

# INFORMAL

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Freedom without  
opportunity is a  
devil's gift.  
— Noam Chomsky



**STOP  
KILLING  
Human  
Rights  
Activists**

# Ten Years of INSEC



# EDITOR'S NOTE

Nine Years of Nepalese democracy has witnessed many ups and downs. The country has adopted a democratic constitution, enacted laws and created mechanisms, though a few, in the spirit of the internationally adopted human rights instruments. However, the nine-year experience justify that the enactment of laws and creation of mechanisms alone do not ensure the enjoyment of rights of citizens. The Compensation Bill has not ensured the compensation to the victims of torture, nor has the Human Rights Commission Bill ensured the establishment of the relevant institution. The mechanisms so far created have not been accessible to the needy people.

The state is in contradiction with itself. It speaks of Human Rights while keeping on violating the inherent rights of people through various actors. The Human Rights Year Books published since 1992 prove the statement. The publication also reveals that the human rights violators have been honoured instead of bringing them to justice. They are scot-free and unchallenged. In fact, the state has been the protector of such elements in Nepalese society. In this context, Human Rights organizations have launched campaigns throughout the country against impunity. INSEC, while celebrating the 50th Year of Universal Declaration of Human Rights and the 10th Year of its inception, highlights it in its nation wide campaign in 1998.

It is also the time to make a pledge to concentrate our efforts to bring all those responsible for the violation of human rights to justice. We urge even to open discussion whether the denial of politicians to be accountable to the people should be a case of impunity. We urge all for the much needed solidarity for this noble cause which is bound to set up a new human rights culture— against the arm-chair activism and lip services !

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# Market Democracy in a Neoliberal Order: Doctrines and Reality

— Noam Chomsky



I have been asked to speak on some aspect of academic or human freedom, an invitation offers many choices. I will keep to some simple ones.

Freedom without opportunity is a devil's gift, and the refusal to provide such opportunities is criminal. The fate of the more vulnerable offers a sharper measure of the distance from here to something that might be called "civilisation." While I am speaking, 1000 children will die from easily preventable disease, and almost twice that many women will die or suffer serious disability in pregnancy or childbirth for lack of simple remedies and care.<sup>1</sup> UNICEF estimates that to overcome such tragedies, and to ensure universal access to basic social services, would require a quarter of the annual military expenditures of the "developing countries" about 10% of US military spending. It is against the background of such realities as these that any serious discussion of human freedom should proceed.

It is widely held that the cure for such profound social maladies is within reach. The hopes are not without foundation. The past few years have seen the fall of brutal tyrannies, the growth of scientific understanding that offers great promise, and many other reasons to look forward to a brighter future. The discourse of the

privileged is marked by confidence and triumphalism: the way forward is known, and there is no other. The basic theme, articulated with force and clarity, is that "America's victory in the Cold War was a victory for a set of political and economic principles: democracy and the free market." These principles are "the wave of the future — a future for which America is both the gatekeeper and the model." I am quoting the chief political commentator of the New York Times, but the picture is conventional, widely repeated throughout much of the world, and accepted as generally accurate even by critics. It was also enunciated as the "Clinton Doctrine," which declared that our new mission is to "consolidate the victory of democracy and open markets" that had just been won. There remains a range of disagreement: at one extreme "Wilsonian idealists" urge continued dedication to the traditional mission of benevolence, and at the other, "realists" counter that we may lack the means to conduct these crusades of "global meliorism," and should not neglect our own interest in the service of others.<sup>2</sup> Within this range lies the path to a better world.

Reality seems to me rather different. The current spectrum of public policy debate has as little relevance to policy as its numerous antecedents: neither the United States nor any other

power has been guided by "global meliorism." Democracy is under attack world-wide, including the leading industrial countries; at least, democracy in a meaningful sense of the term, involving opportunities for people to manage their own collective and individual affairs. Something similar is true of markets. The assaults on democracy and markets are furthermore related. Their roots lie in the power of corporate entities that are totalitarian in internal structure, increasingly interlinked and reliant on powerful states, and largely unaccountable to the public. Their immense power is growing as a result of social policy that is globalizing the structural model of the third world, with sectors of enormous wealth and privilege alongside of an increase in "the proportion of those who will labour under all the hardships of life, and secretly sigh for a more equal distribution of its blessings," as the leading framer of American democracy, James Madison, predicted 200 years ago.<sup>3</sup> These policy choices are most evident in the Anglo-American societies, but extend world-wide. They cannot be attributed to what "the free market has decided, in its infinite but mysterious wisdom," "the implacable sweep of 'the market revolution'," "Reaganesque rugged individualism," or a "new orthodoxy" that "gives the market full sway."<sup>4</sup> On the contrary, state intervention plays a decisive role, as in the past, and the



basic outlines of policy are hardly novel. Current versions reflect "capital's clear subjugation of labour" for more than 15 years, in the words of the business press,<sup>5</sup> which often frankly articulates the perceptions of a highly class-conscious business community dedicated to class war.

If these perceptions are valid, then the path to a world that is more just and more free lies well outside the range set forth by privilege and power. I cannot hope to establish such conclusions here, but only to suggest that they are credible enough to consider with care. And to suggest further that prevailing doctrines could hardly survive were it not for their contribution to "regimenting the public mind every bit as much as an army regiments the bodies of its soldiers," to borrow the dictum of the respected Roosevelt-Kennedy Liberal Edward Bernays in his classic manual for the Public Relations industry, of which he was one of the founders and leading figures.

Bernays was drawing from his experience in Woodrow Wilson's State propaganda agency, the Committee on Public Information. "It was, of course, the astounding success of propaganda during the war that opened the eyes of the intelligent few in all departments of life to the possibilities of regimenting the public mind," he wrote. His goal was to adapt these experiences to the needs of the intelligent minorities," primarily business leaders, whose task is "The conscious and intelligent manipulation of the organised habits and opinions of the masses." Such "engineering of consent" is the very "essence of the democratic process," Bernays wrote shortly before he was honoured for his contributions by the American Psychological Association in 1949. The importance of "controlling the public mind" has been recog-

nised with increasing clarity as popular struggles succeeded in extending the modalities of democracy, thus giving rise to what liberal elites call "the crisis of democracy" as when normally passive and apathetic populations become organised and seek to enter the political arena to pursue **their interests and demands, threatening stability and order.** As Bernays explained the problem, with "universal suffrage and universal schooling,... at last even the bourgeoisie stood in fear of the common people. For the masses promised to become king," a tendency fortunately reversed — so it has been hoped — as new methods "to mould the mind of the masses" were devised and implemented.<sup>6</sup>

Quite strikingly, in both of the world's leading democracies there was a growing awareness of the need to "apply the lessons" of the highly successful propaganda systems of World War I "to the organisation of political warfare," as the Chairman of the British Conservative Party put the matter 70 years ago. Wilsonian liberals in the US drew the same conclusions in the same years, including public intellectuals and prominent figures in the developing profession of Political Science. In another corner of Western Civilisation, Adolph Hitler vowed that next time Germany would not be defeated in the propaganda war, and also devised his own ways to apply the lessons of Anglo-American propaganda for political warfare at home.<sup>7</sup>

Meanwhile the business world warned of "the hazard facing industrialists" in "the newly realised political power of the masses," and the need to wage and win "the everlasting battle for the minds of men" and "indoctrinate citizens with the capitalist story" until "they are able to play back the story with remarkable fidelity"; and so on,

in an impressive flow, accompanied by even more impressive efforts, and surely one of the central themes of modern history.<sup>8</sup>

To discover the true meaning of the "political and economic principles" that are declared to be "the wave of the future," it is of course necessary to go beyond rhetorical flourishes and public pronouncements and to investigate actual practice and the internal documentary record. Close examination of particular cases is the most rewarding path, but these must be chosen carefully to give a fair picture. There are some natural guidelines. One reasonable approach is to take the examples chosen by the proponents of the doctrines themselves, as their "strongest case." Another is to investigate the record where influence is greatest and interference least, so that we see the operative principles in their purest form. If we want to determine what the Kremlin meant by "democracy" and "human rights," we will pay little heed to Pravda's solemn denunciations of racism in the United States or state terror in its client regimes, even less to protestation of noble motives. Far more instructive is the state of affairs in the "people's democracies" of Eastern Europe. The point is elementary, and applies to the self-designated "gatekeeper and model" as well. Latin America is the obvious testing ground, particularly the Central America-Caribbean region. Here Washington has faced few external challenges for almost a century, so the guiding principles of policy, and of today's neoliberal "Washington consensus" are revealed most clearly when we examine the state of the region, and how that came about.

It is of some interest that the exercise is rarely undertaken, and if proposed, castigated as extremist or worse. I

leave it as an "exercise for the reader," merely noting that the record teaches useful lessons about the political and economic principles that are to be "the wave of the future."

Washington's "crusade for democracy," as it is called, was waged with particular fervour during the Reagan years, with Latin America the chosen terrain. The results are commonly offered as a prime illustration of how the US became "the inspiration for the triumph of democracy in our time," to quote the editors of the leading intellectual journal of American liberalism.<sup>9</sup> The most recent scholarly study of democracy describes "the revival of democracy in Latin America" as "impressive" but not unproblematic; the "barrier to implementation" remain "formidable," but can perhaps be overcome through closer integration with the United States.<sup>10</sup> The author, Sanford Lakoff, singles out the "historic North American Free Trade Agreement (NAFTA)" as a potential instrument of democratisation. In the region of traditional US influence, he writes, the countries are moving towards democracy, having "survived military intervention" and "vicious civil war."

Let us begin by looking more closely at these recent cases, the natural ones given overwhelming U.S. influence, and the ones regularly selected to illustrate the achievements and promise of "America's mission."

The primary "barriers to implementation" of democracy, Lakoff suggests, are the "vested interests" that seek to protect "domestic markets" — that is, to prevent foreign (mainly US) corporations from gaining even greater control over the society. We are to understand, then, that democracy is enhanced as significant decision-making shifts even more into the hands of unaccountable private tyrannies, mostly foreign-based.

Meanwhile the public arena is to shrink still further as the state is "minimised" in accordance with the neoliberal "political and economic principles" that have emerged triumphant. A study of the World Bank points out that the new orthodoxy represents "a dramatic shift away from a pluralist, participatory ideal of politics and towards an authoritarian and technocratic ideal..." one that is very much in accord with leading elements of twentieth century liberal and progressive thought, and in another variant, the Leninist model; the two are more similar than often recognised.<sup>11</sup>

Thinking through the tacit reasoning, we gain some useful insight into the concept of democracy and markets, in the operative sense.

Lakoff does not look into the "revival of democracy" in Latin America, but he does cite a scholarly source that includes a contribution on Washington's crusade in the 1980s. The author is Thomas Carothers, who combines scholarship with an "insider's perspective" having worked on "democracy enhancement" programs in Reagan's State Department.<sup>12</sup> Carothers regards Washington's "impulse to promote democracy" as "sincere," but largely a failure. Furthermore, the failure was systematic: where Washington's influence was least, in South America, there was real progress towards democracy, which the Reagan Administration generally opposed, later taking credit for it when the process proved irresistible. Where Washington's influence was greatest, progress was least, and where it occurred, the US role was marginal or negative. His general conclusion is that the US sought to maintain "the basic order of...quite undemocratic societies" and to avoid "populist-based change," "inevitably

[seeking] only limited, top-down forms of democratic change that did not risk upsetting the traditional structures of power with which the United States has long been allied."

The last phrase requires a gloss. The term "United States" is conventionally used to refer to structures of power within the United States; the "national interest" is the interest of these groups, which correlates only weakly with interests of the general population. So the conclusion is that Washington sought top-down forms of democracy that did not upset traditional structures of power with which the structures of power in the United States have long been allied. Not a very surprising fact, or much of a historical novelty.

To appreciate the significance of the fact, it is necessary to examine more closely the nature of parliamentary democracies. The United States is the most important case, not only because of its power, but because of its stable and long-standing democratic institutions. Furthermore, the United States was about as close to a tabula rasa as one can find. America can be "As happy as she pleases," Thomas Paine remarked in 1776: "she has a blank sheet to write upon."<sup>13</sup> The indigenous societies were largely eliminated. There is little residue of earlier European structures, one reason for the relative weakness of the social contract and of support systems, which often had their roots in pre-capitalist institutions. And to an unusual extent, the socio-political order was consciously designed. In studying history, one cannot construct experiments, but the US is as close to the "ideal case" of state capitalist democracy as can be found.

