope to the belief that any social problem can be solved eventually by non-violent means. This article can be considered to be another personal contribution to the ongoing dialogue but also will hopefully examine the problem from a different perspective and introduce, thereby, some originality to the debate. I kindly ask the reader, as always, to reserve his or her judgement as to the merits of my arguments until the conclusion of the article.

This article will take the following form: firstly, the most serious problem facing Sri Lanka will be identified. Secondly, a survey of the main suggested causes of this problem as well as a consideration of the validity of the arguments behind these causes will be given. Lastly, once the real problem and its likely causes have been described, a variety of possible solution will be discussed.

In the modern world, the government of a democratic state has many responsibilities which I will arbitrarily define and group into three areas: guarding of its sovereignty to protect and to further the collective interest of the members of the society it represents, the ensurance of security to the members of the society to exercise the individual freedoms they may possess and finally the creation of a social climate conducive to economic development or the increase of the standard of living of the society as a whole. A democratically constituted government has a moral obligation to take seriously any movement which might prevent the fulfilment of these responsibilities.

In Sri Lanka, neither the TULF nor the Tamil Tigers, neither India nor the Soviet Union nor the United States has prevented the government from performing its duties as much as the Sinhalese mob violence most recently displayed in July 1983. This type of violence, in and of itself, questioned directly the sovereignty of the Sri Lankan government; it reduced or eliminated any sense of security held by Sri Lanka's minority groups; it destroyed economic capital and frightened both foreign and domestic investors.

Let it be clear therefore that the problem is that Sinhalese people wreaked havoc in the streets in July 1983 and that they may do it again. The prevention of the recurrence of such violence should be the government's principal priority.

If this indeed was (and still is) the major threat and problem, what then were the causes of this violence?

Poor against rich: In this argument, economic disparities, perhaps exacerbated by the liberalizing policies of the UNP government, led to frustration amongst the poorer classes and this frustration engendered the mob violence.

Communist conspiracies: This argument suggests that certain left wing parties, dissatisfied with the Presidential Election results, sought to destabilize the government or at least hinder the success of the government's economic policies through communal division and systematic destruction of capital assets.

Tamil terrorists: The facts themselves point to the terrorists killing of thirteen Sinhalese soldiers as the primary motivating force behind the mob violence. The argument supporting this as the cause is generally extended to the various terrorist acts committed in the previous six or seven years

Sinhalese mobs were reacting in general to Tamils terrorists and specifically to the murder of thirteen soldiers.

Tamil claims for independence: This argument reposes simply on the idea that the Sinhalese people were tired of hearing of talk of a separate state in the north and wished to make it clear to the Tamil minority that no such division would ever be permitted. In this sense, the violence was a 'message' to the TULF and its sympathizers that their activities could not continue.

Perceived Tamil economic superiority: The argument perceiving this as the cause of the violence implies that the Sinhalese, orchestrated by certain conspiratorial agents, sought to reduce the supposed unfair share that the Tamils possess of the country's economic activity. Both by destruction and by threats, the Tamils would be forced to give way to the Sinhalese in the operations of the economy.

How legitimate are these suggested causes in explaining the motivations for July's violence?

The theory of poor against rich, while justifiable, hardly seems capable of explaining the particularly racial nature of the violence. As well, Sri Lanka is noteworthy in the world for its various social policies which ensure for almost all citizens a certain minimum subsistence. In any event, the government can at best be more sensitive to the distributional effects of its development efforts and consider the economic frustration due to its policies.

Suggestions of a communist conspiracy have not been firmly supported with specific evidence. If such a theory is legitimate, the government should increase

its intelligence activities and watch carefully for any clandestine activities. A competent government does this as a matter of course.

There are certain attractions to the argument which explains the Sinhalese mob violence as a reaction to Tamil terrorist attacks. Firstly, the July riots were directly triggered by the murder of thirteen Sinhalese soldiers. These murder were the **coup de grace** in a long series of terrorist attacks against army and police installations in the north; attacks which were well publicized in the Sinhalese press. (Let it be known as well that rarely, if ever, were civilian Sinhalese implicated in these attacks.) Secondly, the Sri Lankan Armed Forces' seemingly low desire to quell the July disturbances, at least in their early stages, implies that they were seeking revenge for attacks against their own members.

In its more sophisticated version, this cause includes the peaceful movement for a separate Tamil state led by the TULF. Again, the widespread publicity given to the activities of Mr. Amirthalingam et al both in Sri Lanka and abroad enraged parts of the Sinhalese population and forced them to strike out violently.

This would appear to be the most popular explanatory theory and is the justification for the government's present efforts to seek a peaceful resolution of the differences between Tamil Eelamist and the Sinhalese desiring a united island.

However, three reasons suggest that this theoretical cause of the violence is not entirely founded. Firstly, terrorist violence and movements for independence in other parts of the world have never led to similar violent reactions on the part of the general population of the majority community. The assassination of Lord Mountbatten by IRS terrorists did not create riots against Catholics in England. Spaniards have never reacted generally to Basque separatist violence. English Canadians did not strike against French Canadians because of FLQ terrorist attacks. Secondly, the TULF and the Tamil Tigers are relatively

new phenomenae on the Sri Lankan political scene. The riots of 1977, of 1958 or, more historically, those of 1915, 1848 and 1817, can hardly be explained by Tamil separatists, violent or otherwise. Yet the communal violence of 1983 was essentially similar to previous outbreaks of such violence. Thirdly, the victims of July's violence were in large measure the Tamils of the south, both of Indian and Jaffna origin, who self-admittedly, for the most part, are opposed to the notion of a separate state in the north. (A state which would do little to promote the interests of southern Tamil and more likely render their position even more untenable.) What logic can justifiably explain the burning of the bungalow of a Colombo Tamil of Indian origin as a means to revenge murders committed by Tamil terrorists of Jaffna origin?

Viewing July's disturbances as a Sinhalese reaction to perceived Tamil economic domination has the advantage of explaining why most destruction occurred in the south and this argument also explains partly previous outbreaks of communal violence. However, considering only an economic motivation tends to ignore the very real political and racial overtones to the mob violence and lacks explaining the timing of the violence. Further, it seems difficult to imagine how many of the rioters and looters, basically poor Sinhalese, could somehow alter their position vis-a-vis wealthy Tamils by burning and looting small homes and boutiques. Lastly, in many countries, certain groups are considered to possess a disproportionate share of certain economic activities without this leading directly to general violent reactions.

A certain measure of truth can perhaps be found in each of these suggested reasons for explaining for Sinhalese mob violence. However, a common underlying thread is not only required if a workable solution to prevent further violence is to be found but also a common thread is plainly evident in Sri Lanka's social make-up.

Like it or not, Sri Lanka's society is composed of distinct cultural groups which remain demarcated by the traditional customs of the people. The major-

ity Sinhalese define themselves, and rightly so, by their religion, their particular customs and their own long history. **They are extremely sensitive to the fact that the only place in the world where they can be comfortably Sinhalese is Sri Lanka.** Further, for a variety of reasons, the Sinhalese feel that their existence as a people is not permanently and securely established. This sense of impermanence and insecurity manifests itself in a popular perception of threats to their national survival. While perceived threats may come from a variety of quarters, the most serious perceived threat comes from the Tamil minority probably because it is the largest minority in Sri Lanka, because it is the least likely to defend itself owing to the submissive conservatism within its own ranks and because of its religious and linguistic connexions to southern India.

The creation of a separate sovereign state in the north, as pruned by the Tamil Tigers, is perceived as a direct threat to the survival of the Sinhalese nation. Many see in such a sovereign state the thin edge of a wedge of eventual Indian domination of all Sri Lanka. Even a confederation of states in a federal system as suggested, more or less, by the predecessors and current moderates of the TULF is perceived as a threat for similar reason. Making the Tamil language an official language on a par with Sinhalese as many fair-minded Tamils would like is also seen as a threat to the survival of the majority language and a dangerous recognition at the constitutional level of an alien presence. Economically, many Sinhalese perceive that the Tamils have a disproportionate share of remunerative jobs and capital assets and, perhaps more importantly, they perceive that this disproportionate share is contrary to the interests of the Sinhalese people. Lastly, many Sinhalese feel that the simple presence of Tamil people in Sri Lanka is a menace to the future survival of the Sinhalese nation. (What better indication of this perception than the continuing statelessness of the Tamil plantation workers who nevertheless contribute enormously to the stability of the Sri Lankan

(Continued on page 7)

'Peace constituency' the only silver lining

Urmila Phadnis

While the moral and more so, material help of Tamils expatriates in various countries of Europe (e.g. U.K., Canada, West Germany etc.) and the USA has helped facilitate the 'internationalisation' of the Tamil issue as well as succour to the Eelamists, it is their presence in India which has caused a serious anxiety and concern in Colombo. With the geographical proximity to Tamilnadu and long drawn socio-cultural affinities between the Tamils on both the sides of the Palk Straits, the 'India' factor has loomed large in the ethnic politics of Sri Lanka. This has been more so because of the complicated issue of the political status of the Indian Tamils. The modus vivandi for which was found in the Indo-Ceylonese Pacts of 1964 and 1974.

The communal...

(Continued from page 6)

economy?) These perceptions are far from being the result of a critical appraisal of the genuine threats to the Sinhalese nation. In fact, objectively and realistically, many of these fears are unfounded. The Sinhalese people have maintained their own religion and custom for well over 2000 years despite regimes which were far greater a menace and far more oppressive. Instead of being based on objective reality, it is my opinion that these subjective perceptions stem from what may be called the collective inferiority complex of the Sinhalese people. Without unnecessarily complicating this viewpoint, it is worth pointing out that many Sinhalese feel theirs is a cultural group small and poor surrounded by a large, complicated and more advanced world. It should also be pointed out that few peoples in the world have been colonized as long by European powers as the Sinhalese.

