

The SUNDAY OBSERVER, a newspaper of the Lake House group which is owned and operated by the state, requested me to give them a note, of about 800 words, on the linkage between human rights and foreign aid for publication in their page entitled OPEN SPACE. My note was published in the issue of 16 February 1992 in a severely truncated form.

Most of my specific comments on the situation of Sri Lanka have been edited out. Thus my line of argument has been vitiated and my note made to appear rather disjointed and abrupt.

What follows is my note with the sections edited out by the OBSERVER under-lined.

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HUMAN RIGHTS AND FOREIGN AID

The relationship between human rights and foreign aid has become so mixed up with notions of national sovereignty that some discussions seem to have lost sight of reason. It is therefore better to begin by separating them.

Human Rights are, today, those civil, political, economic, social and cultural rights embodied in the Universal Declaration of Human Rights and in the International Covenants to which all nations, including Sri Lanka have subscribed. These rights are to be universally enjoyed by all human beings. They are primarily a reflection of the experiences during and after the second world war, even though the concepts have had a far longer history.

The important thing to note is that when nations subscribe to these covenants and other instruments they are in effect agreeing to cede a part of their sovereignty to international organs. There is the United Nations Commission on Human Rights which meets in Geneva and is composed of about 50 elected states. There is the UN Committee on Human Rights, a group of selected individuals in their own right, which meets in New York. Governments have agreed to be

answerable to these institutions with regard to the due observance of human rights in their territories. For example, all governments have to subject themselves to a regular five year report to the UN committee; it was Sri Lanka's turn last year and the representative of the government did not have an easy time at those hearings. The Commission on Human Rights has the right to receive representations and where they deem it necessary, to send working groups and rapporteurs to find out for themselves the exact situation in a country. The Working Group on Disappearances which visited Sri Lanka in October 1991 was one such.

The international covenants thus make a state answerable to international organs for their adherence to the norms of human rights.

Not only that. These same agreements enjoin all states to do their best to ensure that human rights are observed at the global level.

There have also developed other organisations, not at the state level, concerned with the promotion and advancement of human rights, such as for example, Amnesty International, Asia Watch, the International Commission of Jurists. Governments often find themselves answerable to them as well. The Sri Lanka government, for example, accepted a visit from Amnesty last year and agreed to accept and implement most of their recommendations.

The situation, then, is that all countries have agreed, voluntarily, to cede a part of their sovereignty with regard to the way they deal with their citizens' rights.

In this context, to speak of interference is totally wrong. We have to accept that the outside world has the right, and even the duty, to look into our human rights record. To say that we were safeguarding human rights while "they" were in trees and to point to shortcomings in their own countries is simply no answer. We can certainly point out to such defects; we have the right to do so. But it will even be worse than the pot calling the kettle black.

What we have to be ashamed of is not that intervention of this type is taking place, but that we have behaved in such a shameless and blatant manner in violating the civil rights of our citizens that we invite this justified intervention. The Working Group on Disappearances has just reported that they have recorded 12,000- disappearances attributable to state security forces; they say that this is the highest recorded by them for any country. We are well known for torture and deaths in custody, for extra-judicial killings and for reprisal massacres. We are equally well known for arbitrary arrests and for detentions for long periods.

The fact that the anti-state forces in Sri Lanka are equally well known for their brutality is no answer either. The LTTE does indulge in massacres of unarmed civilians, in killing off their opponents, in keeping prisoners in inhuman conditions and in torturing them and in extortion. This however does not legitimise similar tactics by the state, which is expected to adhere to a set of civilised norms.

If these are the conditions under which we live and we have been demonstrably unable to improve them by our own efforts, then I, for one, am thankful for foreign intervention. After all, a government unresponsive to many measures advocated for long by local human rights activists when they came from Amnesty,

As for the link with foreign aid, two things are happening: increasing consciousness in the world about international human rights is putting pressures on governments from their own citizens. They respond to that in Sri Lanka

to improve its human rights record in the area where aid is given. effective - linking aid with human rights, putting conditions on aid. I think they are behaving rationally and that their behaviour is in our interest. After all, we know that the government acts with a certain amount of circumspection in the period before the aid meeting. We do not object to that, do we?

There is, however, another aspect about which I am not so sure. This is the new concern of the IMF, the World Bank and their supporters with what they call "good governance". This concern is, I think, primarily concerned with erecting the kind of juridical structure necessary for the spread of market relations and has to be discussed in another context. C.A.

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