Furthermore, the leading Framers of the constitutional system was an astute and lucid political thinker,

Jamee Madison, whose views largely prevailed. In the debates on the Constitution, Madison pointed out that in England, if elections "were open to all classes of people, the property of landed proprietors would be insecure. An agrarian law would soon take place," giving land to the landless. The system that he and his associates were designing must prevent such injustice, he urged, and "secure the permanent interests of the country," which are property rights. It is the responsibility of government, Madison declared, "to protect the minority of the opulent against the majority." To achieve this goal, political power must rest in the hands of "the wealth of the nation," men who would "sympathise sufficiently" with property rights and "be safe depositories of power over them," while the rest are marginalized and fragmented, offered only limited public participation in the political arena. Among Madisonian scholars, there is a consensus that "The Constitution was intrinsically an aristocratic document designed to check the democratic tendencies of the period," delivering power to a "better sort" of people and excluding "those who were not rich, well born, or prominent from exercising political power."<sup>14</sup>

These conclusions are often qualified by the observation that Madison, and the constitutional system generally, sought to balance the rights of persons against the rights of property. But the formulation is misleading. Property has no rights. In both principle and practice, the phrase "rights of property" means the right to property, typically material property, a personal right which must be privileged above all others, and is crucially different from others in that one person's possession of such rights deprives another of them. When the facts are stated clearly, we can

appreciate the force of the doctrine that "the people who own the country ought to govern it," "one of [the] favourite maxims" of Madison's influential colleague John Jay, his biographer observes.<sup>15</sup>

One may argue, as some historians do, that these principles lost their force as the national territory was conquered and settled, the native population driven out or exterminated. Whatever one's assessment of those years, by the late 19th century the founding doctrines took on a new and much more oppressive form. When Madison spoke of "rights of persons," he meant persons. But the growth of the industrial economy, and the rise of corporate forms of economic enterprise, led to a completely new meaning of the term. In a current official document, "'Person' is broadly defined to include any individual, branch, partnership, associated group, association, estate, trust, corporation or other organization (whether or not organized under the laws of any State), or any government entity,"<sup>16</sup> a concept that doubtless would have shocked Madison and others with intellectual roots in the Enlightenment and classical liberalism — pre-capitalist, and anti-capitalist in spirit.

These radical changes in the conception of human rights and democracy were not introduced primarily by legislation, but by judicial decisions and intellectual commentary. Corporations, which previously had been considered artificial entities with no rights were accorded all the rights of persons, and far more, since they are "immortal persons," and "persons" of extraordinary wealth and power. Furthermore, they were no longer bound to the specific purposes designated by State charter, but could act as they chose, with few constraints. The intellectual back-

grounds for granting such extraordinary rights to "collectivist legal entities" lie in neo-Hegelian doctrines that also underlie Bolshevism and fascism: the idea that organic entities have rights over and above those of persons. Conservative legal scholars bitterly opposed these innovations, recognizing that they undermine the traditional idea that rights inhere in individuals, and undermine market principles as well.<sup>17</sup> But the new forms of authoritarian rule were institutionalized, and along with them, the legitimation of wage labor, which was considered hardly better than slavery in mainstream American thought through much of the 19th century not only by the rising labor movement but also by such figures as Abraham Lincoln, the Republican Party, and the establishment media.<sup>18</sup>

These are topics with enormous implications for understanding the nature of market democracy. Again, I can only mention them here. The material and ideological outcome helps explain the understanding that "democracy" abroad must reflect the model sought at home: "top-down" forms of control, with the public kept to a "spectator" role, not participating in the arena of decision-making, which must exclude these "ignorant and meddlesome outsiders," according to the mainstream of modern democratic theory. I happen to be quoting the essays on democracy by Walter Lippmann, one of the most respected American public intellectuals and journalists of the century.<sup>19</sup> But the general ideas are standard and have solid roots in the constitutional tradition, radically modified, however, in the new era of collectivist legal entities.

Returning to the "victory of democracy" under U.S. guidance, neither Lakoff nor Carothers asks how Washington maintained the



traditional power structure of highly undemocratic societies. Their topic is not the terrorist wars that left tens of thousands of tortured and mutilated corpses, millions of refugees, and devastation perhaps beyond recovery — in large measure wars against the Church, which became an enemy when it adopted "the preferential option for the poor," trying to help suffering people to attain some measure of justice and democratic rights. It is more than symbolic that the terrible decade of the 1980s opened with the murder of an Archbishop who had become "a voice for the voiceless," and closed with the assassination of six leading Jesuit intellectuals who had chosen the same path, in each case by terrorist forces armed and trained by the victors of the "crusade for democracy." One should take careful note of the fact that the leading Central American dissident intellectuals were doubly assassinated: both murdered, and silenced. Their words, indeed their very existence, are scarcely known in the United States, unlike dissidents in enemy states, who are greatly honoured and admired; another cultural universal, I presume.

Such matters do not enter history as recounted by the victors. In Lakoff's study, which is not untypical in this regard, what survives are references to "military intervention" and "civil wars," with no external factor identified. These matters will not so quickly be put aside, however, by those who seek a better grasp of the principles that are to shape the future, if the structures of power have their way.

Particularly revealing is Lakoff's description of Nicaragua again standard: "a civil war was ended following a democratic election, and a difficult effort is underway to create a more prosperous and self-governing society." In the real world, the superpow-

er attacking Nicaragua escalated its assault after the country's first democratic election: the election of 1984, closely monitored and recognized as legitimate by the professional association of Latin American Scholars (LASA), Irish and British Parliamentary delegations, and others, including a hostile Dutch government delegation that was remarkably supportive of Reaganite atrocities, as well as the leading figure of Central American democracy, Jose Figueres of Costa Rica, also critical observer, though regarding the elections as legitimate in this "invaded country," and calling on Washington to allow the Sandinistas "to finish what they started in peace; they deserve it." The U.S. strongly opposed the holding of the elections and sought to undermine them, concerned that democratic elections might interfere with its terrorist war. But that concern was put to rest by the good behaviour of the doctrinal system, which barred the reports with remarkable efficiency, reflexively adopting the state propaganda line that the elections were meaningless fraud.<sup>20</sup>

Overlooked as well is the fact that as the next election approached on schedule,<sup>21</sup> Washington left no doubt that unless the results came out the right way, Nicaraguans would continue to endure the illegal economic warfare and "unlawful use of force" that the World Court had condemned and ordered terminated, of course in vain. This time the outcome was acceptable, and hailed in the U.S. with an outburst of exuberance that is highly informative.<sup>22</sup>

At the outer limits of critical independence, Columnist Anthony Lewis of the New York Times was overcome with admiration for Washington's "experiment in peace and democracy," which showed that "we live in a

romantic age." The experimental methods were no secret. Thus Time magazine, joining in the celebration as "democracy burst forth" in Nicaragua, outlined them frankly: to "wreck the economy and prosecute a long and deadly proxy war until the exhausted natives overthrow the unwanted government themselves," with a cost to us that is "minimal," leaving the victim "with wrecked bridges, sabotaged power stations, and ruined farms," and providing Washington's candidate with "a winning issue," ending the "impoverishment of the people of Nicaragua," not to speak of the continuing terror, better left unmentioned. To be sure, the cost to them was hardly "minimal": Carothers notes that the toll "in per capita terms was significantly higher than the number of U.S. persons killed in the U.S. Civil War and all the wars of the twentieth century combined."<sup>23</sup> The outcome was a "Victory for U.S. Fair Play," a headline in the New York Times exulted, leaving Americans "United in Joy," in the style of Albania and North Korea.

The methods of this "romantic age," and the reaction to them in enlightened circles, tell us more about the democratic principles that have emerged victorious. They also shed some light on why it is such a "difficult effort" to "create a more prosperous and self-governing society" in Nicaragua. It is true that the effort is now underway, and is meeting with some success for a privileged minority, while most of the population faces social and economic disaster, all in the familiar pattern of Western dependencies.<sup>24</sup> Note that it is precisely this example that led the New Republic editors to laud themselves as "the inspiration for the triumph of democracy in our time," joining the enthusiastic chorus.

We learn more about the victorious

principles by recalling that these same representative figures of liberal intellectual life had urged that Washington's wars must be waged mercilessly, with military support for "Latin-style fascists,...regardless of how many are murdered," because "there are higher American priorities than Salvadoran human rights." Elaborating, editor Michael Kinsley, who represented "the left" in mainstream commentary and television debate, cautioned against unthinking criticism of Washington's official policy of attacking undefended civilian targets. Such international terrorist operations cause "vast civilian suffering," he acknowledged, but they may be "perfectly legitimate" if "cost-benefit analysis" shows that "the amount of blood and misery that will be poured in" yields "democracy," as the world rulers define it. Enlightened opinion insists that terror is not a value in itself, but must meet the pragmatic criterion. Kinsley later observed that the desired ends had been achieved: "impoverishing the people of Nicaragua was precisely the point of the contra war and the parallel policy of economic embargo and veto of international development loans," which "wreck[ed] the economy" and "create[d] the economic disaster [that] was probably the victorious opposition's best election issue." He then joined in welcoming the "triumph of democracy" in the "free election" of 1990.<sup>25</sup>

Client states enjoy similar privileges. Thus, commenting on yet another of Israel's attacks on Lebanon, foreign editor H.D.S. Greenway of the Boston Globe, who had graphically reported the first major invasion 15 years earlier, commented that "If shelling Lebanese villages, even at the cost of lives, and driving civilian refugees north would secure Israel's border, weaken Hezbollah, and promote peace, I would say go to it, as would

many Arabs and Israelis. But history has not been kind to Israeli adventures in Lebanon. They have solved very little and have almost always caused more problems." By the pragmatic criterion, then, the murder of many civilians, expulsion of hundreds of thousands of refugees, and devastation of southern Lebanon is a dubious proposition.<sup>26</sup>

It would not be too hard, I presume to find comparable examples here in the recent past.

Bear in mind that I am keeping to the dissident sector of tolerable opinion, what is called "the left," a fact that tells us more about the victorious principles and the intellectual culture within which they find their place. Also revealing was the reaction to periodic Reagan Administration allegations about Nicaraguan plans to obtain jet interceptors from the Soviet Union (the U.S. having coerced its allies into refusing to sell them). Hawks demanded that Nicaragua be bombed at once. Doves countered that the charges must first be verified, but if they were, the U.S. would have to bomb Nicaragua. Sane observers understood why Nicaragua might want jet interceptors: to protect its territory from CIA over flights that were supplying the U.S. proxy forces and providing them with up-to-the-minute information so that they could follow the directive to attack undefended "soft targets." The tacit assumption is that no country has a right to defend civilians from U.S. attack. The doctrine, which reigned challenged, is an interesting one. It might be illuminating to seek counterparts elsewhere.

The pretext for Washington's terrorist wars was self-defense, the standard official justification for just about any monstrous act, even the Nazi Holocaust. Indeed Ronald Reagan, finding "that the policies and actions

of the Government of Nicaragua constitute an unusual and extraordinary threat to the national security and foreign policy of the United States," declared "a national emergency to deal with that threat," arousing no ridicule.<sup>27</sup> Others react differently. In response to Jone F. Kennedy's efforts to organize collective action against Cuba in 1961, a Mexican diplomat explained that Mexico could not go along, because "If we publicly declare that Cuba is a threat to our security, forty million Mexicans will die laughing."<sup>28</sup> Enlightened opinion in the West takes a more sober view of the extraordinary threat to national security. By similar logic, the USSR had every right to attack Denmark, a far greater threat to its security, and surely Poland and Hungary when they took steps towards independence. The fact that such pleas can regularly be put forth is again an interesting comment on the intellectual culture of the victors, and another indication of what lies ahead.

The substance of the Cold War pretexts is greatly illuminated by the case of Cuba, as are the real operative principles. These have emerged with much clarity once again in the past few weeks, with Washington's refusal to accept World Trade Organization adjudication of a European Union challenge to the embargo, which is unique in its severity, and had already been condemned as a violation of international law by the Organization of American States and repeatedly by the United Nations, with near unanimity, more recently extended to severe penalties for third parties that disobey Washington's edicts, yet another violation of international law and trade agreements. The official response of the Clinton Administration, as reported by the Newspaper of Record, is that "Europe is challenging 'three decades of



American Cuba policy that goes back to the Kennedy Administration,' and is aimed entirely at forcing a change of government in Havana."<sup>29</sup> The Administration also declared that the W.T.O. "has no competence to proceed" on an issue of American national security, and cannot "force the U.S. to change its laws."