While this inferiority complex manifests itself in many ways unrelated directly to the communal issue, within the strict framework of this article, what must be fully understood is that the Sinhalese people perceive that the survival of their race and its customs is endangered. The perception is the essential underlying cause of the communal violence and no lasting civil peace can be obtained without taking this notion explicitly into account.

(To be continued)

Under these agreements it was agreed by both the governments that out of an estimated total of about 9,75,000 persons in 1964 (along with the natural increase) 6 lakhs would be granted citizenship by India and the rest by Sri Lanka. The procedure of the grant of citizenship need to be synchronised at a given time i.e. for every seven persons granted Indian citizenship Sri Lanka would give citizenship to four. However, this numerical formula ran into some difficulties when it was found that the total applicants to Indian citizenship were 5.1 lakhs only despite the fact that India had continued to accept applications till the end of the stipulated expiry date of the agreement i.e. October 1981 while the final date of the acceptance of applications (as agreed upon by both the governments) was 1970. It was also realised that after the applications were received, the total number of 'stateless' was approximately 11 lakhs (without including the natural increase) and not 9.75 lakhs as was stipulated earlier.

By the end of 1982 India had granted citizenship to 4 lakhs and following the 7:4 ration, Sri Lanka had accorded citizenship to 1.7 lakhs.

Out of these four lakhs about three fourths had been repatriated but the rest had remained behind for a number of reasons. Besides, both the countries had still to clear the pending application (about half of the total) with the rejection ratio on the part of Sri Lanka being high (Appendix 4). As the rejected ones had not opted for India they had once again fallen into the category of 'stateless'. This number was estimated to be about a lakh.

The presence of the actual and potential citizens of India (about 2 lakhs) in Sri Lanka some of whom were adversely affected in July 1983 had thus created a situation in which, notwithstanding the ethnic issue being the internal affair of Sri Lanka India stated Mrs. Gandhi as early as July 29, 1983, "could not remain silent".

Envisaging the Indian Tamil issue as the one imparting a great clout to India's capacity to 'intervene', an influential section of the Buddhist clergy maintained that to obviate such a clout, all the 'stateless' should be granted Sri Lankan citizenship. Such a statement strengthened the hands of President Jayewardene who had earlier indicated that 'statelessness' would be ended by his government. Nonetheless it also reflected the irritant Sinhalese mood vis-a-vis this 'special' concern of India.

Furthermore, much of the chagrin of Colombo, the activities of the various political parties and groups in Tamilnadu ranging from Bandhs, attempted self-immolation, abortive attempts to cross the Palk Straits, submission of a petition to the UN with more than a million signatures, participation in various international forums on the Eelam Question and

the demand of some of them that India should find a 'military' solution of the Tamil problem has led Colombo to believe that underlining the humanitarian concern of Tamilnadu is also the domestic imperative of various regional parties to cash as much as possible on the political card of the Tamil issue. And in wake of the forthcoming elections, the political exigencies of a state may have their spill-over effects in the considerations of Delhi. "India" stated Premadasa may be having a "political problem because you cannot offend Tamilnadu or South Indians but what can we do about that? We must not be made victims of that situation". The Sri Lankan Press has time and again raised this question even more pointedly.

Added to this has been the hopes and expectations of the Tamils in Sri Lanka vis-a-vis India's role in the Tamil Question. And though during my interviews a range of perceptions were discerned amongst them, virtually all of them accorded India a critical role in settling the issue.

To begin with, the TULF, the middle class, the petty and big industrialists, most of whom are in fact, for a negotiated settlement, feel that India's persuasion and mediation can facilitate greater concessions from Colombo.

On the other hand, a number of militants and some moderates too believe that positive help from India either towards an organised military solution or in the other forms of support for their activities towards achieving Eelam will not only help them but can also serve India's national interest in containing an 'increasing' and 'extensive' American penetration in its security perimeter in the neighbourhood. Further, while some groups envisage India's support for an independent Tamil Eelam, there are others who do not rule out a political nexus of Eelam and Tamilnadu.

The Tamil point of view thus envisages a number of options for India ranging from (a) military intervention to that of (b) political pressure (national as well as international) to; (c) mediation.

Virtually all the Sinhalese view with irritation and particularly with concern (a) and (b) and will like option (c) to be effective only when sought for.

Thus, looking back, it seems that as in 1971 when Mrs. Bandaranaike sought assistance in order to quell the insurgency of the Sinhalese youth dominated JVP, President Jayewardene also welcomed the mediating efforts of Delhi. In both the cases, India's assistance had been sought when the political system of the country had been threatened.

In the context of the proceedings of the APC which the Minister of National Security Lalith Athulathmudali acknowledged that it had been to a considerable extent on the Indian initiative, President Jayewardene's assertion in an interview in April 1984 to India Today that Mrs. Gandhi should stop talking to Mr. Amirthalingam stood in sharp contrast.

Apparently, what has brought this shift in Mr. Jayewardene's approach is partly a sense of disenchantment vis-a-vis Delhi's attitude on the issue of the Eelamist particularly its militant segment and partly a degree of self-confidence that he is in a position to contain both the terrorist activities in Jaffna and its repercussion on the Sinhalese option in the rest of the country. Coupled with this in his government's vastly improved and considerably expanded naval capabilities, to cut the terrorist traffic across the Palk Straits. He appears to have succeeded in doing so with the assistance — the military where — withal and training — from some of the Western countries to which has been added help from Israel, to develop intelligence services.

The Press conference of the President in Delhi on July 2, 1984 underlined a continuity in his approach towards India. It is not without significance in this respect that despite the three-day long parleys, no joint communique was issued. Instead, a written statement by the President preceded his press conference in which he maintained that he appraised Mrs. Gandhi of "the continuing resort to terrorism, often organised with

assistance from outside Sri Lanka, had an adverse impact on political sensitivities in Sri Lanka" jeopardising not only prospects of a successful political solution but also the security and stability of the country. He particularly drew Mrs. Gandhi's attention "to hostile propaganda emanating from Indian territory, which was supportive of terrorism in Sri Lanka and alienating public opinion in my country". Moreover, the president emphasized the 'negative consequences' of the TULF absenting itself from the committee meetings of the APC while "at the same time making provocative and unhelpful statements on a national issue from outside Sri Lanka (on indirect reference to Tamilnadu). Finally, explained Sri Lankan fears of an Indian invasion because of the statements calling for military intervention not only in Tamilnadu but also in the Lok Sabha.

Significantly, when asked about the resumption of the shuttle diplomacy of Mrs. Gandhi's special envoy C. Parthasarthy, Mr. Jayewardene recounted the circumstances in which Mrs. Gandhi's offer was made last July but he left the main question unanswered and it was the later briefing of the Indian spokesman in which it was disclosed that the shuttle diplomacy of GP was not on the anvil in the near future.

The civic society of Sri Lanka seems to be riveted by the simultaneous and cumulative crises of consensus, credibility and national identity. Related to these crises are issue of evolving structural mechanisms for devolution of authority and ensuring a sense of security amongst the minority community.

While in India, a federal framework seems to be a natural answer, it is not so in Sri Lanka where I discerned strong reservations — almost bordering to a **mental road bloc** — amongst a number of Sinhalese pertaining to words like federalism and regional councils.

Thus, in a discussion series organised by the Centre of Society and Religion, the running of a number of speakers was for 'education'. How to bridge the communication gap between north and south was another issue raised again and again.

While barely anybody questions the need for devolution of authority, it is the structure and content of decentralisation which seems to be in dispute; while the government does not seem to go beyond the district as the core unit the TULF's insistence is on the regional council.

Why could not both the sides veer from their respective position, settle for the province as the core unit and leave the elected body of the provincial machinery to have coordinating structures at the inter-provincial level? I asked this question from several people on both the sides. There did not seem to be a total rejection of my suggestion but neither seemed to be very hopeful in taking their respective constituency with them on such an accommodative stance, at least at this stage. Unless and until such ideas are explored and discussed between the leadership of the two communities, an impasse is likely to continue. It is in such a context that India's influence can be thrown in favour of persuading the Tamils not to fight their battle—verbal or otherwise from India—but Sri Lanka and that too in a more accommodative and cooperative mood. This is not an easy task but if India is sincerely committed to the unity and integrity of Sri Lanka as it must then it will need to find ways and means to help facilitate building bridges amongst the two communities. At this juncture however, Delhi's mediating capabilities seem to be minimal because of the hardened attitude of Colombo due to its perception of the 'hide and hit' game from Madras and New Delhi's inability or unwillingness or both to do anything concrete in this respect.

It seems true that a state of protracted warfare may be—devil Sri Lanka in the years to come and the ethnic turmoil may continue to simmer. The only silver lining in such a dark horizon, however, is the building up of a 'peace constituency' which at the moment is small and nascent.

The initiative for this came from the Sarvodaya movement led by Dr. A. T. Ariyaratne which thought predominantly Sinhalese, has also Tamil links. However, despite these links, Ariyaratne seems to be a suspect

in the Tamil eyes so far as his peace moves are concerned.

Recently the United Religious Organisation comprising prelate of the Buddhist Sangha, the heads of Christian clergy, and leaders of Hindu and Muslim organisations has also come into being to find ways and means to ensure communal harmony and peace. Efforts are being made to set up a National Council of Citizen Committees which already exist of the district level in many areas. Plans are also afoot to observe the last week of July as a week of National Harmony all over the country.

Besides organisation like the Citizen's Committee for Communal Harmony based at the Marga Institute, the Centre for Society and Religion and Committee for Rational Development have been making positive efforts by bringing and intelligentsia of various communities on the same platform, holding seminars and conducting studies in depth on the manifold dimensions of ethnicity on their quest for a durable peace.

