

RE-POLITICIZING ...

Yathra, merely because a Tamil political party was to take part in it? Meanwhile, reports datelined Kataragama tell us that the ethnic question was a notable absentee in the public rally that marked the end of the yathra.

Opportunism is perhaps a legitimate means of mass mobilization in competitive electoral politics. Yet, the ethnic question is too serious a matter to be subjected to the opportunistic strivings of political parties. It needs to be de-politicized in such a way that narrow and partisan considerations are thrown aside. ■

LETTERS

Conflict Resolution: Alternatives

May I congratulate you on the excellent quality of your publication. Given the nature of politics in Sri Lanka today, there has been an urgent need for a quality magazine presenting an alternative perspective. I hope that *Pravada* will continue to appear on a regular basis.

I would also like to express an opinion on the recent call for UN mediation to the conflict between the Sri Lankan government's armed forces (regulars and irregulars) and the LTTE.

It is admirable from a Liberal or Humanist standpoint to call for such mediation and to envision political negotiations that lead to a secession of hostilities, de-militarisation, re-establishment of civil rule, release of all political prisoners on both sides, devolution of powers and resources etc. However, the chauvinism and animosity for the 'other' that is displayed on both sides of the divide, is a real stumbling block to any concrete steps towards the implementation of a policy of UN mediation. This does not mean that those who are calling for peace, whatever their motives, are not voicing a real concern, that of the civil population who are trapped with no foreseeable end to their plight. It is the unfortunate civilians, and not the armed protagonists, who inevitably bear the brunt of the casualties that occur in any civil war or low intensity conflict. From their perspective a secession of hostilities, either with or without UN mediation, will be a welcome relief to the vagaries of war.

However, the existential crisis of the civil population trapped in the North and East is not the only perspective that has to be considered. If there is a negotiated political settlement between the government of Sri Lanka and the LTTE, it will be an arrangement of convenience between two hegemonic political elites. Both these political elites maintain their hegemony through coercion and the use of violence. In such circumstances, any arrangement agreed upon by these two elites, will not take into serious consideration the aspirations of civil society in general. Instead, the survival and

continuity of each political elite will be of paramount importance in such negotiations, rather than any democratic aspirations of any peoples.

This is the fundamental weakness in the cosociational approach to conflict resolution. Such negotiated 'settlements' rarely address the root causes of the conflict under review at any great length, but would rather tend to gloss over critical issues in order to reach short term political objectives, such as retaining power at any cost.

Given such a scenario, there is very little civil society can expect in the post-conflict resolution phase. Little or nothing would change, either in the North and East or in the rest of the island, as far as civil liberties and human rights are concerned. Sri Lanka under the present regime or a de-facto 'Eelam' under the LTTE, would never have the liberty to conduct its own Nuremberg-style trials for all the human rights abuses inflicted upon its long suffering peoples, be they Tamils, Muslims or Sinhalese. Justice then, in the contemporary geographical entity of Sri Lanka, would become a mere facade. Therefore, a simple negotiated settlement that is limited to the two hegemonic political elites, which are in conflict, is not a solution to the problems at all. Instead, there is a burning need for an alternative and truly democratic approach to the political power and negotiating positions of the two hegemonic elites. Such an alternative approach must take into consideration all possible points of view towards the resolution of the conflict.

Especially, the resident population in the combat-zones has to be able to voice its own wants and needs, free of coercion and the threat of violence. It will be only in the event of such a scenario, possibly facilitated through the help of UN mediation (and not the other way round), that any realistic attempt be made towards the achievement of lasting peace.

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LETTERS

Editor as Fabricator and/or Fabulist

I read with interest the piece in *Pravada* Vol 1, No 3, in which Charles Abeyssekera details how an article he had written for the *Sunday Observer* on 'Human Rights and Foreign Aid' was so heavily and selectively edited before publication that the line of argument was substantially distorted. I would like to share with your readers my own comparable experiences which, while mainly with the *Observer*, unfortunately extend also to *The Island*. The difference in my case is that I have been persistently cited as having said things which I have never said, or even hinted at.