At the very same moment, Washington and the media were lauding the W.T.O. Telecommunications agreement as a "new tool of foreign policy" that compels other countries to change their laws and practices in accord with Washington's demands, incidentally handing over their communications systems to mainly U.S. megacorporations in yet another serious blow against democracy.<sup>30</sup> But the W.T.O. has no authority to compel the U.S. to change its laws, just as the World Court has no authority to compel the U.S. to terminate its international terrorism and illegal economic warfare. Free trade and international law are like democracy: fine ideas, but to be judged by outcome, not process.

The reasoning with regard to the W.T.O. is reminiscent of the official U.S. grounds for dismissing World Court adjudication of Nicaragua's charges. In both cases, the U.S. rejected jurisdiction on the plausible assumption that rulings would be against the U.S.; by simple logic, then, neither is a proper forum. The State Department Legal Adviser explained that when the U.S. accepted World Court jurisdiction in the 1940s, most members of the U.N. "were aligned with the United States and shared its views regarding world order." But now "A great many of these cannot be counted on to share our view of the original constitutional conception of the U.N. Charter," and "This same majority often opposes

the United States on important international questions." Lacking a guarantee that it will get its way, the U.S. must now "reserve to ourselves the power to determine whether the Court has jurisdiction over us in a particular case," on the principle that the United States does not accept compulsory jurisdiction over any dispute involving matters essentially within the domestic jurisdiction of the United States, as determined by the United States." The "domestic matters" in question were the U.S. attack against Nicaragua.<sup>31</sup>

The media, along with intellectual opinion generally, agreed that the Court discredited itself by ruling against the United States. The crucial parts of its decision were not reported, including its determination that all U.S. aid to the contras is military and not humanitarian; it remained "humanitarian aid" across the spectrum of respectable opinion until Washington's terror, economic warfare, and subversion of diplomacy brought about the "Victory for U.S. Fair Play."<sup>32</sup>

Returning to the W.T.O. case, we need not tarry on the allegation that the existence of the United States is at stake in the strangulation of the Cuban economy. More interesting is the thesis that the U.S. has every right to overthrow another government, in this case, by aggression, large-scale terror over many years, and economic strangulation. Accordingly, international law and trade agreements are irrelevant. The fundamental principles of world order that have emerged victorious again resound, loud and clear.

The Clinton Administration declarations passed without challenge, though they were criticised on narrower grounds by historian Arthur Schlesinger. Writing "as one involved in the Kennedy Administration's

Cuban policy," Schlesinger maintained that the Clinton Administration had misunderstood Kennedy's policies. The concern had been Cuba's "troublemaking in the hemisphere" and "the Soviet connection," Schlesinger explained.<sup>33</sup> But these are now behind us, so the Clinton policies are an anachronism, though otherwise unobjectionable, so we are to conclude.

Schlesinger did not explain the meaning of the phrases "troublemaking in the hemisphere" and "the Soviet connection," but he has elsewhere, in secret. Reporting to incoming President Kennedy on the conclusions of a Latin American Mission in early 1961, Schlesinger spelled out the problem of Castro's "troublemaking" — what the Clinton Administration calls Cuba's effort "to destabilize large parts of Latin America" (see note 29): it is "the spread of the Castro idea of taking matters into one's own hands," a serious problem, Schlesinger added, when "The distribution of land and other forms of national wealth greatly favors the propertied classes,...[and] The poor and underprivileged, stimulated by the example of the Cuban revolution, are now demanding opportunities for a decent living." Schlesinger also explained the threat of the "Soviet connection": "Meanwhile, the Soviet Union hovers in the wings, flourishing large development loans and presenting itself as the model for achieving modernization in a single generation."<sup>34</sup> The "Soviet connection" was perceived in a similar light far more broadly in Washington and London, from the origins of the Cold War 80 years ago.

With these (secret) explanations of Castro's "destabilization" and "troublemaking in the hemisphere," and, of the "Soviet connection," we come closer to an understanding of the

reality of the Cold War, another important topic I will have to put aside. It should come as no surprise that basic policies persist with the Cold War a fading memory, just as they were carried out before the Bolshevik revolution: the brutal and destructive invasion of Haiti and the Dominican Republic, to mention just one illustration of "global meliorism" under the banner of "Wilsonian idealism."

It should be added that the policy of overthrowing the government of Cuba antedates the Kennedy Administration. Castro took power in January 1959. By June, the Eisenhower Administration had determined that his government must be overthrown. Terrorist attacks from U.S. bases began shortly after. The formal decision to overthrow Castro in favor of a regime "more devoted to the true interests of the Cuban people and more acceptable to the U.S." was taken in secret in March 1960, with the addendum that the operation must be carried out "in such a manner as to avoid any appearance of U.S. intervention," because of the expected reaction in Latin America and the need to ease the burden on doctrinal managers at home. At the time, the "Soviet connection" and "troublemaking in the hemisphere" were nil, apart from the Schlesingerian version. The CIA estimated that the Castro government enjoyed popular support (the Clinton Administration has similar evidence today). The Kennedy Administration also recognized that its efforts violated international law and the Charters of the UN and OAS, but such issues were dismissed without discussion, the declassified record reveals.<sup>35</sup>

Let us move on to NAFTA, the "historic" agreement that may help to advance US-style democracy in Mexico, Lakoff suggests. A closer

look is again informative. The NAFTA agreement was tammed through Congress over strenuous popular opposition but with overwhelming support from the business world and the media, which were full of joyous promises of benefits for all concerned, also confidently predicted by the US. International Trade Commission and leading economists equipped with the most up-to-date models (which had just failed miserably to predict the deleterious consequences of the U.S.-Canada Free Trade Agreement, but were somehow going to work in this case). Completely suppressed was the careful analysis by the Office of Technology Assessment (the research bureau of Congress), which concluded that the planned version of NAFTA would harm most of the population of North America, proposing modification that could render the agreement beneficial beyond small circles of investment and finance. Still more instructive was the suppression of the official position of the U.S. labor movement, presented in a similar analysis. Meanwhile labor was bitterly condemned for its "backward, unenlightened" perspective and "crude threatening tactics," motivated by "fear of change and fear of foreigners"; I am again sampling only from the far left of the spectrum, in this case, Anthony Lewis. The charges were demonstrably false, but they were the only word that reached the public in this inspiring exercise of democracy. Further details are most illuminating, and reviewed in the dissident literature at the time and since, but kept from the public eye, and unlikely to enter approved history.<sup>36</sup>

By now, the tales about the wonders of NAFTA have quietly been shelved, as the facts have been coming in. One hears no more about the hundreds of thousands of new jobs and other great benefits in store for the

people of the three countries. These good tidings have been replaced by the "distinctly benign economic viewpoint" — the "experts' view" — that NAFTA had no significant effects. The Wall Street Journal reports that "Administration officials feel frustrated by their inability to convince voters that the threat doesn't hurt them" and that job loss is "much less than predicted by Ross Perot," who was allowed into mainstream discussion (unlike the OTA, the Labor movement, economists who didn't echo the Party Line, and of course dissident analysts) because his claims were sometimes extreme and easily ridiculed. "It's hard to fight the critics' by telling the truth — that the trade pact 'hasn't really done anything'," an administration official observes sadly. Forgotten is what "the truth" was going to be when the impressive exercise in democracy was roaring full steam ahead.<sup>37</sup>

While the experts have downgraded NAFTA to "no significant effects," dispatching the earlier "experts' view" to the memory hole, a less than "distinctly benign economic viewpoint" comes into focus if the "national interest" is widened in scope to include the general population. Testifying before the Senate Banking Committee in February 1997, Federal Reserve Board Chairman Alan Greenspan was highly optimistic about "sustainable economic expansion" thanks to "atypical restraint on compensation increases [which] appears to be mainly the consequence of greater worker insecurity" — an obvious desideratum for a just society. The February 1997 Economic Report of the President, taking pride in the Administration's achievements, refers more obliquely to "changes in labour market institutions and practices" as a factor in the "significant wage restraint" that bolsters the health of the economy.



One reason for these benign changes is spelled out in a study commissioned by the NAFTA Labor Secretariat "on the effects of the sudden closing of the plant on the principle of freedom of association and the right of workers to organize in the three countries." The study as carried out under NAFTA rules in response to a complaint by telecommunications workers on illegal labor practices by Sprint. The complaint was upheld by the U.S. National Labor Relations Board, which ordered trivial penalties after years of delay, the standard procedure. The NAFTA study, by Cornell University Labor economist Kate Bronfenbrenner, has been authorized for release by Canada and Mexico, but not by the Clinton Administration. It reveals a significant impact of NAFTA on strike-breaking. About half of union organizing efforts are disrupted by employer threats to transfer production abroad; for example, by placing signs reading "Mexico Transfer Job" in front of a plant where there is an organizing drive. The threats are not idle: when such organizing drives nevertheless succeed, employers close the plant in whole or in part at triple the pre-NAFTA rate (about 15% of the time). Plant-closing threats are almost twice as high in more mobile industries (e.g., manufacturing vs. construction).

These and other practices reported in the study are illegal, but that is a technicality, on a par with violations of international law and trade agreements when outcomes are unacceptable. The Reagan Administration had made it clear to the business world that their illegal anti-union activities would not be hampered by the criminal state, and successors have kept to this stand. There has been a substantial effect on destruction of unions — or in more polite words, "changes in labor market institutions

and practices" that contribute to "significant wage restraint" within an economic model offered with great pride to a backward world that has not yet grasped the victorious principles that are to lead the way to freedom and justice.<sup>38</sup>

What was reported all along outside the mainstream about the goals of NAFTA is also now quietly conceded: the real goal was to "lock Mexico in" to the "reforms" that had made it an "economic miracle," in the technical sense of this term: a "miracle" for U.S. investors and the Mexican rich, while the population sank into misery. The Clinton Administration "forgot that the underlying purpose of NAFTA was not to promote trade but to cement Mexico's economic reforms," *Newsweek* correspondent Marc Levinson loftily declares, gailing only to add that the contrary was loudly proclaimed to ensure the passage of NAFTA while critics who pointed out this "underlying purpose" were efficiently excluded from the free market of ideas by its owners. Perhaps some day the reasons will be conceded too. "Locking Mexico in" to these reforms, it was hoped, would deflect the danger detected by a Latin America Strategy Development Workshop in Washington in September 1990. It concluded that relations with the brutal Mexican dictators were fine, though there was a potential problem: "a 'democracy opening' in Mexico could test the special relationship by bringing into office a government more interested in challenging the US on economic and nationalist grounds"<sup>39</sup> — no longer a serious problem now that Mexico is "locked into the reforms" by treaty. The U.S. has the power to disregard treaty obligations at will; not Mexico.

In brief, the threat is democracy, at home and abroad, as the chosen

example again illustrates. Democracy is permissible, even welcome, but again, as judged by outcome, not process. NAFTA was considered to be an effective device to diminish the threat of democracy. It was implemented at home by effective subversion of the democratic process, and in Mexico by force, again over vain public protest. The results are now presented as a hopeful instrument to bring American-style democracy to benighted Mexicans. A cynical observer aware of the facts might agree.

Once again, the chosen illustrations of the triumph of democracy are natural ones, and are interesting and revealing as well, though not quite in the intended manner.

Markets are always a social construction, and in the specific form being crafted by current social policy they should serve to restrict functioning democracy, as in the case of NAFTA, the W.T.O. agreements, and other instruments that may lie ahead. One case that merits close attention is the Multilateral Agreement on Investment (MAI) that is now being forged by the OECD, the rich men's club, and the W.T.O. (where it is the MIA). The apparent hope is that the agreement will be adopted without public awareness, as was the initial intention for NAFTA, not quite achieved, though the "information system" managed to keep the basic story under wraps. If the plans outlined in draft texts are implemented, the whole world may be "locked into" treaty arrangements that provide Transnational Corporations with still more powerful weapons to restrict the arena of democratic politics, leaving policy largely in the hands of huge private tyrannies that have ample means of market interference as well. The efforts may be blocked at the W.T.O. because of the strong protests of the "developing coun-

tries," notably India and Malaysia, which are not eager to become wholly-owned subsidiaries of great foreign enterprises. But the OECD version may fare better, to be presented to the rest of the world as a *fait accompli*, with the obvious consequences. All of this proceeds in impressive secrecy, so far.<sup>40</sup>

The announcement of the Clinton Doctrine was accompanied by a prize example to illustrate the victorious principles: What the Administration had achieved in Haiti. Since this is again offered as the strongest case, it would only be appropriate to look at it.