How effectively this **nascent peace movement** will make itself felt will depend upon the public support it is able to mobilize to compel the government and opposition in Sri Lanka to take a saner view of the situation. It would certainly help if there is a corres-

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Another violent . . .

(Continued from page 3)

At 4.30 p. m. the women's organisation of the opposition political parties—the Lanka Kantha Paramuna, Kantha Shakthi, the LSSP Kantha Sammelanaya, and the women's wings of the SLMP and the MEP—started a peaceful picket at the Lipton Circus. Their slogans were on the exploitation of women in the plantations and in the FTZs, against racism and for national harmony, protesting against rape and violence against women, calling for a ban on night work and for protection for women workers in the Middle East. The women involved in this picket campaign included many veterans of the

women's movement in our country such as Doreen Wickremasinghe and Vivienne Goonewardene. They too were set upon with no warning whatsoever, tear gassed and baton charged.

The meeting organised by the Women's Day Committee at the New Town Hall under the theme **WOMEN UNITE FOR JUST AND FAIR PEACE WITHOUT REPRESENTATION!** was subject to constant police surveillance, as was the meeting organised by the party women's groups on Saturday the 9th at Narahenpita.

It seems incredible that on International Women's Day, which has been celebrated all over the world since 1910, the women of Sri Lanka received only foul language, canings, tear gas, threats baton charges and arrest. As a statement issued by the Women's Day Committee says: 'We are surprised and angered at having to be subject to such harassment on a day set aside specially for women, in what is supposedly a democratic country....Not only as women, but as citizens of this country, we strongly condemn the snatching away of our democratic right to the freedom of expression, as well as the violation of our most basic right to walk on the streets of our country without fear of assault and obstruction.'

Perhaps this experience will help us to gauge and assess the true level of violence in our society today. Not content with using verbal assault and crudities against what they consider to be the 'weaker sex', the police resorted to using canes (do we sense a streak of perverse sadism there?) batons and tear gas against defenceless and peaceful women who put forward slogans regarding the general crisis in our society and voiced their protest against social injustice.

At a time when avenues of protest and opposition are being closed off one by one and when the most vociferous of opposition forces hardly seem to be heard, we should salute the courage of these women.

Blaming the weather never helps Planting a tree certainly would . . . !!

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Austerity on the agenda of the Third World

Cheryl Payer

Even before commercial banks began to involve themselves with sovereign lending to Third World borrowers or OPEC carried out the revolution in the price of oil, many of those countries had experienced one or more debt crisis. These crises in the period 1956-1972 resulted from the accumulation of debts on official aid from individual governments and international organizations, and suppliers' credits. The political crisis which occurred in many Third World countries during this period, including the epidemic of military coups in countries such as Brazil, Argentina, and Indonesia, were closely connected to their debt crises, but the public in the North American and European nations took little notice of this connection, because it did not seem to concern them.

A government which has to cope with a foreign exchange or debt crisis must choose between two basic options for dealing with that crisis. One involves the relative turning inward of that economy, in recognition that the budget no longer permits it to keep importing goods at the rate which had previously been supported by capital imports. This will require the imposition of import and exchange controls.

Further, because the government in a debt crisis is by definition unable to meet payments on the debts contracted in the past (or unwilling to divert precious foreign exchange earnings from the payment of imports to debt service), it will most likely be barred from access to new investment or credits. This, of course will require significant realignment of production and consumption patterns, as the country's economy has become adjusted to a higher level of imports than it can now afford.

Germany and Japan are the prime examples of industrial countries which have become structurally dependent on a surplus on trade account (deficits on service account help to counteract their trade surpluses, putting their overall accounts into a rough long term equilibrium) and a turnaround in the trade account would be politically very difficult as their manufacturers would thereby lose markets. The second category of chronic surplus countries is that of the sparsely populated oil-exporting countries of the Middle East.

The chronic deficit countries similarly fall into two categories. The first group comprises the special case of "reserve currency countries", strong economic powers who are enabled to run chronic deficits because their currencies are held as reserve assets by many other nations. The United Kingdom enjoyed this role until recently, and the United States has been the world's largest debtor country in this respect in the post-war world.

The nearly ubiquitous use of the dollar to finance international trade is also at the same time a means of financing the deficits of the country issuing the currency; foreign exchange reserves are in essence a loan from the countries holding them to the country of issue. This dual role of reserve currencies (domestic and international) is a source of many problems in the world economy, in particular the high interest rates on dollar-denominated floating rate loans.

The second major group of deficit countries is, of course, the large number of Third World nations (including several oil exporting countries) which have large debt burdens. The debt burdens are simply the crystallized accumulation of many years of chronic current account deficits. The current account deficits

are, in turn, the sum of chronic trade deficits and the service payments on past capital movements which financed these deficits (profit remittances on equity investments and interest and amortization payments on debt).

The other path, and the one most commonly chosen in the debt crises of the 1960s, is the adoption of a program for maintaining the openness of the economy, or opening it up further, as a condition for qualifying for an IMF standby program. Such a program will maintain the country's credit rating and permit it to qualify not only for IMF credits, which are usually modest in terms of the country's desire for foreign exchange, but also for credit from other bilateral aid programs and international organizations, as well as private creditors. It will also require the country to adhere to standards set by the richer countries (though not always adhered to by themselves) for maintaining an open economy, with fewer restrictions on imports and cross-border exchange transactions.

Both options, it must be noted, require adjustments to the scarcity of foreign exchange and thus structural changes in the nation's patterns of production and distribution. The first option, that of relative closure of the economy to international "market" forces, is the shortest path to the adjustment **which is absolutely necessary for long-term adaptation to a risky and or hostile international environment.**

The major disadvantage is that that option requires a heavier use of administrative controls. This is a serious problem for countries with little managerial expertise and little tradition of ethical conduct in public service. But this drawback must not blind us to the overriding advantages of this approach.

The second option, that of increasing openness to international market forces, is attractive for the very reason that makes it a dangerous non-solution for the long run. That is, although the stabilization programs designed by the IMF are commonly described as "painful" and politically risky, for the classes who are usually making the decision they are *less* painful and risky than the alternative. IMF stabilization programs have a built-in class bias which unloads the chief burdens of austerity onto the working classes. On the other hand, by permitting relief from immediate debt burdens and clearing the way for new inflows of credits, it requires *less* adjustment from the governing and capitalist classes. The type of adjustment required by the second option continues and deepens the economy's dependence on imported goods and services, and on continued flows of outside credit financing of those imports.

The consequences of the second, or IMF, solution were clear even in the 1960s for those who studied the balance of payments. It was easily predictable that increasing the import dependence, credit flows, and thus the debt burden of the affected countries would only lead to further and larger crises in the future. Even though the IMF "solution" included policy measures (such as devaluation) which were supposed to boost the country's exports, the actual benefit to the balance of payments of these "adjustment" measures was at best hypothetical. Not only was the desired increase in exports dependent on a welcome for those exports in a fiercely competitive international economy but the import bills of even the most successful exporters increased faster than export earnings.

An even more critical question loomed for the governments which funded the IMF "medicine" depended on the Third World. There were political limits to how much "foreign aid" taxpayers in the wealthy countries would tolerate in official budgets, and the wealthiest nation, the United States, has recently been the least willing to fork over money proportionate to its wealth.

A critical fact about international lending is that there are no supranational legal mechanisms available for collecting from an errant debtor. As is also true of the vast majority of domestic credit relationships, the best guarantee for servicing a debt is the prospect of a continuing mutually beneficial relationship between debtor and creditor.

In the case of Third World borrowers, however, the relationship was not with one or a few sources of credit which normally rolled over or re-extended credit in a seasonal or cyclical pattern, in exchange for regular servicing of debt. There were of course, many relationships of exactly this type, but they were not the ones which caused trouble.

Rather, this very legitimate type of credit fell victim to the cancerous growth of "pyramid scheme" credit. In a pyramid scheme (it can also be called a Ponzi scheme or a chain letter), the first investors (or leaders) are repaid with the funds paid in by a second wave of investors/creditors, rather than from economic growth financed by investment. The returns to the first, and some of the subsequent waves can be quite substantial — far above the returns from normal productive credit — but the last wave of investors are sure to lose their stake as the pool of suckers willing to invest new money is exhausted.

Credit to the Third World countries we are discussing can be called a pyramid scheme because the borrowing countries had been taught to believe that the more they borrowed, the more they were "developing", and that the world did not expect them to limit their imports or their borrowing to fit their actual productive power and ability to repay. Indeed, the world rewarded them for not limiting their imports, and punished them — at best by denying further credit, at worst by supporting the overthrow of governments which attempted to balance their accounts with exchange controls and import restrictions. But the system depended on finding new suckers!

Ironically, it was the commercial banks who formed the last wave of suckers in this confidence game.

They were encouraged to enter the field of international lending by donor governments who had almost exhausted the possibility of extracting taxpayers' money out of their legislatures on the ever-expanding scale which was necessary if the system was to be kept going.

The bankers, however, entered the game trusting that their home governments would guarantee their stake. While praising the superior ability of the private money markets to allocate capital to its most "efficient" use, they were relying so heavily on the "sovereign" guarantee of the borrowers' governments and the industrial country governments standing behind them. They thus felt themselves freed of the necessity to examine whether indeed the money would or could be invested productively in such a way as to guarantee its own interest and amortization payments.

The bankers quickly drove this game to such dizzying extremes that it is doubtful it can be continued any longer. I believe that we are at a truly epochal turning point, the final breakdown of the entire postwar pyramid scheme. This has profound implications for national leaders at this point in history, and for all citizens who are in a position to influence national choices, to oppose or to support them. The years ahead will be very difficult, and there is no sign as yet that our leaders understand its significance.