This all started in September 1990, when I gave a small address to the annual S.W.R.D. Bandaranaike Commemoration Meeting at the BMICH, on the theme of 'Sri Lankan Politics in a Third World Context' (full transcript available from me on request). After my talk, and in response to a question about the 'Mossad Affair' which should never have been addressed to me as I clearly knew nothing of such matters, I made a stray comment to the effect that there were probably some differences between the current UNP government and the one which preceded it. On the strength of this vague, casual comment, the *Observer* newspapers went to town, mainly in editorials, to the effect that I had enthusiastically endorsed the 'new regime'. I lost count of the number of times this story appeared. In response to my expressions of concern, the editor of the *Observer* interviewed me at length. The interview appeared in the *Sunday Observer* of 28 October 1990 and covered a wide range of topics. Only two questions related to 'new regime' issues. My responses can be summarised as follows: (a) I noted differences on political functioning, drawing attention to the relatively highly centralised and populist style of the current government, (b) I observed, and implicitly approved of, the fact that the current government had made considerable progress in

improving relations with the ethnic minorities. If I in any way 'endorsed' the current government, my 'endorsement' stopped there.

The practice of citing me (a) as if I had indeed endorsed the current government, and (b) as if Sri Lankans should in any way take my views seriously, did not cease. *The Island* of 25 August 1991 found a further use of my name when the political commentator, who writes under the name of 'Mahanama' - and whom I have never met - invented a story, complete with quotation marks, about a meeting I was alleged to have had with Chandrika Kumaranatunga and about what I was alleged to have said about her policies. My protests to the editor of *The Island* went unheeded.

The latest event in the saga to come to my attention is the editorial of the *Observer* of 17 March 1992, where I am twice cited as having identified a "NEW SOCIETY" (*Observer's* emphasis) in Sri Lanka "that was born from the ashes of the anti-democratic and terrorist era". Not only have I never made any such claim, but am a little too conscious of historical precedents and parallels to use such a term. The last time the term 'New Society' was widely promoted in Asia was in the Philippines, after the Marcos 'coup' of 1972. We all know that Marcos' cherished 'New Society' rapidly became 'Old Corruption' and 'Crony Capitalism'.

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TILL DEBT DO US PART: THE ATTACK ON 'SOCIALISM' IN INDIA

Jayadeva Uyangoda closes a good introduction to the issue of 'liberalisation' in South Asia with a question about how "political elites will respond to this inexorable world trend" (*Pravada*, January 1992). In India, the dominant voice of political elites is echoed in *India Today's* pronouncement that "socialists are out, reformists and free marketeers are in" (15 April 1992). B.P. Godrej, a leading industrialist, calls this a "second freedom for Indian industry." The first freedom came in 1947

from British Rulers and Capital and the second comes from the clutches of the bureaucracy (*Indian Express*, 9 March 1992). The "bureaucracy" conjures up images of what Indian industrialists have come to hate: the regime of licenses, the public sector and legal controls. S.K. Birla applauded Finance Minister Manmohan Singh's "clever thinking" which would allow Indian industry to think in terms of "growth". To the critics of Mr. Singh, Mr. Birla puts the following question: "After forty years of socialism and

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economic bungling, should we carry on the same way?" (*India Today*, 15 April 1992).