True, Haiti's elected President was allowed to return, but only after the popular organizations had been subjected to three years of terror by forces that retained close connections to Washington throughout; the Clinton Administration still refuses to turn over to Haiti 160,000 pages of documents on state terror seized by U.S. military forces — "to avoid embarrassing revelations" about U.S. government involvement with the coup regime, according to Human Rights Watch.<sup>41</sup> It was also necessary to put President Aristide through "a crash course in democracy and capitalism," as his leading supporter in Washington described the process of civilizing the troublesome priest. The device is not unknown elsewhere, as an unwelcome transition to formal democracy is contemplated.

As a condition on his return, Aristide was compelled to accept an economic program that directs the policies of the Haitian government to the needs of "Civil Society, especially the private sector, both national and foreign": U.S. investors are designated to be the core of Haitian Civil Society, along with wealthy Haitians who backed the military coup, but not the Haitian peasants and slum-

dwellers who organized a civil society so lively and vibrant that they were even able to elect their own president against overwhelming odds, eliciting instant U.S. hostility and efforts to subvert Haiti's first democratic regime.<sup>42</sup>

The unacceptable acts of the "ignorant and meddlesome outsiders" in Haiti were reversed by violence, with direct U.S. complicity, not only through contacts with the state terrorists in charge. The Organization of American States declared an embargo. The Bush and Clinton Administrations undermined it from the start by exempting U.S. firms, and also by secretly authorizing the Texaco Oil Company to supply the coup regime and its wealthy supporters in violation of the official sanctions, a crucial fact that was prominently revealed the day before U.S. troops landed to "restore democracy,"<sup>43</sup> but has yet to reach the public, and is an unlikely candidate for the historical record.

Now democracy has been restored. The new government has been forced to abandon the democratic and reformist programs that scandalized Washington, and to follow the policies of Washington's candidate in the 1990 election, in which he received 14% of the vote.

The prize example tells us more about the meaning and implications of the victory for "democracy and open markets."

Haitians seem to understand the lessons, even if doctrinal managers in the West prefer a different picture. Parliamentary elections in April 1997 brought forth "a dismal 5 percent" of voters, the press reported, thus raising the question "Did Haiti Fail US Hope?"<sup>44</sup> We have sacrificed so much to bring them democracy, but they are ungrateful and unworthy.

One can see why "realists" urge that we stay aloof from crusades of "global meliorism."

Similar attitudes hold throughout the hemisphere. Polls show that in Central America, politics elicits "boredom," "distrust" and "indifference" in proportions far outdistancing "interest" or "enthusiasm" among "an apathetic public...which feels itself a spectator in its democratic system" and has "general pessimism about the future." The first Latin America survey, sponsored by the EU, found much the same: "the survey's most alarming message," the Brazilian coordinator commented, was "the popular perception that only the elite had benefited from the transition to democracy."<sup>45</sup> Latin American scholars observe that the recent wave of democratization coincided with neoliberal economic reforms, which have been very harmful for most people, leading to a cynical appraisal of formal democratic procedures. The introduction of similar programs in the richest country in the world has had similar effects. By the early 1990s, after 15 years of a domestic version of structural adjustment, over 80% of the U.S. population had come to regard the democratic system as a sham, with business far too powerful, and the economy as "inherently unfair." These are natural consequences of the specific design of market democracy" under business rule.

Natural, and not unexpected. Neoliberalism is centuries old, and its effects should not be unfamiliar. The well-known economic historian Paul Bairoch points out that "there is no doubt that the Third World's compulsory economic liberalism in the nineteenth century is a major element in explaining the delay in its industrialization," or even "deindustrialization," while Europe and the regions that



managed to stay free of its control developed by radical violation of these principles.<sup>46</sup> Referring to the more recent past, Arthur Schlesinger's secret report on Kennedy's Latin American mission realistically criticised "the baleful influence of the International Monetary Fund," then pursuing the 1950's version of today's "Washington Consensus" ("structural adjustment," "neoliberalism"). Despite much confident rhetoric, not much is understood about economic development (see note 36). But some lessons of history seem reasonably clear, and not hard to understand.

Let us return to the prevailing doctrine that "America's victory in the Cold War" was a victory for democracy and the free market. With regard to democracy, the doctrine is partially true, though we have to understand what is meant by "democracy": top-down control "to protect the minority of the opulent against the majority." What about the free market? Here too, we find that doctrine is far removed from reality, as several examples have already illustrated.

Consider again the case of NAFTA, an agreement intended to lock Mexico into an economic discipline that protects investors from the danger of a "democracy opening." Its provisions tell us more about the economic principles that have emerged victorious. It is not a "free trade agreement." Rather, it is highly protectionist, designed to impede East Asian and European competitors. Furthermore, it shares with the global agreements such anti-market principles as "intellectual property rights" restrictions of an extreme sort that rich societies never accepted during their period of development, but that they now intend to use to protect home-based corporations: to destroy the pharmaceutical industry in poor-

er countries, for example — and, incidentally, to block technological innovations, such as improved production processes for patented products; progress is no more a desideratum than markets, unless it yields benefits for those who count.

There are also questions about the nature of "trade." Over half of U.S. trade with Mexico is reported to consist of intrafirm transactions, up about 15% since NAFTA. For example, already a decade ago, mostly U.S.-owned plants in Northern Mexico employing few workers and with virtually no linkages to the Mexican economy produced more than 1/3 of engine blocks used in U.S. cars and 3/4 of other essential components. The post-NAFTA collapse of the Mexican economy in 1994, exempting only the very rich and U.S. investors (protected by U.S. government bailouts), led to an increase of U.S.-Mexico trade as the new crisis, driving the population to still deeper misery, "transformed Mexico into a cheap [i.e., even cheaper] source of manufactured goods, with industrial wages one-tenth of those in the US," the business press reports. Ten years ago According to some specialists, half of U.S. trade world-wide consists of such centrally-managed transactions and much the same is true of other industrial powers,<sup>47</sup> though one must treat with caution conclusions about institutions with limited public accountability. Some economists have plausibly described the world system as one of: "corporate mercantilism" remote from the ideal of free trade. The OECD concludes that "Oligopolistic competition and strategic interaction among firms and governments rather than the invisible hand of market forces condition today's competitive advantage and international division of labour in high-technology industries,"<sup>48</sup>

implicitly adopting a similar view.

Even the basic structure of the domestic economy violates the neoliberal principles that are hailed. The main theme of the standard work on U.S. business history is that "modern business enterprise took the place of market mechanisms in coordinating the activities Of the economy and allocating its resources," handling many transactions internally, another large departure from market principles.<sup>49</sup> There are many others. Consider, for example, the fate of Adam Smith's principle that free movement of people is an essential component of free trade — across borders, for example. When we move on to the world of Transnational Corporations, with strategic alliances and critical support from powerful states, the gap between doctrine and reality becomes substantial.

Free market theory comes in two varieties: the official doctrine, and what we might call "really existing free market doctrine": Market discipline is good for you, but I need the protection of the nanny state. The official doctrine is imposed on the defenceless, but it is "really existing doctrine" that has been adopted by the powerful since the days when Britain emerged as Europe's most advanced fiscal-military and developmental state, with sharp increases in taxation and efficient public administration as the state became "the largest single actor in the economy" and its global expansion,<sup>50</sup> establishing a model that has been followed to the present in the industrial world, surely by the United States, from its origins.

Britain did finally turn to liberal internationalism - in 1846, after 150 years of protectionism, violence, and state power had placed it far ahead of any competitor. But the turn to the market had significant reservations. 40%

of British textiles continued to go to colonised India, and much the same was true of British exports generally. British steel was kept from U.S. markets by very high tariffs that enabled the United States to develop its own steel industry. But India and other colonies were still available, and remained so when British steel was priced out of international markets. India is an instructive case; it Produced as much iron as all of Europe in the late 18th century, and British engineers were studying more advanced Indian steel manufacturing techniques in 1820 to try to close "the technological gap." Bombay was producing locomotives at competitive levels when the railway boom began. But "really existing free market doctrine" destroyed these sectors of Indian industry just as it had destroyed textiles, ship-building, and other industries that were advanced by the standards of the day. The U.S. and Japan, in contrast, had escaped European control; and could adopt Britain's model of market interference.

When Japanese competition proved to be too much to handle, England simply called off the game: the empire was effectively closed to Japanese exports, part of the background of World War II. Indian manufacturers asked for protection at the same time — but against England, not Japan. No such luck, under really existing free market doctrine.<sup>51</sup>

With the abandonment of its restricted version of laissez-faire in the 1930s, the British government turned to more direct intervention into the domestic economy as well. Within a few years, machine tool output increased five times, along with a boom in chemicals, steel, aerospace, and a host of new industries, "an unsung new wave of industrial revolution," Will Hutton writes. State-con-

trolled industry enabled Britain to outproduce Germany during the war, even to narrow the gap with the U.S., which was then undergoing its own dramatic economic expansion as corporate managers took over the state-coordinated wartime economy.<sup>52</sup>

A century after England turned to a form of liberal internationalism, the U.S. followed the same course. After 150 years of protectionism and violence, the U.S. had become by far the richest and most powerful country in the world, and like England before it, came to perceive the merits of a "level playing field" on which it could expect to crush any competitor. But like England, with crucial reservations.

One was that Washington used its power to bar independent development elsewhere, as England had done. In Latin America, Egypt, South Asia, and elsewhere, development was to be "complementary," not "competitive." There was also large-scale interference with trade. For example, Marshall Plan aid was tied to purchase of U.S. agricultural products, part of the reason why the U.S. share in world trade in grains increased from less than 10% before the war to more than half by 1950, while Argentine exports reduced by two-thirds. U.S. Food for Peace aid was also used both to subsidise U.S. agribusiness and shipping and to undercut foreign producers, among other measures to prevent independent development.<sup>53</sup> The virtual destruction of Colombia's wheat growing by such means is one of the factors in the growth of the drug industry, which has been further accelerated throughout the Andean region by the neoliberal policies of the past few years. Kenya's textile industry collapsed in 1994 when the Clinton Administration imposed a

quota, barring the path to development that has been followed by every industrial country, while "African reformers" are warned that they "must make more progress" in improving the conditions for business operations and "sealing in free-market reforms" with "trade and investment policies" that meet the requirements of Western investors. In December 1996 Washington barred exports of tomatoes from Mexico in violation of NAFTA and W.T.O. rules (though not technically, because it was a sheer power play and did not require an official tariff), at a cost to Mexican producers of close to \$1 billion annually. The official reason for this gift to Florida growers is that prices were "artificially suppressed by Mexican competition" and Mexican tomatoes were preferred by U.S. consumers. In other words, free market principles were working, but with the wrong outcome.<sup>54</sup>

These are only scattered illustrations.

One revealing example is Haiti, along with Bengal the world's richest colonial prize and the source of a good part of France's wealth, largely under U.S. control since Wilson's Marines invaded 80 years ago, and by now such a catastrophe that it may scarcely be habitable in the not-too-distant future. In 1981, a USAID World Bank development strategy was initiated, based on assembly plants and agroexport, shifting land from food for local consumption. USAID forecast "a historic change toward deeper market interdependence with the United States" in what would become "the Taiwan of the Caribbean." The World Bank concurred, offering the usual prescriptions for "expansion of private enterprises" and minimization of "social objectives," thus increasing inequality and poverty, and reducing health and educational levels; it may be



noted, for what it is worth, that these standard prescriptions are offered side-by-side with sermons on the need to reduce inequality and poverty and improve health and educational levels, while World Bank technical studies recognize that relative equality and high health and educational standards are crucial factors in economic growth. In the Haitian case, the consequence were the usual ones: profits for U.S. manufacturers and the Haitian superrich, and a decline of 56% in Haitian wages through the 1980s — in short, an “economic miracle.” Haiti remained Haiti, not Taiwan which had followed a radically different course, as advisers must surely know.