If anyone understands, it is some of the citizens and a few of the leaders in the Latin American countries and the Philippines, those countries which have already experienced their debt crises. They understand that it is not economically possible to pay back the hundreds of billions of dollars that their leaders (or past leaders) borrowed. They understand that it is not socially possible to continue paying interest on that debt into the foreseeable future at the sacrifice of living standards and investments. And they understand that if the people have any voice in government at all, it will not

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Human Rights and the Prevention of Terrorism Act

Nihal Jayawickrama

IT IS often argued that while a Government may be able to respect human rights at times of comparative peace and harmony, it would be wholly unrealistic to expect it to do so when it is faced with serious problems affecting security and public order. On that basis, justification is sought for legislative measures such as the Prevention of Terrorism Act which not only violates many human rights obligations undertaken by the Government, but is also unprecedented in countries which respect the Rule of Law; its only parallel being the infamous Terrorism Act of 1967 of the Republic of South Africa. But international human rights law is sufficiently dynamic to be able to absorb the pressures generated by national emergencies. This paper seeks to examine how, above the sound of jackboots and of gunfire, human rights may yet be preserved, and why that cannot be done through the Prevention of Terrorism Act.

International Human Rights Law

When one refers to human rights today, that reference is not to a set of moral values which have survived for centuries in the thoughts expressed by the great religious teachers, or to any principles of natural law which a succession of philosophers have enunciated down the ages. Nor is it a reference to the ideals that inspired the common people of France to rise against a tyrannical ruler or to those in search of which the Pilgrim Fathers set out to cross the Atlantic and found a new nation. The term "human rights" today means a statement of clearly defined legal principles which form part of international law. These principles are contained in a series of international treaties, the most notable of which are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural

Rights. These two Covenants came into force in 1976, and were ratified by the Government of Sri Lanka in 1981. By so doing, the Government bound itself to ensure to all persons living in Sri Lanka, without distinction, rights recognised therein. Where not already provided for by existing legislative or other measures, the Government undertook to take the necessary steps, in accordance with constitutional processes, to give effect to the civil and political rights; and to achieve progressively, by the adoption of legislation and through international assistance and co-operation, the economic, social and cultural rights.

Restriction on exercise of rights

In a civilised community, where large numbers of people have to co-exist with one another, the exercise of some of the individual rights may require to be circumscribed in order to protect the rights of other individuals or those of the community as a whole. For instance, while the right to life remains absolute and non-derogable under any circumstances, the right to freedom of expression may be subject to restrictions imposed by law in order to protect the rights and reputations of others, or for the protection of national security, public health or morals. The right continues to exist, but its exercise and operation is restricted by law.

Derogation in times of emergency

International human rights law also recognises that a government may be compelled, in the national interest, to take extraordinary measures to deal effectively with a grave or critical situation, and that in so doing, the government may find it necessary to disregard, for the time being, the operation of the human rights law. Accordingly, the Covenant on Civil and Political Rights provides that:

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(a) in time of public emergency which threatens the life of the nation;

(b) the existence of which is officially proclaimed;

(c) a government may take measures derogating from its obligations under that Covenant to the extent strictly required by the exigencies of the situation.

That is, in order to justify derogation, there must be an emergency in fact, and it must be officially proclaimed. Thereupon, the measures taken must be strictly proportionate to the threat presented, and no more. However, even in such a state of emergency, a government may not act in derogation of certain absolute rights such as the right to life, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, the right to freedom from slavery and servitude, the right to protection from the operation of retroactive criminal laws, and the right to freedom of thought, conscience and religion.

The scope of this power of derogation which a government enjoys whenever the existence of a state of public emergency has been officially proclaimed, has been judicially examined. In *Lawless vs Ireland*, the European Court of Human Rights observed that the natural and customary meaning of the words "public emergency threatening the life of the nation" is sufficiently clear: they refer to an exceptional situation of crisis or emergency which affects the whole population and constitutes a threat to the organised life of the community of which the State is composed. In *Denmark, Norway, Sweden and Netherlands v. Greece*, the European Commission of Human Rights distinguished four separate elements in this definition, namely:

1. The public emergency must be actual and imminent.

2. Its effects must involve the whole nation.

3. The continuance of the organised life of the community must be threatened.

4. The crisis or danger must be exceptional in that the normal measures or restrictions permitted for the maintenance of public safety, health and order are plainly inadequate.

Applying these principles in **Lawless v. Ireland**, the European Court held that the existence in July 1957 in Ireland of a "public emergency threatening the life of the nation" could have been reasonably deduced from a combination of several factors, namely: the existence in its territory of a secret army (the IRA) engaged in unconstitutional activities and using violence to attain its purposes; the fact that this army was also operating outside its territory, thus seriously jeopardising the relations of the Republic of Ireland with its neighbour; and the steady and alarming increase in terrorist activities from the autumn of 1956 and throughout the first half of 1957.

International law requires that any derogation from a Government's obligation to respect human rights, following the declaration of a state of public emergency, must be limited "to the extent strictly required by the exigencies of the situation". In **Lawless v. Ireland**, the European Court held that a law which provided for detention without trial appeared to be a measure strictly required by the exigencies prevailing in Ireland at the relevant time. In so doing, the Court had regard to the fact that the application of the ordinary law had proved unable to check the growing danger which threatened the State; that the ordinary criminal courts could not succeed in restoring peace and order; and that the assembling of the necessary evidence to convict persons involved in activities of the IRA and its splinter groups was meeting with great difficulties caused by the military, secret, and terrorist charac-

ter of those groups and the fear they created among the population. But, in **Ireland v. United Kingdom**, the European Commission cautioned that the justification for a measure did not follow automatically from a high level of violence: there must be a link between the facts of the emergency on the one hand, and the measure chosen to deal with it on the other.

Applicability of Humanitarian Law

Upon the declaration of a state of public emergency, a government's obligations to protect human rights do not entirely disappear; they are only suspended or modified "to the extent strictly required". In this connection, it must be noted that there is now a body of international humanitarian law which most governments have agreed to apply even to purely internal conflicts, and which, therefore, continues to operate despite the declaration of public emergency. For instance, the Geneva Convention of 1949 require that, in respect of persons who are not actively involved in hostilities, there shall be no:

- (a) violence to life and person;
- (b) taking of hostages;
- (c) outrages upon personal dignity;

(d) passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognised as indispensable by civilised peoples.

Protocol II to the Geneva Conventions, which was signed in 1977, while affirming the responsibility of the government to maintain or re-establish law and order by all legitimate means, introduced further injunctions in respect of internal or domestic conflicts:

(e) an order to the effect "that there shall be no survivors" is prohibited;

(f) the civilian population or individual civilians, shall not be the object of attack;

(g) acts or threats of violence designed to spread terror among the civilian population is prohibited;

(h) the wounded, sick and shipwrecked shall be treated humanely and provided with medical attention;

(i) medical and religious personnel, as well as medical units and transport and places of worship shall be protected;

(j) medical personnel shall not be punished for carrying out medical activities compatible with medical ethics regardless of the person benefitting;

(k) the confidentiality of the doctor-patient relationship shall be protected;

(l) the destruction of objects indispensable to the survival of the civilian population, such as foodstuffs, crops, agricultural areas, livestock, drinking water installation and irrigation works is prohibited;

(m) dams and nuclear electrical generating stations shall not be attacked if such attack may cause the release of dangerous forces among the civilian population;

(n) the forced movement of civilians, except for security or military reasons, is prohibited;

(o) at the end of hostilities, the authorities in power shall endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict.

Sri Lankan Legislation

Sri Lanka's statute book today contains at least two laws which enable the Government to derogate from its obligations under international human rights law; namely, the Public Security Ordinance of 1947 and the Prevention of Terrorism (Temporary Provisions) Act of 1979. Both these laws have been invoked by the Government in its attempts to deal with the violence which accompanies the demand of militant Tamil youth groups for the establishment of a sovereign independent State of Tamil Eelam in the north of the island.

Public Security Ordinance

The Public Security Ordinance enables the President to declare, subject to the approval of Parliament, the existence of a state of public emergency. Such a declaration remains in force for one month,

and during that period, the President is vested with legislative power which enables him to make emergency regulation having the legal effect of restricting the exercise and operation of several of the fundamental rights declared and recognised in the Constitution. The vesting of such power in the head of the executive is not unknown, nor is it inconsistent with international human rights law. Indeed, it is the existence of such machinery for the declaration of a state of public emergency that enables extraordinary measures to be taken in a democratic society within the framework of the law to deal effectively with a critical situation which affects the continued existence of that society itself. However, in the absence in the Sri Lankan law of a precise definition of "a state of public emergency" successive governments have resorted to the Public Security Ordinance to deal with any situation, whether localised or otherwise, which appeared to be incapable of being dealt with by or under the existing law. Accordingly, the public security law has been invoked to meet a challenge to or criticism of the Government, to stifle political agitation, to frustrate strike action, and even to interfere with the election process. The use of the Public security law to facilitate the Central Bank to substitute new currency notes for the old shows the extent to which Governments have been prepared to disregard the norms whose observance is vital to maintain the proper balance between State security and individual rights. The failure of the Sri Lankan Parliament to subject the exercise of this extraordinary law-making power to judicial review has resulted in governments regarding it as a simple and convenient method of legislating on subjects not even remotely related to public security, as evidenced by presidential decrees like Maha Jana Pola (Colombo) Regulation, Holidays Act (Amendment) Regulation, Emergency (Weights and Measures) Regulation, Emergency (Five Day Week) Regulation, Emergency (Estate Workers Guaranteed Minimum Wage) Regulation, Prohibition of the Slaughter of Buffaloes Regulation and,

of course, the Local Authorities (Postponement of Elections) Regulation.