Big Business and the Congress Party come together yet again to vilify what they argue is the cause of India's problems: "Socialism". This word, "socialism," now comes to represent the public sector and its necessary inefficiencies, trade unionism, fiscal and monetary independence from Euro-American financial markets, market controls through licensing and the Soviet Union. What is forgotten is a pact which Indian Industrialists made with the Congress party in the 1940s called the Bombay Plan. Its major architect, Mr. J.R.D. Tata (recently honoured with the nation's highest award, the Bharat Ratna) and his co-authors argued for the State as a buffer against the dual threats of Imperialism (foreign capital) and pre-capitalist social relations (communalism, casteism, etc.). The State would be allowed to dissolve, they argued, once the indigenous bourgeoisie felt that it was strong enough to tackle Euro-American finance capital. And, since 1947 Indian industry has flourished under the protective umbrella of the Indian State. From 1950 to 1980, the rate of growth was a moderate and healthy 3.5%. The Bharatiya Janata Party (BJP) General Secretary Govindacharya represents the gains of economic nationalism for his party's major constituency, Big Business, Industry and the middle class: "given a chance even Indians can come up with items as good as the top Multinational Corporations. Look at the cases of Nirma and Thums Up." It is a mark of bad faith then, for Indian industry to attack the very grounds that made its existence possible.

Since about 1984, however, the economy did begin to demonstrate a down turn. Something did go wrong. To blame "socialism" for the problem is to ignore the facts of history. But, Mr. Birla is right to call the problem "Economic bungling," whatever political party performed the feat. In 1986-87, India's Import Bill added up to Rupees 12,452 crore; by 1989-90 it had increased three hundred percent to Rupees 35,412 crore. The external debt increased tenfold. It would be difficult for Mr. Birla to point to these years and argue that state spending on social welfare programmes and the public sector had created this massive debt problem, for these were the years of Mr. Free Market himself, Rajiv Gandhi. The late Mr. Gandhi, during the 1980s, provided incentives for export, yet the twenty top industrial houses ended up as net consumers of foreign exchange. It is estimated that, per year, US \$ 12 billion left the country through the black market. Meanwhile, the domestic bourgeoisie began to emulate the consumption patterns of that other economic Third World nation, the United States now in a recession due to its overconsumption and underproduction economic regime. Mr. Gandhi was cruelly let down by business and the bourgeoisie who enjoyed his profligate spending, but had so little faith in him that they continued to invest heavily in Switzerland and not India. The Gulf War certainly brought the debt issue to crisis, but the Indian deficit had already increased from US \$ 5.6 billion (1984-85) to US \$ 9.4 billion (1988-89). By 1990, India suffered from a serious debt problem; to blame this on "socialism" is to cheaply take advantage of the break-up of the

Soviet Union in order to attack the vibrant ideology of Socialism in India. "Socialism", as a fixed set of policies and institutions, fabricates a convenient bogey-man.

This attack on "socialism" is allowing the Congress and business to shift India's planned economy focus to a free-market focus and to make compromises with Euro-American finance capital: self-reliance and anti-imperialism gave way to Dunkel proposals and Pepsi Cola. Under the guise of readjusting a balance of payments crisis, the ruling coalition of Congress and Business has partially succeeded in changing India's economic ideology. The balance of payments crisis could have been tackled with standby credit from an international lending institution which comes with conditionalities (such as China has negotiated). Somnath Chatterjee of the Communist Party of India (Marxist) argues that "temporary difficulties" must be treated as such. There is no need for such a reversal of direction. The public sector is indeed in need of revamping due to corruption and lack of care from the Government. To dismantle the enterprise on these grounds is beyond the demands of a balance of payments crisis.

Swept up in the euphoria over the construction of Euro-America's New World Order, India's ruling coalition could not wait to introduce their own new economic order. Meanwhile (ironically), Labour in Britain and the Democrats in the U.S.A. are calling for more public spending and a reversal of the policies of Thatcher and Reagan/Bush. To construct this New Order, the Finance Minister agreed to a massive loan with structural adjustment conditionalities. What indication is there that the wretched histories of Brazil and Mexico will not be replicated in India? Utsa Patnaik argues that in these countries, conditionalities have created a consumption boom for the elites, exacerbated income inequalities and created a general decline of per capita income ("Devaluation, IMF conditionalities and their implications," *Equality*, July-Sep. 1991). Mr. Manmohan Singh (8 March 1992) agrees that the IMF has hurt Brazil and Mexico. With India, however, the IMF (in his opinion) has "always shown great concern about our sensitivities and they have not, I think, done anything which would be injurious to our national interests."