It was the effort of Haiti's first democratic government to alleviate the growing disaster that called forth Washington's hostility and the military coup and terror that followed. With “democracy restored,” USAID is withholding aid to ensure that cement and flour mills are privatized for the benefit of wealthy Haitians and: foreign investors (Haitian “Civil Society,” according to the orders that accompanied the restoration of democracy), while barring expenditures for health and education. Agribusiness receives ample funding, but no resources are made available for peasant agriculture and handicrafts, which provide the income of the overwhelming majority of the population. foreign-owned assembly plants that employ workers (mostly women) at well below subsistence pay under horrendous working conditions benefit from cheap electricity, subsidized by the generous supervisor. But for the Haitian poor — the general population — there can be no subsidies for electricity, fuel, water or food; these are prohibited by IMF rules on the principled grounds that they constitute “price control.” Before the “reforms” were instituted,

local rice production supplied virtually all domestic needs, with important linkages to the domestic economy. Thanks to one-sided “liberalization,” it now provides only 50%, with the predictable effects on the economy. The liberalization is, crucially, one-sided. Haiti must “reform,” eliminating tariffs in accord with the stern principles of economic science — which, by some miracle of logic, exempt U.S. agribusiness; it continues to receive huge public subsidies, increased by the Reagan administration to the point where they provided 40% of growers' gross incomes by 1987. The natural consequences are understood, and intended: a 1995 USAID report observes that the “export driven trade and investment policy” that Washington mandates will “relentlessly squeeze the domestic rice farmer,” who will be forced to turn to the more rational pursuit of agroexport for the benefit of U.S. investors, in accord with the principles of rational expectations theory.<sup>55</sup>

By such methods, the moot impoverished country in the hemisphere has been turned into a leading purchaser of U.S.-produced rice, enriching publicly-subsidized U.S. enterprises. Those lucky enough to have received a good Western education can doubtless explain that the benefits will trickle down to Haitian peasants and slumdweller — ultimately. Africans may choose to follow a similar path, as currently advised by the leaders of “global meliorism and local elites, and perhaps may see no choice under existing circumstances — a questionable judgement, I suspect. But if they do, it should be with eyes open.

The last example illustrates the most important departures from official free trade doctrine, more significant in the modern era than protection-

ism, which was far from the most radical interference with the doctrine in earlier periods either though it is the one usually studied under the conventional breakdown of disciplines, which makes its own useful contribution to disguising social and political realities. To mention one obvious example, the industrial revolution depended on cheap cotton, just as the “golden age” of contemporary capitalism has depended on cheap energy but the methods for keeping the crucial commodities cheap and available, which hardly conform to market principles, do not fall within the professional discipline of economics.

One fundamental component of free trade theory is that public subsidies are not allowed. But after World War II, U.S. business leaders expected that the economy would collapse without the massive state intervention during the war that had finally overcome the great depression. They also insisted that advanced industry “cannot satisfactorily exist in a pure, competitive, unsubsidized, ‘free enterprise’ economy” and that “the government is their only possible savior” (Fortune, Business Week, expressing a general consensus). They recognized that the Pentagon system would be the best way to transfer costs to the public. Social spending could play the same stimulative role, but it has defects: it is not a direct subsidy to the corporate sector, it has democratizing effects, and it is redistributive, military spending has none of these unwelcome features. It is also easy to sell, by deceit. President Truman's Air Force Secretary put the matter simply: we should not use the word “subsidy,” he said; the word to use is “security.” He made sure the military budget would “meet the requirements of the aircraft industry,” as he put it. One consequence is that civilian aircraft is now

the country's leading export, and the huge travel and tourism industry, aircraft-based, is the source of major profits.<sup>56</sup>

It was quite appropriate for Clinton to choose Boeing as "a model for companies across America" as he preached his "new vision" of the free market future, to much acclaim. A fine example of really existing markets, civilian aircraft production is now mostly in the hands of two firms, Boeing-McDonald and Airbus, each of which owes its existence and success to large-scale public subsidy. The same pattern prevails in computers and electronics generally, automation, biotechnology, communications, in fact just about every dynamic sector of the economy.<sup>57</sup>

There was no need to explain this central feature of "really existing free market capitalism" to the Reagan Administration. They were masters at the art, extolling the glories of the market to the poor at home and the service areas abroad while boasting proudly to the business world that Reagan had "granted more import relief to U.S. industry than any of his predecessors in more than half a century" - in reality, more than all predecessors combined, as they "presided over the greatest swing toward protectionism since the 1930s," shifting the U.S. from "being the world's champion of multilateral free trade to one of its leading challengers," the journal of the Council on Foreign Relations commented in a review of the decade. The Reaganites led "the sustained assault on [free trade] principle" by the rich and powerful from the early 1970's that is deplored in a scholarly review by GATT secretariat economist Patrick Low, who estimates the restrictive effects of Reaganite measures at about three times those of other leading industrial countries. 58

The great "swing toward protectionism" was only a part of the "sustained assault" on free trade principles that was accelerated under "Reaganite rugged individualism." Another chapter of the story includes the huge transfer of public funds to private power, often under the traditional guise of "security," a "defence build-up [that] actually pushed military R&D spending (in constant dollars) past the record levels of the mid-1960s," Stuart Leslie notes.<sup>59</sup> The public was terrified with foreign threats (Russians, Libyans, etc.), but the Reaganite message to the business world was again much more honest. Without such extreme measures of market interference, it is doubtful that the U.S. automotive, steel, machine tool, semiconductor industries, and others, would have survived Japanese competition or been able to forge ahead in emerging technologies, with broad effects through the economy.

There is also no need to explain the operative doctrines to the leader of today's "conservative revolution," Newt Gingrich, who sternly lectures 7-year old children on the evils of welfare dependency while holding a national prize for directing public subsidies to his rich constituents. Or to the Heritage Foundation, which crafts the budget proposals for the congressional "conservatives," and therefore called for (and obtained) an increase in Pentagon spending beyond Clinton's increase to ensure that the "defence industrial base" remains solid, protected by state power and offering dual-use technology to its beneficiaries to enable them to dominate commercial markets and enrich themselves at public expense.

All understand very well that free enterprise means that the public pays the costs and bears the risks if things

go wrong; for example bank and corporate bailouts that have cost the public hundreds of billions of dollars in recent years. Profit is to be privatized, but cost and risk socialized, in really existing market systems. The centuries-old tale proceeds today without notable change, not only in the United States, of course.

Public statements have to be interpreted in the light of these realities among them, Clinton's current call for trade-not-aid for Africa, with a series of provisions that just happen to benefit U.S. investors and uplifting rhetoric that manages to avoid such matters as the long record of such approaches and the fact that the U.S. already had the most miserly aid program of any developed country even before the grand innovation. Or to take the obvious model, consider Chester Crocker's explanation of Reagan Administration plans for Africa in 1981, "We support open market opportunities, access to key resources, and expanding African and American economies," he said, and want to bring African countries "into the mainstream of the free market economy." The statement may seem to surpass cynicism, coming from the leaders of the "sustained assault" against "the free market economy." But Crocker's rendition is fair enough, when it is passed through the prism of really existing market doctrine. The market opportunities and access to resources are for foreign investors and their local associates, and the economies are to expand in a specific way, protecting "the minority of the opulent against the majority." The opulent, meanwhile, merit state protection and public subsidy. How else can they flourish, for the benefit of all.

To illustrate "really existing free market theory" with a different measure, the most extensive study of TNCs found that "Virtually all of the world's



largest core firms have experienced a decisive influence from government policies and/or trade barriers on their strategy and competitive position" and "at least twenty companies in the 1993 Fortune 100 would not have survived at all as independent companies, if they had not been saved by their respective governments," by socializing losses or simple state take-over when they were in trouble. One is the leading employer in Gingrich's deeply conservative district, Lockheed, saved from collapse by \$2 billion government loan guarantees. The same study points out that government intervention, which has "been the rule rather than the exception over the past two centuries,... has played a key role in the development and diffusion of many product and process innovations — particularly in aerospace, electronics, modern agriculture, materials technologies, energy and transportation technology," as well as telecommunications and information technologies generally (the Internet and World Wide Web are striking recent examples), and in earlier days, textiles and steel, and of course energy. Government policies "have been an overwhelming force in shaping the strategies and competitiveness of the world's largest firms."<sup>60</sup> Other technical studies confirm these conclusions.

As these examples indicate, the United States is not alone in its conceptions of "free trade," even if its ideologues often lead the cynical chorus. The gap between rich and poor countries from 1960 is substantially attributable to protectionist measures of the rich, the UN Development Report concluded in 1992. The 1994 report concluded that "the industrial countries, by violating the principles of free trade, are costing the developing countries an estimated \$50 billion a year — near-

ly equal to the total flow of foreign assistance" — much of it publicly-subsidized export promotion.<sup>61</sup> The 1996 Global Report of the UN Industrial Development Organization estimates that the disparity between the richest and poorest 20% of the world population increased by over 50% from 1960 to 1989, and predicts "growing world inequality resulting from the globalization process." That growing disparity holds within the rich societies as well, the U.S. leading the way, Britain not far behind. The business press exults in "spectacular" and "stunning" profit growth, applauding the extraordinary concentration of wealth among the top few percent of the population while for the majority conditions continue to stagnate or decline. The corporate media, the Clinton Administration, and the cheerleaders for the American Way generally, proudly offer themselves as a model for the rest of the world; buried in the chorus of self-acclaim are the results of deliberate social policy during the happy period of "capital's clear subjugation of labor," for example, the "basic indicators" just published by UNICEF,<sup>62</sup> revealing that the U.S. has the worst record among the industrial countries, ranking alongside of Cuba — a poor Third World country under unrelenting attack by the hemispheric superpower for almost 40 years — by such standards as mortality for children under five, and also holding records for hunger, child poverty and other basic social indicators.

All of this takes place in the richest country in the world, with unparalleled advantages and stable democratic institutions, but also under business rule, to an unusual extent. These are further auguries for the future, if the "dramatic shift away from a pluralist, participatory ideal of politics and towards an authoritarian

and technocratic ideal" proceeds on course, world-wide.

It is worth noting that in secret, intentions are often spelled out honestly, for example, in the early post-war II period, when George Kennan, one of the most influential planners and considered a leading humanist, assigned each sector of the world its "function": Africa's function was to be "exploited" by Europe for its reconstruction, he observed, the U.S. having little interest in it. A year earlier, a high-level planning study had urged "that cooperative development of the cheap foodstuff and raw materials of northern Africa could help forge European unity and create an economic base for continental recovery," an interesting concept of "co-operation."<sup>63</sup> There is no record of a suggestion that Africa might "exploit" the West for its recovery from the "global meliorism" of the past centuries.

If we take the trouble to distinguish doctrine from reality we find that the political and economic principles that have prevailed are remote from those that are proclaimed. One may also be sceptical about the prediction that they are "the wave of the future," bringing history to a happy end. The same "end of history" has confidently been proclaimed many times in the past, always wrongly. And with all the sordid continuities, an optimistic soul can discern slow progress, realistically I think. In the advanced industrial countries, and often elsewhere, popular struggles today can start from a higher plane and with greater expectations than those of the past. And international solidarity can take new and more constructive forms as the great majority of the people of the world come to understand that their interests are pretty much the same and can be advanced by working together. There is no

more reason now than there has ever been to believe that we are constrained by mysterious and unknown social laws, not simply decisions made within institutions that are subject to human will — human institutions, which have to face the test of legitimacy, and if they do not meet it, can be replaced by others that are more free and more just, as often in the past.

Skeptics who dismiss such thoughts as utopian and naive have only to cast their eyes on what has happened right here in the last few years, an inspiring tribute to what the human spirit can achieve, and its limitless prospects — lessons that the world desperately needs to learn, and that should guide the next steps in the continuing struggle for justice and freedom here too, as the people of South Africa, fresh from one great victory, turn to the still more difficult tasks that lie ahead.

*(The article is based on the annual invited lecture on freedom delivered at the University of Cape Town, South Africa in May 1997.)*

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# The Unfinished Work

— Clarence J. Dias



## I. Globalization from Human Rights Perspectives

Globalization of the world economy has been driven by a conjunction of 2 forces. First, came the decade long revolution in science and technology especially in the fields of biotechnology, communications, computers and robotics. But all of this was under a regime of intellectual property rights that perpetuated the imbalance between countries of the North and of the South. Then came the end of the cold war era with its promise of a "peace dividend" - as yet unrealized as the BBC estimates of over 25,000 major conflicts having taken place during the year 1997, clearly indicates. The era of the New World Order is characterized by what is euphemistically called "low-intensity conflict" and by what is erroneously termed "low - intensity democracy". The New World Order has witnessed the triumph of the single ideology of capitalism, as the countries of the world are rushing to adopt macro-economic policies of neo-liberalism. Caught in a crippling debt trap, largely of their own making, developing countries have no option but to adopt the IMF's structural adjustment programmes, with devastating impacts on economic, social and cultural rights. An orgy of privatization and deregulation has created unprecedented global lawlessness with corporations, both national and multinational, accountable to no one - not even their shareholders.