Despite its inherent shortcomings, the Public Security Ordinance is the legitimate mechanism for dealing with an emergency situation which requires flexibility of action for the quick restoration of public order, the suppression of mutiny, riot or civil commotion, or the maintenance of supplies and services essential to the life of the community at a time of natural or man-induced disaster. The fact that its operation is officially proclaimed; is essentially "temporary" in nature; and is subject to regular Parliamentary scrutiny, no doubt contributes to its "legitimacy". In 1972, when the then Government introduced the Criminal Justice Commissions Bill in the aftermath of the Insurgency, the then Leader of the Opposition, Mr. J. R. Jeyewardene, very pertinently observed:

"We have in our statute books a piece of legislation, the Public Security Ordinance, which can deal with any widespread breakdown of law and order and damage. Even an insurgency can be dealt with under the Public Security Ordinance which vests the Prime Minister and the Government with all the necessary powers through the government apparatus to deal with any type of emergency I cannot understand what particular types of mishaps can occur in this country which cannot be dealt with effectively and promptly under the Public Security Ordinance but which requires the provision of the Criminal Justice Commissions Bill".

(To be continued)

Austerity . . .

(Continued from page 12)

be possible very much longer to even pretend to service the debt, as voters are not willing to suffer for decades in order to pay interest on money which was squan-

dered in corruption, military purchases, capital flight.

Repudiation hovers in the wings for Latin America. It is being attempted politely (i.e. not by its real name) at the present, but it will be expressed more forcefully if the Polite approach is not accepted by the creditors. As the military governments fade from power, throwing the nation's credit to their democratic successors like a squeezed-out lemon, these successors face such extreme problems that in the end they will all realize that repudiation could bring no worse.

The bankers stream that no nation dare repudiate, because it would be cut off from new credit. But Mexico, Brazil, Argentina, the Philippines, and many other smaller countries are getting no voluntary new credit now. What new credit they do receive is extorted from the bankers by the International Monetary Fund as the price of its support. All of the new credit goes to paying only part of the interest on past debt. The country itself gets nothing from the new credit but more debt on which it has to pay interest in the future.

Those countries which have not yet reached the turning point when capital inflows turn into net out, flows will reach it sooner or later if they are on the borrowing path—as surely as that which goes up must come down.

Austerity is on the agenda for the Third World. There is no way to evade it anymore (in the absence of massive new capital which no one seems prepared to donate), and it will be much more better and difficult than if there had never been a borrowing binge. The big question facing the Third World is whether that austerity will be dictated by the bankers, the governments of the wealthy countries, and the IMF, and suffered by the poor and working people, or whether that suffering people will impose it on those who profitted from the big loans.

Archbishop Romero : The defender of the poor and the oppressed

Rev. Fr. M. Anandapulle

THESE lines are written not simply in commemoration of the fifth death anniversary of Archbishop Oscar Arnulfo Romero of El Salvador, a staunch defender of the poor (workers and the peasants) and the oppressed, but also to project its mirror effect on the government, church hierarchy and the people of our country. The open secret is that bishop Romero's option and commitment to a definite class of people led him into confrontation with the ruling class of his time and it culminated with his assassination at the chapel of the Divine Providence Hospital in San Salvador at 5.00 pm on the 24th of March, 1980, when he was performing a religious workshop in memory of Bona Sara, a journalist, whom the bishop praised as one "who placed all her education and intelligence at the service of a cause that is so vital today: the true liberation of our people." (1) It was his hope that the blood he shed, in line with several other committed freedom fighters be "like a seed of liberty" for the Salvadorean people at large.

To be effectively responsive, one needs to be genuinely sensitive. Bishop Romero maintained a clear perception concerning the existing socio-economic and political realities of his native country particularly after his assumption to the episcopal ministry. The chief impetus towards such a transition was the brutal massacre of two priests: Rutilio Grande (March 1977) and Alfonso Navarro (May) by the repressive security forces of the ruling Junta. These tragic episodes occurred a few months after Mgr Romero's appointment as the bishop of San Salvador (February 1977) and

they touched his heart and shook his dormant consciousness. His 'preferential option for the poor' originated and evolved rapidly ever since then.

The demise of Rutilio Grande a middle-aged jesuit, together with two of his campesino friends, (Nelson and Manuel) evoked unique responses among his own priest companions, solely in admiration for the many years of service within the church structures to the cause of the liberation. The principal outburst of response was the establishment of a catholic archdiocesan radio station called the YSAX. In its inaugural three hour programme directed by three of his friendly priests the following chorus was sung:

"On the twelfth of March,
that unforgettable date,
they killed our brother,
Father Rutilio Grande"

The programme included readings and songs of liberations from the sacred scriptures. Bishop Romero employed the medium for his regular broadcasts to the masses of El Salvador. He spoke "Greetings also to the listeners of YSAX, our arch-diocesan radio station, an instrument of truth and the moment has now arrived, thanks be to God". He was however aware of the adverse consequences of using it and he said "we know the danger that threatens our poor radio station for being an instrument of truth and justice, but we know the risk must be taken, because an entire people depend on it as they strive to uphold this word of truth and justice." (2)

However, Rutilio Grande, prior to his death was a parish priest at Aguilares the first Salvadorean jesuit to directly with the rural poor, the campesinos. People

looked upto him as one who courageously searched out new paths to follow and "as a good man, an example of the reawakened dedicated Christian". The bodies of Rutilio and his friends were laid at rest at the floor of the church. Bishop stood besides them in the midst of large gathering of people and a profound silence enveloped him.

Placido Erdozain, an Augustinian priest in his book 'Archbishop Romero: Martyr of El Salvador' says that a "number of changes occurred in bishop Romero and the direction of the Salvadorean church as a result of Rutilio's death." (3) and he enumerates six of them:

Firstly, a break with the ruling class idea of legality. Bishop Romero exercised his ecclesiastical power irrespective of governmental laws-for instance, the funeral arrangements were initiated at the chapel of El Paisnal at his own choice which was proceeded by mass protest and demonstrations.

Secondly, a break with certain assumptions about Christianity. This was clear when the bishop released a statement to President Molina asserting the fact that the church in El Salvador would not participate in any governmental functions nor enter into dialogue until the "fact about Rutilio and his companions' assassinations were not clarified". He placed two other demands as well: permission for the return of all expelled priests or whose re-entry is denied and to end all repression of the people.

Third, new pattern of worship was introduced. It was rooted in the life struggle of the people and never was it tolerated to remain an isolated, empty ritual. The Holy Mass was for an example celebrated at the termination of a people's

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demonstration as a gesture of thanksgiving. It was more often than not offered in safe-houses and the bishop permitted only one mass to be celebrated in his diocese in order to congregate the entire people into one single location for the purpose of consciousness raising and to seek God's guidance and help for the success of their struggle.

Fourth, an evolution of a new base for unity. It was centered on the option for the poor. Neutrality was regarded as an attempt in favour of the oppressor.

Fifth, an evolution of a new concept of service to the people. It suggested that the alliance with the popular organizations of the workers and the peasants have to be fostered and that Church's institutional resources have to be at the disposal of these mainstream organizations.

Sixth, the initiation of several courageous deeds. It expressed that the measures adopted by the bishop were always in the interest of justice to the oppressed masses for instance he took action against those who were not willing to comply with the demands of the poor by resorting to distasteful on unexpected transfers.

The above radical church-structural transformations that the bishop introduced were reinforced by a series of events particularly, the other murder, that of Alfonso Navarro, a young energetic priest, by the security forces in May 1977 owing to his work of consciousness raising both among the rural campesinos as well as the urban dwellers. He was also charged of being an accomplice to 'The Group' who kidnapped a prominent member of the Salvadorean ruling class named Regalado Duenas, and in consequence was transferred from his rural parish in Opico to a city parish in the capital. There arose numerous constraints to his alternative approach to the church activities and his option for the poor was looked with contempt by his urban middle class parishners. However he continued to bear witness prophetically to the message of liberation "in accordance with the dictates of the Holy Book. The repercussions were disastrous in the

main, his mission house was in near collapse when his garage permires were exploded. Since then, death threats began to escalate and it led to his martyrdom. Bishop Romero in his lamentations referred to Alfonso to "a Bedouin in the desert who says to travellers 'not that way, not that way, but they pay no need and they killed him'".

The two priest martyrs were only one fraction of a large multitude of man, women and children who have had sacrificed their noble lives. It expressed only one fact and that more poignantly as never before: As one writer puts it, "Our bishop now knew that the ruling class was capable of anything. He began to discover the intrinsic evil of the economic system." (4)

At this stage bishop Romero's national consciousness took a critical turn. His conception of El Salvador, a small country equivalent to one third of Sri Lanka with a total population of five million inhabitants was no longer superficial one. He understood that economy of El Salvador was dependent on three traditional agricultural commodities: coffee, sugar and cotton and that sixty percent of the people live in rural sector with scarcely any access to basic common amenities. However, in parallel to the peasant hardships and deprivation, his native land was most industrialised among all Central American countries, concentrating on mining, manufacturing, petroleum refining, food processing and garment making whose finished products reached the North American market. The bishop was also aware that the pattern of land ownership was grossly unjust in that only a two percent of the population own more than sixty percent, whereas ninety one percent owns less than twenty three percent. A study report reveals that "the unequal distribution of land and the emphasis on growing crops for exports, rather than for domestic consumption, has resulted in extreme poverty for the majority of the people. Hunger and malnutrition are endemic. It has for example, been estimated that seventy three percent of the children under five years old suffer from malnutrition". (5) Of the economically active population only

sixteen percent have a year round employment. Distribution of national income indicates that eight percent of the population receive fifty percent while ninety two percent have access only to the remainder. In short, the bishop was fully conscious that an oligarchy of fourteen families in conjunction with foreign transnational corporations with the aid of the ruling junta control most of the land, industries commercial and financial enterprises of El Salvador.