But what, for Mr. Singh, is "our national interest"? Whose interests? Since the arrival of the Rao government, the cost of Indian labour has been depressed, so real wages have gone down. The devaluation of the rupee has dollarized the prices of commodities, but wages remain at deflated rupee prices. On 4 March, the Communist and other left parties held a rally to protest the 1992-93 Budget. The spectre of unemployment, further social inequalities, over consumption by the elites of soft drinks and Japanese packaged potato chips, over-exploitation of resources and destruction of ecological habitat was raised in discussions.

A social activist, Ms. Medha Pathak, confronted the World Bank's Chief of Mission in New Delhi, Mr. Oktay Yenal, in early March 1992. "We are trying to tell you that genocide of indigenous peoples has taken place in the name of development," she told him referring to the dams which World Bank money will fund and which will displace large populations from ancestral lands and forests. "We don't hold you personally responsible," she contin-

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ued, "but your organisation and its development policies. We will not allow it to happen."

Mr. Yenel did not wish to "meddle in the affairs" of India, since the World Bank was "a guest of your country." Lending vast sums of money with fundamental conditionalities does not count as interference. To meddle is to be like the CIA, to interfere with the *political* affairs. The IMF/WB simply deals in *economics*, a simplistic distinction. We are not meddling, he says, "we are in the development business. We can get better returns on that money we loan without going into these difficult things." The

consequences of the policy are irrelevant. Oppression and exploitation are "difficult things for Policy makers to manage, but easy as rhetorical devices for political leaders. "Please accuse us or warn us for not doing our job as good as we can," Mr. Oktay pleaded, "but don't accuse us of being against the poor and the tribals ... I think we have done quite a bit for the poor."

Indeed, in the name of attacking "socialism", the Indian ruling coalition and their new allies the IMF/WB have done quite a bit for the poor — they have made them poorer.

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Statement by the Civil Rights Movement of Sri Lanka

THE INACCESSIBILITY OF EMERGENCY REGULATIONS

The rule that "ignorance of the law is no excuse" when a person is charged with contravening a law, is based on the premise that "everyone is presumed to know the law." This presumption in turn rests on the basis that the law is always **ascertainable**. If the content of emergency regulations is not ascertainable even by lawyers, the question could arise as to whether they are in fact valid law at all, for the rule of law presupposes that there can be no such thing as a secret law known only to a few, which becomes known to others only when they are charged with breaking it.

The inaccessibility of the various emergency regulations and the rules and orders made under them has for long been a matter of concern to the Civil Rights Movement.

Emergency Regulations are made by the President under the Public Security Ordinance, bypassing the normal legislative procedure which is through Parliament. It is essential that members of the public, and lawyers who advise them, be able to know quickly and reliably what emergency regulations have been made and remain in force at any given moment, as well as what rules and orders have been made under them. These regulations, rules and orders are published in the Gazette but relevant issues are always not readily available at the Government Publications Bureau, the staff of which work under great constraints of lack of space and other facilities. Persons who

subscribe to the Gazette receive them by post often after considerable delay, and even then certain issues sometimes are not received.

On 8 August 1989 by Gazette No. 569/19 the Government did publish a list of 19 emergency regulations that should be deemed to continue in force. But this Gazette itself is hard to come by, and CRM has been unable to trace any similar list published during the succeeding two and half years though many emergency regulations have continued to be made.

CRM therefore requests the Government to take the following steps.

- 1 To publish a list of emergency regulations and orders made thereunder during the currency of the present emergency, namely from 26 June 1989, and to have a set of these available for reference at government offices and Courts of law in various parts of the country.
- 2 To ensure in future that the full text of every proclamation, regulation, rule and order relating to the exercise of emergency powers be forthwith published in an English, a Sinhala and a Tamil newspaper.