The global communications revolution has undoubtedly helped strengthen international solidarity campaigns and urgent actions

against human rights violation. But it has also prompted the global spread of a "Coca Cola" culture which promotes gluttonous over consumption, greed and selfishness. The Internet has helped an unprecedented global flow of human rights information. But it has also become helpless accomplice to pornography, prostitution and organized crime. Police states have new, and unprecedentedly effective technologies for surveillance, control and repression of human rights defenders. The modern state is too weak to perform its duty of protecting its people from human rights violations perpetrated from beyond state borders. Yet the same state is powerful enough to sacrifice human security by involving emergency powers against non-existent threats to the security of the state. There has been a process of commodification of people (women, children, and migrant workers) and even their vital organs for transplant). The commodification of knowledge has spawned a plethora of "disabling professions". This century has been hailed as "an age of rights". But as the century draws to its close, we are witnessing the meanest of mean seasons, so far as human rights are concerned.

## II. International Human Rights: the Achievements of the Last 50 Years

Much has been achieved in the field of human rights over the past 50 years both at the conceptual and institutional levels. Universality has moved from being a core legal concept to becoming an existential reality: as people, across continents and across cultures are claiming, assert-

ing and realizing their human rights - often against formidable odds and grave dangers. The concepts of "interrelatedness, interdependence and indivisibility" to all human rights have moved from rhetoric to empirically verifiable reality. Clear co-relative human rights related duties have been identified namely the duties to respect, protect, promote and fulfil human rights. Key tasks for human rights activism has been defined: standard-setting, promotion, monitoring of both violations and of progressive realization, implementation, enforcement, sanctioning and remediation. Human rights institutions have been established at international, regional and national levels. But a fundamental paradox exists. International human rights systems are strong in respect of most of the above tasks but are woefully weak in respect of enforcement and remediation. At the national level strong enforcement capacities exist (but are rarely used and often mis-used) while capacities for most of the other human rights tasks from standard - setting to monitoring and implementation are, all too often, weak or non-existent. This paradox highlights an important item for the unfinished agenda on human rights.

## III. Completing the Human Rights Agenda: the Unfinished Work

Much work lies ahead in respect of virtually every aspect of the human rights tasks rostered above.

- So far as standard-setting is concerned, there is a crying need for international standard in respect of: internally displaced persons,



minorities, indigenous peoples, workers in an increasingly globalized workplace, accountability of non-state actors (most importantly corporations) to human rights standards, and rights of communities and vulnerable groups of participation based upon the concept of subsidiarity adopted at the Rio Earth Summit.

- So far as implementation and enforcement of existing standards are concerned, priority needs to be given to : economic social and cultural rights and the rights to development; the rights of women, of children, of indigenous peoples and of minorities.
- So far as promotion is concerned, human rights education must reorient itself from information campaigns to the goals of empowerment, rights assertion and rights realization.
- So far as monitoring is concerned there is need for better monitoring techniques, tools and mechanisms to monitor both violation as well as progressive realization of all human rights.
- So far as enforcement and remediation are concerned, the state is virtually clean. We have only just begun !
- So far as institution - building is concerned there are unfinished tasks at local, national, regional and international levels. And there is a crucial need for decentralization of the UN human rights system.

#### IV. Concluding Remarks

Completing the human rights agenda, as we near the end of this century will require confronting three grave challenges:

- The resurgence of poverty as a result of a historically unparal-

leled resurgence of greed and selfishness. Unless we end the race: towards obscene consumption, preserved and protected by laws and military might; we will indeed end the race: the human race;

- the resurgence of patriarchy that threatens to erase the gains that women have made in securing recognition that women's rights are human rights and to unleash a savage surge of violence against women;
- resurgence of racism, xenophobia, hate crimes and ethnocide spawned by twin trends of politicization of ethnicity and ethnicization of politics.

#### Familiar obstacles will need to be overcome as well:

- Selectivity and double standard as typified by Vatican's statement to the Beijing Conference and the Pope's recent remarks on human rights in Cuba and Nigeria.
- The continued insulation from human rights accountability of non-state actors notably: the international intergovernmental organizations of finance, development and trade; transnational and national corporations and fundamentalist civil society entities.
- The growing North/South imbalance with globalization, both reinforcing existing, and catalyzing new processes of re-colonization which perpetuate the continued transfer of wealth and resources from the South to the North.

What role can human rights information play in addressing the unfinished work and completing the human right's agenda ? Human Rights information can play an invaluable and unique role to secure the universal realization of what Special

Rapporteur Joinet termed, "the inalienable right to truth". But it must be the whole truth and nothing but the truth. The whole truth not blinkered by views of human rights as limited to individual, civil and political rights. The whole truth emanating from a holistic vision of civil, cultural, economic, political and social rights - both individual and collective.

And nothing but the truth: the truth unvarnished, rather than garnished to serve lobbying and advocacy agendas - and hidden agendas.

The challenge is for human rights information to be comprehensive and complete while still being "user friendly" and not creating an information overload. The challenge is for creating an information overload. The challenge is for human rights information to effectively inform and enable both comprehension and understanding especially of "root causes" and "structural dimensions" of human rights violations and denials. The new millenium calls for renewed conceptualization of the concept of human rights information to protect and promote all human rights of all. This is no easy call to answer. As we approach the close of the present millenium, we are witness to new, diverse, serious and widespread threats to that most basic of all human rights - the right to be human (of which the right to be women is both an integral, essential and indivisible component). It behooves us not to go gently into that globalized right. We must rage, rage against the dying of the light. And recognize as well, that for the global human rights movement, as it enters a new millenium, there are promises to keep . . . and miles to go, before we sleep.

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The public, in an ordinary sense, is a multitude of people. A gathering of people in a space opens a context for discourse. People share their ideas in buses or trains, public places, university, organizations, tea shops, temples, monasteries, social gatherings, etc., not as a society of strangers. They express their concerns, problems and emotions about their experience in life. A public sphere is neither status-bound nor authority governed. It is not even constrained by gender, class, religion, or ethnic barriers. This condition enhances its utility. The nature of people's participation in the discourse here is not indirect as in a representative democracy; it is direct. And, the quality of participation in public life helps determine the essential democratic character of the existing polity.

The public is a holy symbol without any reference point. It is an object of enormous deference. Such a notion, however, evokes several interesting questions: Who composes the public? How is its sphere defined and defended? What are its underlying philosophies? The discourse on the autonomy of civil society and individuals as autonomous beings is associated with public sphere. A public sphere principally prevents the state's motivation to absorb the society while it opposes the tendency of the market to atomize, disintegrate and dissolve the society. The tendencies of both the actors, that is, the state and the market, generate a tension between the process of social integration and social differentiation and between individual subjects capable of self-representation and their collective position for the general benefits of the society.

The state manipulates the public to

# Public Sphere

— Dev Raj Dahal

achieve national consensus on issues; so does the market that sets a motivation for material self-indulgence. The peculiar character of the public sphere, therefore, comes to sight when its ideals are conceived as non-market and non-state, constantly mediated by individuals, families, civil societies and voluntary associations in the formation of political will. Freedom, as the goal of human life, is deep-seated in human beings' struggle from the perverting limitations of the material world.

The growing importance of human rights - mainly freedom of speech, assembly and information - continues to amplify the reign of civic power. Yet, if these attributes are grounded in partisan politics - they virulently express differences, generate a spate of animosities and conflicts. This undermines the spirit of this sphere. Rather such a trend casts back the essence of customary prerogative of the power holders capitalizing on traditional subjective rights. If the rights come as an absolute subjective concept they bear very little potential for democratic transformation. There is a high transformatory potential only in objective rights.

A public sphere is not embedded in the theory of human nature which sees human beings in terms of needs, capacities and disadvantages. It is grounded on the sociability, trust and civic virtue of the citizens. If people are handicapped on important areas by virtue of their membership of a hierarchic set-up of society, it is in their interest to bring about social

change by regenerating the potential of public discourse which can question, debate and discuss such membership. In this sense, the



public sphere becomes a shaper of public opinion for social change. Only a vibrant public forestalls the erosion of general interest in politics, even anti-politics sentiments.

The existence of a public sphere between the state and the private realms of citizens increases the relevance and reinvention of citizenship by way of encouraging socialization and participation by citizens in civic initiatives of various sorts. The style of public discourse is often informal and oral and through gestures. In this sense, it differs in purport from organized seminars, conferences and conventions as the latter are formal with well-defined sets of agenda and purpose thus reflecting largely the sectional interests of certain groups. It, however, does not mean that these activities do not serve the public interest.

The public is the most critical element of democratic life. Democratic norms are embedded in the conscientiousness of the public and grow in the civility of citizens. When interest groups project themselves in the name of the public and the public performs no role in it, it merely becomes an onlooker and is, consequently, reduced working for public-



ty, indoctrination and propaganda. In this sense, the rise of interest groups has caused the decay of the public sphere. The forces of technology, ideology and value-free politics have augmented its decline. The topic comes only occasionally to justify the existence of the interest groups. Public life has thus been allowed to disappear in everyday life-world. It is neither the subject of academic research and discourse nor an acute media concern.

In the theory of economics, the public is substituted by consumers. In sociology, it is replaced by ethnic groups. In political theory, the public is replaced by interest groups, lobbies and political parties. The relation of all these theories to the public is essentially predatory as each tries to alienate, divide and then reduce the public subjecting it to its own disciplinary dominance. Interest groups often function in the private sphere, often behind the scenes and are less transparent. This enervates the vitality and totality of the public sphere. For all these groups, the public becomes a common space to be exposed to attacks from all sides in a fashion akin to what Garrett Hardin, terms the "Tragedy of the commons."

A version of Hardin's theme can be stated here as a story. In a piece of common grassland, all herdsmen, as rational beings, graze their cattle on it at will and seek to maximize their infinite gain; thus all persons are locked into a system that compels them to increase their herds without limit - but in a world that is limited. Devastation is the destination toward which all persons move, pursuing their own best interest in a society that believes in the freedom of commons. The lesson of this story is :

freedom in the commons brings destruction to all.

How does democracy survive when its actors are increasingly de-coupled from the public, hitting them hard and rendering politics artificial in character which provides neither civic responsibility nor social stability? In the face of public ignorance about their intrinsic rights and responsibilities, expert knowledge of elites tends to maintain a hegemonic cultural formation colonizing what Jurgen Habermas calls the "life-world of people." The ignorance of the public virtually reflects the failure of the media. When individual reporters are controlled by the state, political parties or business magnates, they serve the interests of those who offer them job and a number of lucrative benefits. Controlling the media means controlling the society and preventing the growth of free discourse intrinsic to civic culture. The critical question today is, therefore, how can media persons be liberated from many shackles that block the expression of their conscience?

The public sphere contributes to the growth of the democratic process. Civic culture can flourish only in a condition where the virtuous public is nurtured by a self-governing society where the question of rural-urban dualism, gender imbalances and the rich-poor gaps of the masses are well mediated by means of providing an opportunity to the disadvantaged groups to rise socially. If one looks at the quality of public debates today, one can easily notice the reverberation of tension between the voice of reason and rhetoric. Even public opinion is shaped more by emotion than by rationalism, by professionalism than by journalism and by value-neutrality than by human affection.

This is why, despite living in an age of information, the majority of citizens are grossly ill-informed.

Religion hardly sets an ethical code of conduct in politics today as it did in the past. Because religion has become increasingly privatized and secular, it has failed to serve the spirit of human beings - as the liberator of the oppressed. The serious threat to public sphere, in this context, comes not from the maldistribution of wealth but from the renunciation of public institutions by the elected leaders. In such a situation public policy should limit the dominance of the materialist passion of the leaders and the commercialization of the public to keep the plurality of public sphere intact. A theoretical interest in public life can be aroused with the proliferation of civil society, NGOs and voluntary associations. A robust civil society, free of ethnic, class and religious polarization, can be expected to regenerate the social capital necessary for securing human security, justice and equity.

Unfortunately, the elite who have control over the flow of information and capital have been enforcing conformity to the elite values and leaving the mass in a permanent state of subjugation, hegemony and colonization. Can the new social movements of feminists, ecologists, human rights workers, trade unions and civil society act against the hegemony formation of the techno-bureaucratic culture and prevent the transformation of antidemocratic control of society into a productive and harmonious social relation? Certainly yes, if these movements are sustained by a vibrant public sphere and that they do not contain an elitist ego and, consequently, try to secure their privileges while nullifying the opposition

of the deprived. Are these movements based on a recognition of social conditions and social diversities? Perhaps, yes; but only to a limited extent.