Bishop Romero's knowledge and information concerning politics of El Salvador increased significantly. The 1932 peasant revolt in which more than ten thousand people were killed by the armed forces paved the way subsequently towards military regime. Though in the sixties political parties emerged, they were suppressed in the Presidential Elections of 1972 by means of 'electoral frauds'. Popular organizations like the trade unions and the peasant groups were controlled, to the extent of increasing violation of human rights and militarization. Reformist measures including a mild land reform has failed to silence the protest of the masses. The Presidential Elections of 1977 though neither free nor fair, brought General Carlos Romero (no relation to the bishop) and his junta government accelerate the pace of largescale genocide. As one reporter commented "Following that election, repression in El Salvador increased dramatically. Human rights were systematically violated. Large numbers of people were detained for periods without trial, torture appeared routine for political prisoners, some several hundred people 'disappeared' without trace following seizure by the security forces. Dozens of people were killed in military operations in rural areas or in attacks on demonstrations" (6)

Thereafter, bishop Romero perceived of El Salvador as a land of paradox, far from the officials government interpretations of it as a paradise.

The grim realities of the socio-economic order of El Salvador motivated the Bishop to search for an alternative pattern of christian thought that would be relevant to

liberate them rather than to legitimise their perpetuation. The traditional theology that he acquired from the west remained inadequate to to comprehend and transform these realities. Bishop Romero became critical of the traditional western-oriented theology solely because it safe-guarded the roles and functions within the capitalist system, as genuine measures towards development. In other words, it has provided little or no impetus to denounce the evils of racism, sexism, capitalism, colonialism, collective neo-colonialism and to usher in an era of collective self-reliance and socialism. The declaration of the Fifth Conference (August New Delhi) of the Ecumenical Association of the Third World Theologians (EATWOT) has emphasized that "the tools and categories of traditional theology are inadequate for doing theology in context. They are still too wedded to western culture and the capitalist system. Traditional theology has not involved itself in the real drama of the people's lives or spoken in the religious and cultural idioms and expressions of the masses in a meaningful way. It has remained highly academic, speculative, individualistic, without regard for the societal and structural aspects of sin" (7)

Hence, bishop Romero believed not only in the creator God but also the liberator God, who listens to the cry and the anguish of the poor and liberates their lives from tyrannical regimes. He believed in a God who wills justice to the oppressed people. One who liberated the exodus people from the land of Egypt under the leadership of Moses. He said "today El Salvador is living its own exodus. Today we are passing to our liberation through a desert strewn with bodies and where anguish and pain are devastating us. Many suffer the temptation of those who walked with Moses and wanted to turn back and did not work together. It is the same old story. God, however, wants to save the people by making a new history" (8) In essence he believed in a God "who makes all things new". It was his belief that God expects the world to be a place, wherein "the workers will build houses and

inhabit them, the peasants plant vineyards and eat their fruits (Isaiah 62:21), a place where work and foods, health, housing and education are available to all alike. As Jon Sobrino a jesuit liberation theologian living in El Salvador points out "Poverty and desolation is a denial of God's will, a perverted creation in which God's glory is mocked and scorned". (9) With reference to bishop Romero's faith, boldly he comments that "Through his faith in God, Archbishop Romero worked and struggled towards a just solution to his country's problems. He believed in the God of the exodus who, today as yesterday looks upon a captive and exploited people, hears their cries, and then himself comes to free them, and to promise them a new land. But he also believe that this liberating will of God had to be made effective. He was not content, therefore simply to speak of favour of life and to denounce all that destroyed it. Instead he placed himself clearly on the side of justice that is to say, on the side of the struggle to win a just way of life for the poor. He did not rely on purely political considerations but on his faith in God. That is why he did not stop where others hold back: at the struggle and at the organizations of the poor. (10) In short bishop Romero witnessed in the faces of the poor and the oppressed "the disfigured countenance of God".

The God in defense of the poor was the God that Jesus believed an throughout his public life and bishop developed a profound commitment to Jesus, the image of the invisible God. He exhorted his people to "Listen to Him if they want to be truly free and happy. "Bishop's perspectives of Jesus' life and work was correct, in that he derived them from the exact historical context whose orion for the poor was clearly visible in the Punishment meted out to Him: Crucifixion. To put it differently he acquired a thorough, painstaking knowledge of the historical Jesus, who lived in the periphery country within the Roman Empire, whose people and the land suffered under the Roman imperialism as well as the internal domination by a wealthy landowning class and an influential

religious elite. The economic domination perpetrated by the Roman imperialism, facilitated the extraction of adequate surplus of wealth from the Palestinian territories through the mechanism of taxes and levies. The ruling class of Palestine with the alliance of the roman imperialist forces was becoming increasingly repressive and cruel. They indulged in torturing the poor who could not satisfy the governmental demands. The woman in addition remained an oppressed group within a patriarchal society and a state of polygamy wherein they could be divorced for trivial reasons. Bishop Romero in effect comprehended that Jesus was sensitive to these unjust realities and responded totally to eradicated them. A Keralite theologian asserts that Jesus under these realities "announced and provoked a revolution. He wanted all domination, oppression and marginalization abolished, all prisons opened and captives set free. He wanted everybody, the poor, working class, the outcasts, the little people and the woman all to have dignity and social acceptance, a share in the wealth of the country and a place in this history".(11) All this implies that he visualised a state where the principle 'from each according to his ability, to each according to his need' is practised. Moreover, Jesus' option for the poor automatically led him in confrontation with the ruling class and their religious allies of his time. In effect, he denounced their policies and programmes and simultaneously, designated Herod the ruler to a fox and the religious elite as hypocrites. He violated the elitist laws openly to manifest his antagonism towards them. His death on the tree was a penalty imposed by the tripartite alliance of roman imperialists, the national ruling class and the religious leaders.

Bishop Romero re-shaped his entire archiepiscopal public ministry in accordance with that of Jesus and pursued in his foot-steps until his day of assassination. He was conscious that the context in El Salvador was not second to that of Jesus' Palestine and he was wise enough not to emulate the practices of the religious leaders of that time. Like Jesus Bishop Romero

incarnated himself within the Salvadoran milieu and identified himself with the legitimate struggle of five million people who are trying to be a people. He observed that the commitment of the popular organization in the liberative task of El Salvador cannot, in any way be isolated from the message of Jesus. He attempted to understand positively their role in the reconstruction of the state of El Salvador and the means employed to achieve that end were not regarded by him as superficial or empty. An outstanding contribution of bishop Romero was his attempt to relate the church's role in the context of national liberation struggle which is clearly expressed in his third pastoral letter entitled "The Church, Political Organization and Violence" which is divided into three parts:

- 1) The situation of 'Popular Organization' in El Salvador.
- 2) The relationship between the church and 'Popular Organizations'
- 3) The Church's view of violence.

The aim of the pastoral was "to clarify as far as possible" two problems viz., the problem of popular organizations and the problem of violence. The task was taken up "as a matter of urgency" due to the prevalent situation in the country and the constant questions of the Christians, especially the rural workers began to ask 'what are we to make of these popular organizations which are non-governmental seeking radical changes in our country?' As a Christian is it proper to give a hand to such organizations? Is it in other words, in congruence with the message of Jesus Christ? The pastoral letter, in effect, dwelt on the issue of relationship between the Church and the popular organizations.

Bishop Romero maintained that in the pursuit of responding to these questions that he was "following the spirit of the Church's teaching" and he quoted Pope Paul VI's letter called Octogesimo Anno: "It is the duty of Christian communities to analyze objectively the situation in each one's own country, illuminating it by means of the light of the unchangeable word of the Gospel, and to draw principles of

reflection, norms of judgement and guidelines for action from the social teaching of the Church... in dialogue with other Christian brethren and all men of good will, to decide the choices and commitments that are called for in order to bring about the social, political and economic transformation which seems necessary..."

Bishop Romero took note of 'the proliferation of popular organizations' in his letter at the letter at the very outset, and considered it as a significant phenomenon in El Salvador. He also maintained that the church ought to labour "to decipher signs of God's presence in such happenings". He categorically defended the right to organize such popular organizations particularly in the light of the United Nations' Declaration of Human Rights, and that of the constitution of El Salvador. Moreover, bishop Romero's next step was to raise his voice against any attempt to deprive that right. He denounced the violation of this human right of association by the political parties, trade unions, peasant organizations, when emphatically stated that "No one can take away, the least of all from the poor, the right to organize, because the protection of the weak is the principle purpose of laws and of social organization." The teachings of the church have in no way be-estimated the search for dignity and freedom. (12)

Bishop Romero regarded the proliferation of popular organizations as "one of the signs of the times, which challenges the church to exercise its power and duty of discernment and guidance in the light of the word of God which has been given to it to be applied to the problems of history." Mutual relations between the church in El Salvador as well as the popular organizations have to be maintained and it can be performed on the basis of three principles:

First, the mission of the Church though is a religious one, namely, to preach the message of Jesus' liberation, and not purely political or economic, yet out of this comes a function "which can serve to structure and consolidate the human community..." (13) This

thrust is made possible by the formation of the basic ecclesial communities, which are founded on the words of Jesus the liberator who impells them to be aware of their deprived rights (sin) and provides the impetus (grace) to overcome them by placing demands. However, one cannot ignore the fact that awareness concerning the unjust social realities emerging out of the intelligent reading of the bible may "awaken in a Christian a political commitment." The above observation only reveals that the mission of the church is exercised through the establishment of small groups founded on the words of Jesus cannot remain a political. Hence dialogue with the popular organizations whose central thrust is social reconstruction are not incompatible.

The second principle that bishop Romero has adopted for the promotion of relations between the indigenous church and the popular organizations is that church mission is to be of service to the people. The needs and the demand of the people of El Salvador who are predominantly poor and oppressed, are the acquisition of their rights namely, "right to survive, to escape from misery".

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(To be continued)

Thought-provoking and incisive study

BOOK
REVIEW

Neelan Tiruchelvam. *The ideology of popular justice in Sri Lanka: A sociolegal inquiry.* New Delhi, Vikas Publishing House, 1984, vi, 215 p.