As capital integrates the globe, weaker members of the society fear that global governance, controlled by bureaucrats, technocrats and the corporate elite, will undermine their national space and revive the reassertion of ethnic distinctiveness thus eroding the state from its very base. The consequence of this for democracy is that without national affection rulers will not bear any responsibility for their own actions.

In that sense, the politics of privatization of public property corresponds to the evacuation of the public sphere. People do not understand the expert language of statistics that promote privatization as being capable of spawning economic benefits to them. In a pseudo democratic regime, it is masked by the ideological nature of economics. Scientific rationality is used to set a pattern to exclude the needs of public. Such rationality is used only to understand whether the representatives of the promoters are performing well or not in totality and promoting their own interest.

Privatization is, therefore, producing a class of cosmopolitan citizens who are not obliged by what the notion of citizenship entails in a democratic polity. The same elite assail the public spirit, the ideological glue of nation-states, unleashing a potential ethnic powder keg and ultimately resulting in the destruction of their culture. The decline of nation-states, in this context, can be attributed to the decay of the middle class - a crucial mediator of contending social interests. It is this class that com-

bines labor with capital and tries to achieve economic self-reliance in society. If this decline continues, then the society dissolves into atomized individuals thereby consuming the core values of social capital based on social trust, cohesion and solidarity.

Can the modern school system serve as a viable engine for nurturing this social capital? Certainly not. Modern schools are increasingly turning into commercial houses and the diversity of the school system is based on the economic model which makes the circulation of elite difficult. Rather, this diversity continues to intensify social differentiation thus producing an unequal level of citizens. Modern education is accelerating the decline of the middle class developing a culture of social blindness towards the poor and the powerless. The discourse on education neither deals with the social question nor equips men and women for active life in the public realm. Indeed, modern education continues to detach individuals from the circumstances of life. This is why people are abusing the system, not only the elite. If democracy does not help to equalise citizens through a process of setting a balance between power and wealth, as each generation passes, it cannot take deep roots in the society.

A virtuous public sphere cannot be built by using the free-market ideology. The market —the central institution of a liberal society — postulates not just self-interest but an enlightened self-interest that correspond to long-term responsibility and commitments. Today this enlightened aspect is fundamentally amiss. When the market infringes on family affairs it is the child who suffers the most. When it infringes on the society, it is the poor who are left out. The marketiza-

tion of values continues to weaken the roots of the family, the neighbourhood, the schools, the community and the foundation of the state in the process of universalizing self-such as respect for authority, trust in social institutions, public accountability and socialization. This entails a limit on the role of the market. This can be done by promoting a general discourse on society across race, ethnic, caste, class and professional lines and by enriching civic life through sociability, loyalty, trust, and accountability. It is also done through the resilience and reactivation of civil society made up of voluntary associations and citizens groups. The decay of participatory democracy indicates a decline of civil society and public sphere.

The most pernicious effect of the information revolution is the widening gap between the knowledge class and working class people. Democracy requires not only information but critical values and issues for public debate - a debate conscious of civic obligations. For this, an independent media and intellectuals must be prepared to challenge the spoils system on its own turf. The modern society mirrors no dynamo for self-reflection and self-direction. This is because of a lack of social consciousness among the power elite. This has tarnished the image of democracy as only a transitory power arrangement rather than a good way of life. Only public power can set democracy in proper perspective.

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# Ten Years of INSEC

INSEC pioneered social services ten years ago, in 1989, the year which saw a turning point in Nepalese history to be marked as the final year of the Panchayat autocratic regime. INSEC stepped into informal sectors to lay the foundation of Human Rights Movement with the conviction that it should not only be an intellectual exercise confined to seminars, workshops or arm-chair activities. INSEC started awaring the Kathmandu Cart Pushers about their basic human rights. They were educated about health and sanitation. This work had a positive impact on INSEC and forestalled all future work with the grassroots.

INSEC also worked in the higher level of social spectrum. It facilitated the democratic constitution and law making processes by organising several national and international seminars to ensure that the laws would recognise and respect internationally accepted norms of human rights. INSEC organised voters education programs to socialise the voters under democratic voting systems, and conducted election monitoring.

After ten years, INSEC is almost everywhere in Nepal. The Human Rights Year Book has driven INSEC volunteers to the most

far-flung corners of the country; programmes on Bonded Labour have taken deep down to fight social injustices; development programmes have placed it amongst the victims of Panchayat anarchy; Human Rights and Social Awareness programmes including Radio Education amidst those who are deprived of education; Child Rights Awareness Groups (CAGS) to school children who are the future of Nepalese hope; and so on. INSEC has launched programmes amidst women and produced the Pasang Lhamu Pledge as a guide of future activities; it organised the first National Conference on Human Rights and identified a set of common agenda; the Kathmandu Declaration.

## INSEC Working procedure

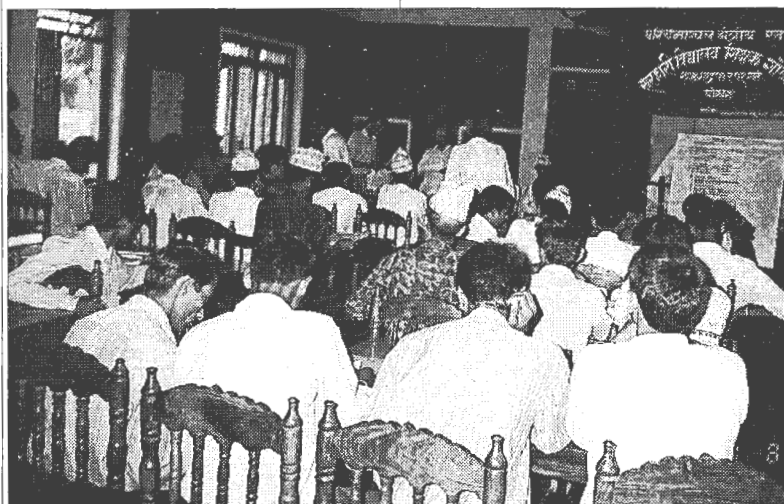
INSEC crafted its unique place in

Nepalese human rights movement through Research Action Organisation (RAO) model. This is a simple formula. First, conduct of research to identify the nature of the education programme to address the need of the people in an area targeted. On the basis of the findings action begins aiming at awaring the people to prepare for collective action, thus forming an organisation. This model is successfully experimented amidst bonded labour. Those who received INSEC programmes have formed an association called Kamaiya Liberation Front.

## On-going INSEC Programmes

### 1. Literacy and Human Rights Education

INSEC had begun the work with cart-pushers in Kathmandu by giving them health check-up facilities and informal education.





This helped the cart-pushers to gain knowledge on the importance of good health; and the meaning of working in unity with others. They were taught the importance of organisations.

Now INSEC runs Human Rights Education with literacy as entry point in nearly two hundred Village Development Committees in the country. Within ten years INSEC has extended literacy and human rights education classes to around 12 thousand rural people.

## **2. Awareness Programmes**

INSEC undertook voters awareness programmes prior to first general elections in 1992. In 20 districts various posters and pamphlets were published. Such programmes were also launched in the following years. In addition, to mark special National and International Days, INSEC launched various talk programmes, training and seminars on human rights to aware the people from the grassroots to the

top. More than 1 hundred and 15 thousand have taken part in such programmes which we call Awareness Programmes.

## **3. Informal Education for Children**

INSEC has launched informal education programme for out-of-school children of bonded labourers (Kamaiyas), with a view to preparing them for enrolment in the government schools. So far, 1 thousand, 6 hundred and 72 Kamaiyas children have completed the programme.

## **4. Formal Education for Children**

Of those completing informal education as mentioned in (3), the children of Kamaiyas have been enrolled in government schools for formal education. INSEC has taken care for their tuition fees, school dress, books and stationery.

## **5. Vocational Education for Kamaiya Children**

19 Kamaiya children over the

age of 14 received vocational training last year. They were given training on cycle repairment and hairdressing. The training has been perceived as an alternative to farm-works for the children.

## **6. Child Awareness Groups**

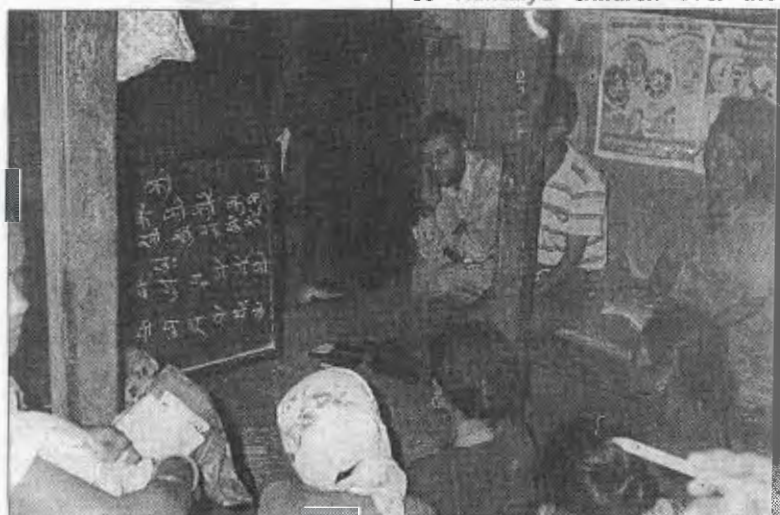
INSEC has introduced a new programme for children to organise them into groups to educate them on CRC. This programme, called Child Rights Awareness Groups, is introduced in over hundred schools where children are encouraged to creative works; such as- the conduct of debates, quiz contests, drawing, poetry contests on themes related with CRC. More than thousand school children are involved in the programme.

## **7. Women's Awareness Group**

Women's Awareness Groups have been formed to support the Child Rights Awareness Groups. Each contains around 20 mothers and/or sisters. The groups take care of cleanliness of home-environment; health, sanitation and nutrition of children. More than 4 thousand women are so organised.

## **8. Women Conferences**

INSEC has so far organised three conferences on women. The first, in Nepalgunj in 1993, was with the socio-culturally neglected women; the second, in Dhankuta in 1995, was with women who were victimised because of their participation in or support to democratic struggles in Nepal.



These both converged into a National Conference on Women in Kathmandu in 1996. The conference has adopted a 12-point Pasang Lhamu Pledge to chart future plan of actions on women. More than 1 thousand women participated in these conferences.

## 9. Awareness Programmes for Elected Women Representatives

INSEC has this year introduced awareness programmes for elected women representatives in 11 VDCs of 11 (of 75) Districts of Nepal. The programme aims to empower the representatives educating them on various aspects of women's rights, and on decision making processes. The programme now runs in Morang, Sunsari, Dhankuta, Dhanusha, Sindhuli, Kavre, Parbat, Rupandehi, Dang, Nuwakot and Chitwan.

## 10. Radio Education on Human Rights

Human Rights Education, as mentioned in (1), has specific limitations. INSEC has introduced Radio Programme to address those who are deprived of the organised human rights education and awareness programmes.

In every jail in the country and in some selected communities, Radio Listeners' Clubs have been set up to encourage the listeners to listen to the programmes regularly. So far 70 Clubs have been



set up, some 35 of them have received radio-sets. Recently, INSEC has begun "Community Radio Programme" as well.

## 11. Human Rights Year Book

INSEC envisioned the monitoring of human rights situation in the country in 1992. Ever since, Human Rights Year Book is being published as a catalogue of the events of human rights violation. The book in series compiles every bits of information relating human rights violation all over the country, and is named after the year it has dealt with. So far 6 series of Human Rights Year Book, from 1992 to 1997, have been published.

## 12. Research Activities

INSEC undertook a research on bonded labour system in 1991. The study identified more than 17 thousand people chained with the slave like practices in Banke, Bardiya Kailali, Kanchanpur, and Dang. In 1994, INSEC and London based Anti-Slavery International carried out further

research in five districts to try to find out more and to identify the groups affected by slavery. The findings have been published on "Forced to Plough - Bonded Labour in Nepal's Agricultural Economy".

In addition to this, INSEC has sponsored various studies on issues of 'untouchables', practices of marriage and women's property rights, Jary system and so on.

## 13. National Election Observation Committee (NEOC)

For the effective monitoring of elections, NEOC was formed in 1991 as an initiative of all major human rights institutions to observe national elections in the country. INSEC is one of the founders of NEOC.