MOST books written on the legal system in Sri Lanka have been written by lawyers for other lawyers and law students. Many laymen would hesitate to wade through the mass of laws, cases, precedents and conventions that clutter the majority of such works. Dr Tiruchelvam's book is very different. Not only is it a penetrating analysis of the subject it deals with but it is written in a simple, readable, direct style that should pose no problems for the average reader.

The core of Dr Tiruchelvam's book is an analysis of the structure and working of the Conciliation Boards set up under the Conciliation Boards Act No 10 of 1958. Dr Tiruchelvam, however, is not content simply with an examination of the Act and its working in Sri Lanka. He seeks to place it in the background of what he terms, 'the deprofessionalization of the administration of justice, in a number of contemporary socialist societies. Brief surveys of such attempts in the Soviet Union, Cuba, India, Tanzania, Burma and China illustrate that in countries where new political groups have replaced an alien or domestic regime and espouse a programme of economic and social change, the old legal system is often seen as an 'instrument of oppression'. Thus 'popular justice' (or in other words the resolution of disputes through institutions which are staffed mainly by people who do not have a specialized training in law) is seen as the extension of a new ideology in the judicial sphere.

In some countries such as India, however, the establishment of institutions of popular justice such as

the 'panchayat' is also seen as a revival of traditional system of justice as opposed to imported alien institutions. In Sri Lanka too the 'revivalist element' was important and Dr Tiruchelvam earns gratitude of historians by an excellent chapter on the evolution of the gamsabhava up to the end of British rule (pp. 30-64). He points out that the gamsabhava which had other functions in the early stages of its history had become primarily a legal organisation by the time of the Kandyan kingdom. Moreover, its jurisdiction had gradually become limited. Nevertheless, it worked as a relatively informal and autonomous judicial institution. In several places in the book the author examines the extent to which Conciliation Boards resemble the gamsabhava and he concludes that, that while the procedure and forms of the conciliation panel no longer resemble those of the gamsabhava, there are significant continuities between the two institutions with respect to composition, powers, jurisdiction and functions'. (p. 186)

However, Dr Tiruchelvam points out that the intention of the framers of the Conciliation Boards Act led by the then Minister of Justice, M. W. H. de Silva was more reformism than either revivalism or the desire to extend a new ideology. M. W. H. de Silva had a distinguished legal career before becoming Minister and Dr Tiruchelvam argues that he basically accepted the legal system inherited from the British. To the Minister the Conciliation Boards were a way of combatting the spirit of litigiousness which seemed to haunt the rural populace'. (p. 95) Thus in the early years Conciliation Boards were set up slowly and some care was taken to exclude political involvement in these tribunals. Dr Tiruchelvam provides a background to Minister de Silva's efforts by a survey of attempts

Prof. C. R. de Silva

to set up institutions of voluntary conciliation from the 1930s to 1958 (pp 65-85).

A key of the work is a discussion of the structure and working of Conciliation Boards in the early 1970s. Dr. Thiruchelvam's detailed investigation of the working of the Palispattu East Conciliation Board in the Kandy District provides many insights as to the ways and the extent to which 'popular tribunals' differ from formal courts of law. He argues that recourse of tribunals to advice from the Conciliation Board Unit of the Ministry of Justice has led to increased formalisation of procedures. Moreover, political changes have led to changes in conception of the role played by Conciliation Boards. Dr Tiruchelvam indicates politicisation of appointment to the Boards from the 1960 and shows how this was reinforced by efforts of the United Front Government to use these tribunals as means of increasing popular participation and of reshaping prevailing attitudes and values.

However, Dr Tiruchelvam remains sceptical as to whether these latter objectives could really have been attained. He points out that the membership of the Conciliation Boards always tended to be disproportionately from the upper or middle strata of society and that such members tended to continue to have a world view different from that of socialist policy makers. Efforts to increase the proportion of members from the working classes and peasants has met with resistance. Thus he concludes that, 'these tribunals instead of challenging prevailing social attitudes and values and disrupting existing social arrangements tend to confirm and consolidate them'. (p. 187)

(Continued on page 21)

Naxalites : Revolutionary traditionalists

Gail Omvedt

It is tempting to say that the parties, as they exist today, represent not so much the working class as the "aspirant cadres" of post-revolutionary class society — people (mainly men) from middle class backgrounds, who have thrown themselves into peoples' movements, often at great self-sacrifice, but who see themselves as the directors of these movements and use Marxism to legitimize this position. They have their own real contradictions with capitalism and in this sense are crucial allies of the working class and oppressed sections, but in the end become mainly the bearers of the historical project

of establishing a new type of post-capitalist, but exploitative statist society.¹

In 1967, following a tribal peasant revolt in Naxalbari in north Bengal, and in the midst of a world-wide revolutionary upsurge, a section of the CPM broke away under the banner of "Maoism". Although the current included many trends and embodied the aspirations of a new generation revolting against patriarchal party bureaucracy, it was successfully captured by a new kind of orthodoxy under the leadership of Charu, Mazumdar, who formed the Communist Party of India — Marxist-Leninist (CPI-ML).

From its beginning until today, this "Naxalite" movement has embodied contradictions. It is traditionalist in theory significantly (Calcutta MLs pioneered for the world Maoist movement republication of some of Stalin's writings): except for its insistence on immediate armed struggle and some of the early positions of Charu Mazumdar rejecting mass organizing, it has held to the main positions of the Third International. Yet these positions have not been realized in practice — and this failure has been, by and large, helpful to the movement.

For example, in spite of holding to the four-class theory and the nation of feudalism and imperialism as the main enemies, the major Naxalite groups have never made the alliances with the "rich peasants" and "national bourgeoisie" the theory calls for. This has been due to their unwillingness to compromise struggles, and in their genuine rural base among the most oppressed sections of tribals and dal poor peasants. Thus, when ML groups like other sections of the communist movement debated their relationship with the kulak-

based "farmer movement", ML activists in Andhra finally broke up the "peasant committees" that had been formed, saying to their leaders, "We don't know if we should call them 'rich peasants' or 'landlords', but we do know one thing — they're our class enemies!"

Similarly, Naxalite groups have often been very innovative in cultural action, with many street theatre and other revolutionary art groups. Here, in spite of generally mechanical marxism in other respects (regarding caste, women, ecology for instance), the influence of Mao Ze-dong and the more flexible analysis of "contradictions" seems to have been helpful. Along with this, though "Social imperialism" may be inadequate as an analysis of the USSR, of of has kept Naxalite from the temptation of riewing the Indian state sector as "socialist".

Finally, and strikingly, in spite of holding to the need for a revolutionary party, the Naxalites have never been able to unite as a trend in spite of what appear to be fundamental agreements on the general issues of party line. In fact, the CPI(ML), founded secretly at a small underground congress of about 20 people in 1979, was announced openly in 1970, has its first major split in 1971, and has continued to fragment ever since. This pluralism, probably a result of instinctive resistance to bureaucracy and domination among the younger generation of both middle class and working class activists, has probably helped during this period in keeping the trend open to debate and change.²

The Naxalite trend has survived heavy state repression, holding on to mass bases in many areas in spite of the jailing, torture and murder of tens of thousands of

Thought . . .

(Continued from page 20)

This book is therefore a thought-provoking and incisive study. The clear analytical prose reveals a clear balanced mind. My only regret was that the analysis stopped in the mid-1970. What happened to the Conciliation Boards after the mid-1970s? Have they become merely an adjunct to the formal legal system? What role does the Conciliation Board play in the new settlements as distinct from the old villages and towns? One can only hope that the author or someone else equally endowed would try to answer these questions and a host of others that come to mind and that the Law and Society Trust which has sponsored this publication would take speedy action to see that fresh studies are in print. Meanwhile we should all be grateful for a scholarly, readable book that should attract the attention of laymen as well as sociologists, historians and lawyers.

cadres. After 1975 it experienced a kind renaissance, beginning to form mass organizations of the rural poor, students, cultural groups and a few industrial unions.

Today, though there are dozens of fragments, some moving away from "Maoism" in the narrow sense, a few main groups can be identified. The CPI-ML (Peoples' war group) has its main base in Andhra, in districts that are the most heavily tribal and backward of the Telengana region; from there it has spread into adjacent tribal areas of Maharashtra and Madhya Pradesh. This group in fact is becoming the leader of the upsurge of the Gond tribals, one of the biggest such groups in India with nearly 4 million people — though they themselves rarely analyze the struggle in these terms. They also have strong student and cultural movements, a student-youth base in the crucial city of Bombay (which made an ultimately unsuccessful attempt to build a working class base during the textile strike) and some impact in some other southern states.

The CPI-ML (Vinod Mazumbar group) has had its main mass base in northern India, where it has led mainly dalit agricultural labourers and poor peasants in several districts of Bihar. It has in recent years taken the lead in forming the most successful general mass Naxalite organization, the Indian Peoples' Front (IPF), organize on an "anti-autocratic" base. The IPF, which had its second congress in Calcutta last November, has not been as broad as first heralded (no other ML groups, for instance, have united in it) but it has succeeded in attracting many non-party intellectuals and activist and leading number of democratic local struggles. At the same time, the Naxalites within it have begun to confront some of the demands of the new social movements — insistence by dalits on a stronger fight on caste issues; the Tamil unit's adamance in calling itself "Tamil Peoples' Front" rather than "Indian"; the proposal by a significant minority section to adopt a red-green flag (a symbol now of general worker-tribal unit and the taking up of environmental,

health and other social issues) rather than simply a red flag.

Other significant groups — though they rarely now have a broader impact — included the Unity Committee of Communist Revolutionaries (UCCRI), which has gone through several splits but still has a base in some areas such as Punjab; the Central Reorganization Committee of the CPI-ML (CRC) which has had a base in Kerala; and the groups led by Chandra Pully Reddy and Satyanarayan Singh, two original Naxalite leaders who died recently. Some other groups, like the Communist League (MF) are moving away from traditional "Maoism".

All of these groups together, however, are still unable to make a national impact of the kind they made when their movement was new, when the "spring thunder" seized the minds of many and even sections of the bourgeoisie feared in their hearts some truth in the warning of Charu Mazumdar that India would have a revolution by 1970. They survive tenaciously and exert important influence in many local mass movements; but cannot become a real national force; they have many theoretical debates but seem unable to innovate theoretically still insistence on clamping complex Indian realities into categories of "semi-feudalism" and "social imperialism". Admiration for their heroism and fighting ability is widespread; disgust with the "revisionism" of the CPI and CPM still drives many activists into their fold; but they still cannot seem to "but it all together to emerge as a force or even unite themselves. "Look at Andhra," says a Marxist activist critical of their inability to deal with such crucial issues caste and the national question—"for all their mass base and heroism, they've remained where they were five years ago and this clown N.T.R. comes out of a film studio and sweeps all before him."

Post-Traditional Communists

From the time of the Naxalbari revolt, the Communist movement in India threw up along with "ML" forces another new trend. Within the original rebel organization, the

AICCCR (All-India Coordinating Committee of Communist Revolutionaries) were thousands of young activists who left the CPM but differed with Naxalite dogmaism, who worked in working class, tribal and oppressed nationality movements but never coalesced organizationally, who gradually began to discover that they had fundamental differences with all the communist parties they had known on issues ranging from caste and the nationality question to those of party structure and the link between personal relationships and social revolution.

At the same time, new Marxist groups grew up in other parts of the country, primarily western India, influenced by the Naxalite revolutionary critique of parliamentarism but disagreeing with some dominant ML positions — believing that India was dominated by capitalist relations, for instance, rather than "semi-feudalism", or holding to the need for mass organization. Socialist youth groups also began to emerge out of the reformist socialist trend, seeing dalits, minorities and women as revolutionary forces, and rejecting parliamentarism and emphasizing mass struggle as they slowly moved towards Marxism.

All of these groups were very much influenced by the new social movements bursting out throughout the decade of the 1970s. The first force to emerge was the dalit movement, drawing on India's century-long tradition of militant and ideologically radical anticaste movements: their first militant organization, the Dali came into existence in Maharashtra in 1970. Shortly after the new organization of tribal-based struggles emerged, with the formation of the Jharkhand and Mukti Morcha ("Forest Area Liberation in 1973 in Dhanbad, uniting tribals, low-caste peasants and miners throughout southern Bihar.

Form about 1974-5 a new women's liberation movement took form with a self-conscious feminist trend emerging in 1977 and gaining main force from 1980 as nation-wide demonstrations against rapes, dowry deaths and other atrocities took place. Ecology issues began to

serve as a focus of organizing from 1973 when the Chipko ("hug-a-tree") movement grew in the Himalayan foothills as a protest against commercial logging; this moved from Gandhism to revolutionary militancy when Jharkhand activists took up opposition to dam-building and commercial forestry in their area in 1978-80. By 1980 the Peoples' Science Movement was growing throughout the country among young educated activists and linking itself with such rural struggles, various organizations of the democratic rights movement were beginning to be heard from, and radical health groups were beginning to form.

All of these were non-party movements, often including activists connected with one or another communist trend, but wary of their autonomy. Many of their leading activists gradually began to emerge as new marxist or "post-traditional communists", grappling both theoretically and practically with the task of integrating the new issues of caste oppression, women's oppression, environmental devastation into a historical materialist perspective and an overall revolutionary movement.

Most of the early 1970s communist groups were short-lived; new groups emerged at the beginning of the 1980s, such as Shramik Mukti Dal (Toilers' Liberation League) in Maharashtra and Mazdur Mukti (Workers' Liberation) in West Bengal. But the vast majority of activists in this trend are still part of what they sometimes call the "unorganized sector of the Indian left" — working as individuals or parts of small networks, maintaining contact on a wide basis but wary of "party" organizing based on a "complete" revolutionary line they cannot yet unite around.

Among these individuals are some well known leaders: A. K. Boy, a leader of Dhanbad mine workers, has been a key figure in the movement, advocating an alliance of workers with tribal poor peasants arguing that Indian society is characterized by an internal colonisation in which high castes/advanced nationalities dominate low castes/oppose nationalities, and calling for a "new

dalit revolution" in place of usual slogan of new democratic revolution. Shankar Guna Niyogi, organiser of tribal mine workers and peasants in the nearby Chhattiagarh region, has taken up health, education and alcoholism as issues of the union struggle and made the "red-green flag" a new symbol of militancy. Sharad Patil, based among tribal poor peasants in northern Maharashtra, broke from the CPM on the issue of "class-caste" struggle and holds that Marxism has to be combined with the thoughts of anti-caste leaders Phule and Ambedkar to produce a revolutionary theory for India.

All of these leaders broke away from the CPM but never joined the ML movement; all are organizers of mass movements; all are traditional in many aspects of theory and often bureaucratic and authoritarian in their own practices — but innovative and creative in their role in the movements. Niyogi has organized no separate communist group; Roy has a "Marxist Coordination Committee" and Patil a "Satya-Shodhak Communist Party" but these are individual-centered organizations rather than real communist collectives. Young activists sometimes find these movement difficult to work with as the traditional parties.

The lack of organizations of the "new communist" trend makes it hard to sense its presence in the Indian political scene, and even more difficult to assess. Indeed, the three major trends of the Indian left movement — the big Communist parties, the Naxalites, and the "post-traditional communists" — are in a real sense noncomparable because they not only organize themselves and function in different ways, but also have differing goals. Certainly neither of the two newer trends can match either the electoral clout or the "mass base" of the traditional parties. Yet the Naxalites, more than the CPM, have shown themselves able to withstand some of the most brutal state repression in independent India, while the "post-traditional" marxists have taken the lead in relation to the crucial new issues of the post-Emergency period. It is striking, for

instance, that the major organised responses to the two most stark recent political events — the Union Carbide murders in Bhopal and the anti-Sikh pogroms in North India — have been spearheaded by activists connected with this working in the feminist organizations, civil liberties groups peoples' science groups who united with a few party activists all left intellectuals or politicians to form the Nagarik Ekta Manch (Citizens Unity Forum) of Delhi and the Poisonous Gas Struggle Front of Bhopal.

As offshoots of the Communist movement begun in India sixty years before, all the various Marxist groups today aspire to some kind of leadership of or (alternative to bureaucratic "vanguardism" is still out clearly formulated) organic links with the working class and other oppressed sections of Indian society. This they have not yet achieved. The majority of peasants, agricultural labourers, tribals, dalits, women, oppressed nationalities and even industrial workers still fight their battles against exploitation with leadership that in one way or another is still under bourgeois hegemony. Yet it is worth remembering that these struggles are still strong enough and "political" enough that they have prevented the Indian ruling class so far from clamping down with the same kind of fascistic repression and murders of peoples' activists found in many third world societies today. The trends are their: the anti-working class legislation; the Emergency episodes; the "internal emergency" and "shoot-on-sight" orders applicable to parts of Andhra, Assam and the Punjab; the growing religious fundamentalism and gangsterism found in the ruling party as well as in right-wing "voluntary" organization. So far though they have not taken over. The democratic rights movement has not fully prevented ongoing "encounters" and murders of Naxalites, but it has slowed them down, and even more the Andhra example of the massive and near-spontaneous popular resistance in the streets to the effort to topple the Telegu Deasm government followed by the humiliating defeat of the Congress in that state in the parliamentary elections show the constraints on the state.

This has given the left much more scope for maneuver than in many third world countries, but at the same time it has brought to the fore the problem of dealing with "bourgeois democracy" which no Communist — socialist movement so far has succently confronted.

Indeed, any assessment of the Indian left today should take into account the fact that it confronts the entire scope of problems characteristic of both "advanced capitalist" and "developing" countries — with a predominantly impoverished rural economy marked by enclave of heavy industry and sophisticated technology; with a functioning parliamentary democracy streaked with brutality and repression; with an ancient culture — with its own forms of caste-linked exploitation — confronting commercialized bourgeois inroads. Issues of ecology, women's oppression, oppressed nationalities and uneven development, caste-racial oppression, religious fundamentalism and pogroms against minorities the nature of the state section — all of these along with problems of industrial and economic backwardness, "feudal" remnants, imperialist countries' hegemony confront the Indian left today. In facing these in practice and theory, for all its weaknesses it still stands in the forefront of the world communist movement.

NOTES

1. In fact, experience of the operation of these parties is what makes it intuitively possible to understand the fact that there can be domination and exploitation, beyond capitalism and under the name of "marxism-leninism", [in post-revolutionary societies.

2. Out side of their main pockets of mass base there has been a tendency for the various Naxalite organization to have waves of growth and decline, with first the SNS and Chandra Pulla Reddy group looking big along with UCCRI, then peoples' wars and the VM group coming up, along with a wave of attraction to CRC and others on local levels. What feeds this situation is not simply their difference on "line" but conflicting tendencies among the militants who form their source of activist — resortance to party bureaucracy the one hand, a sect need for a

"larger" party and the passionate certainly of provides on the other. These contradictory tendencies self reliance autonomy versus dependency — shape all the Indian mass movement-left movements today.

'Peace . . .

(Continued from page 9)

ponding movement in Tamilnadu where at the moment voices are strident.

In this respect our Group may consider the following suggestions:

a) Contacts with the various components of the 'Peace Constituency' particularly the ones mentioned in para 80 may be forged.

b) The possibility of corresponding peace movement in Tamilnadu can be considered.

We cannot do much at the moment except exploring additional ways and means to strengthen the 'peace constituency' in Sri Lanka.

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