## 14. Kamaiya Liberation Programme

After the completion of studies on the Kamaiya system, INSEC





launched Kamaiya literacy and awareness programmes to make them aware of their status and form into organisations. INSEC facilitated the formation of Kamaiya Awareness Groups at village, district and sectoral levels. In January, 1996 a preparatory committee was formed to organise Kamaiya Liberation Campaign. The campaign has formulated a Kamaiya Liberation

Forum. Now KLF is fighting for the liberation of Kamaiyas.

Under the Kamaiya Liberation Programme, INSEC has achieved the following in the last five years:

- Over 3300 Kamaiyas participated in Kamaiya literacy and awareness programmes.

- Over 1300 Kamaiya children received informal education.
- Around 1200 Kamaiya children received formal education
- 19 Kamaiya children received vocational education programme.

## 15. Regional/international Programmes.

INSEC, in collaboration with other human rights institutions, initiated the establishment of South Asia Forum for Human Rights (SAFHR) in 1990 to deal with the issues in the region. INSEC hosted its secretariat until 1995. Following is the short overview of a few regional programmes that INSEC has initiated in support with other institutions.

### Regional/International Programmes

Programme	Organised by	Date
• Training Workshop on Human Rights Information and Documentation Handling	• INSEC and HURIDOCS, a Geneva based institution specialising in human rights documentation,	1991
• SAARC Journalist's Meeting	• INSEC and ICLD, a New York based organisation,	1991
• Second SAARC Journalists' Meeting	• INSEC and ICLD	1992
• Meeting on the Protection and Promotion of Human Rights in Exceptionally Difficult Circumstances	• INSEC	1991
• SAARC Jurist's Mission on Bhutan	• INSEC and ICLD	1992
• South Asia Initiative Meeting on PP21	• INSEC and ICLD	1992
• South Asia Planning Meeting on Bonded Labour and Child Servitude	• INSEC and SAACS, an India based organisation	1993
• PP21 Main Forum	• INSEC as a local host	1996
• Interaction on the implication of terrorist laws	• INSEC/SAFHR	1997



## 16. Programmes on Cast Upliftment

INSEC and Society for the Upliftment of Oppressed and Downtrodden Caste in Nepal have jointly organised various programmes for the awareness and upliftment of people who belong to the so-called lower castes. Such programmes have aimed to create pressure on the government to enact laws necessary to end social discrimination practised on grounds of caste.

More than 8 thousand people belonging to the oppressed community have taken part in the programmes.

## 17. Development Programme

INSEC has also introduced development programmes as a campaign to take the message "Development is a right of people" down to grassroots. INSEC has thus far completed Rajabas Drinking Water Project in Udayapur which was left incomplete by the government. The project has assisted some 1200 people by supplying with drinking water. Similarly, 200 tube wells have been set up at various places in Saptari. It is believed that this will help around 10 thousand people.

## 18. Child Protection Centre

Child Protection Centre has been opened at Kalanki, Kathmandu to help the most needy children who hail from under privileged communities, such as Dom, Chambar, bonded labour community, and those suffering from acute poverty.

The Protection Centre also offers opportunity for education and recreation. INSEC has also striven to protect the orphans, and 'untouchable' children.

INSEC has thus occupied a leading position in rights movement in Nepal in the last ten years. People have responded positively to INSEC campaigns. And INSEC campaign refers to its commitment to work at the grassroots for the protection and promotion of human rights, for the consolidation of democracy.

## Chronology of selected events

- 1988 Establishment of INSEC to impart human rights education for social awareness. Began its works with informal sectors, cart pushers in Kathmandu.
- 1991 Voters Awareness Programmes; Elections Monitoring.
- 1992 Research on the status of bonded labour in Nepal. It identified the need of education for awareness.
- 1992 Publication of Human Rights Year Book. In the publication, INSEC has compiled the records of human rights violations as well as the efforts to promote and protect human rights.
- 1993 Forum of Victim Women, Nepalgunj, amidst women of various religion, culture, castes, and profession in a forum.
- 1995 Conference on Politically Victimised Women, Dhankuta, amidst widows, daughters and/or mothers of martyrs as well as women

suffered economically, socially, politically or otherwise because of their support to political movement.

- 1995 Institution of Prakash Human Rights Award in commemoration of the contribution of late Prakash Kaphley to human rights and democratic movement.
- 1996 National Women's Conference, Kathmandu. Theme of the conference: The Essence of Democracy, Women's Participation in Politics. Over 220 politically victimised women from over 62 districts participated in the programme. It has adopted a Pasang Lhamu Pledge.
- 1996 People's Plan for the Twenty-First Century, Kathmandu (Co-host). More than 800 delegates including over 300 foreign delegates participate in the conference. It has adopted a Sagarmatha Declaration.
- 1997 National Human Rights Conference, Kathmandu. The conference evaluated the achievements made in the field of human rights in the last seven years. Around 300 human rights activists from over 63 districts, journalists, legal professionals and others participated in the conference. It has adopted a Kathmandu Declaration.
- 1997 Integration of Development Programmes to human rights movement.
- 1998 Programmes to mark the 50th Year of UDHR and the 10th Year of INSEC. This will involve grassroots leaders and the 'experts' to review human rights work completed so far and to chart ways for future.

## The Award

The Human Rights Champion Century Award that consists a cash prize of NRs.51,101/- has been established jointly by the following prominent human rights organisations in Nepal.

- a. Human Rights Organisation of Nepal (HURON)
- b. Informal Sector Service Centre (INSEC)
- c. Concern for the Child Workers in Nepal (CWIN)
- d. Centre for Victims of Torture (CVICT)
- e. Group for International Solidarity (GRINSO)
- f. Human Rights and Democracy Academy
- g. Peoples Rights Concern Campaigns
- h. Rural Reconstruction Nepal (RRN)
- i. International Institute for Human Rights, Environment and Development (Inhured International)

The award has been established

# 'HR Champion Century' Award to Former Prime Ministers

as a marker of:

(1) the memory of the senior political leader and freedom fighter, late Ganesh Man Singh, who fought incessantly against the Rana Regime that lasted for 104 years (till 1950), and against the autocratic Panchayat system that took over the nascent democracy in 1960 (till 1990); and,

(2) Fiftieth year of the Universal Declaration of Human Rights.

The award respects and recognises the fearless and selfless contribution of persons to the cause of human rights and democratic freedom in Nepal. To be given every two years, the award aims to honour the personality-

- who fought against the

despotic systems to establish democracy, and is still fighting for social justice, equality and human rights for all,

- who encouraged and assisted freedom fighters taking to the streets, and
- who is not involved in war-crimes, crimes against humanity and activities of human rights violations.

## Candidate Selection

A Selection Committee comprising senior social personalities and human rights experts is constituted to select the candidate for the prize. The committee collects possible candidates with their individual profile, verifies the validity and reliability of the profile and selects the candidate/s on the basis of merit.

## The Selection Committee

Convenor Mr Veerendra

Keshari Pokhrel, senior human rights leader (INSEC Adviser)

Member Mr Daman Nath

Dhungana, Senior Advocate and the former Speaker of the Parliament, (Adviser, INSEC)

Member : Basudev Dhungana, Senior Advocate (INSEC Adviser)

Member MP Padmaratna



Tu adhar, also renowned human rights activist  
**Member** Krishna Prasad Siwakoti, General Secretary, FCPHUR

**Member** Sushil Pyakurel, Chairperson, INSEC

**Member** Kapil Shrestha, Chairperson, HURON

**Member-Secretary** Gopal Krishna Siwakoti, Director, Injured International

#### Advisers

• T. Bhuwan Lal Pradhan  
Dr. Rajesh Gautam, General Secretary, INSEC

### The Programme

Chairperson of the opposition party CPN (UML) Manmohan Adhikari and former Nepali Congress President Krishna Prasad Bhattarai, both senior politicians and former prime ministers, were jointly honoured with the first Human Rights Champion Century Award at a special function in Kathmandu on February 19, 1998.

• The award was conferred on them by Mrs Hasina Devi Shrestha, the widow of martyr Ganga Lal Shrestha, who had attained martyrdom decades ago in the hands of cruel Ranas for his unflinching struggle for democracy in the country. The award recognises the remarkable contribution of the two senior leaders for the establishment of democracy and peoples' rights during the past fifty years, enduring the suppression and torture of Ranas (till 1950) as well as the

30-year Panchayat autocracy till 1990. Mrs Shrestha also honoured the two leaders by wrapping shawls of honour on them.

Addressing the function chief guest Mrs. Shrestha expressed concern over the inability of political leaders to work for the consolidation of democracy following the restoration of democracy in the country. She also expressed the view that leaders should stay aloof from personal interests and try their best not to allow violation of democracy and human rights.

Former Prime Minister Krishna Prasad Bhattarai, who headed a tripartite interim government that played crucial role to give the country the present Constitution, said that a joint effort of the Nepali Congress and the leftists had made the popular movement and restoration of democracy in the country successful. He added that democracy has been making satisfactory progress though the last eight years have seen some ups and downs in the nation.

Former Prime Minister Man Mohan Adhikari said the time has come for all of us to evaluate whether we have been conducting ourselves in accordance with democratic norms and values or not. Referring to the destability of the government leading to anomalies in the nation, Mr Adhikari remarked, "we must admit that we, the forces responsible behind the restoration of democracy, have failed to work as per the

mandate of the 1990 Movement", adding that division among pro-democracy forces was led to weaken people's freedom.

Mr. Adhikari called on the co-partners of the popular movement to jointly workout effective mechanism to end the present unhealthy trend of seeking power, and set an example before the world by doing some concrete works for the country and people.

Member of the Selection Committee and former speaker Daman Nath Dhungana said that we should generate people's confidence in democracy and maintain unity among the co-partners of the popular movement.

Another member of the committee MP Padmaratna Tuladhar expressed the view that the award instituted in memory of the Commander of the Popular Movement late Ganesh Man Singh reflects the spirit and commitment of every Nepali people. He strongly called on both the leaders to resolve intra-party crisis as seen in both political parties, and give the nation a stable and democratically cultured government and respect the rights of the people.

From the chair, committee convenor, who is also an INSEC Adviser, Veerendra Keshari Pokhrel said that the national democracy day awakens every



countrymen emotionally. He expressed the view that the contribution made by the renown personalities is exemplary for all.

Ministers, MPs, politicians, journalists, intellectuals, human rights activists and others were present on the occasion.

HR Movement Against Impunity

Though the Nepalese constitution has honoured the people's sovereignty and many laws have been enacted on the basis of the same the perpetrators of Human Rights have not been punished yet. The bill of compensation against torture had been passed from the parliament but no victims yet have received any compensation. This situation has encouraged the perpetrators not the mass citizens.

In Nepal, the perpetrators are being honoured at the cost of people's sovereignty. This obvi-

ously drives the human rights and social justice movement to frustration and distress. In this context INSEC is committed to celebrate the 50th Year of UDHR and the 10th Year of INSEC establishment with a series of programmes for next two years, the main slogan being "Oppose Impunity, Uphold Human Dignity!". At the same time, INSEC also raises its voice to remind the government of the international covenants and conventions which Nepal has ratified but has yet to fully implement. Most of HR organisations raise similar voices against impunity deciding to initiate a campaign, "HR Campaign Against Impunity - 1998". For this purpose a secretariat has been formed with the representatives from CIVICT, INHURED Intl., CWIN, HURON, RRN, IHRD and INSEC in the premises of CIVICT Office.

This campaign has committed

itself to implement the Kathmandu Declaration of the National Human Rights Conference, 5-9 April 1997, on impunity. The Kathmandu Declaration states;

"Traditionally, impunity prevails in Nepal. The criminals not only go unpunished but awarded.

The human rights violators are more encouraged as they have not been brought to the justice. This has increased the possibility of more violation of human rights.

The social environment, which allows the oppressors of women accusing them witches and the perpetrators of family violence openly and proudly saunter around, has been the matter of our grave concern. Protection of such elements by the political parties and the state machinery has been unfortunate."

## Human Rights Activist Killed

Hem Raj KC, 27 a resident of Tharmare VDC-4, Salyan District, former Coordinator of Human Rights Awareness Centre (HAC), a network organisation of INSEC, and elected Chairman of the VDC and Vice Chairman of Red Cross Society, Salyan was shot dead by police on 26 February 1998. Along with him other two persons: Khim Bahadur DC, 26, of Tharmare VDC-7; and Dhan Bahadur Thapa, 18, a student from Bhalchaur VDC- 6 were also shot dead.



### Circumstances of the incident

On February 26 All Nepal National Free Students' Union (Revolutionary), by acronym ANNFSU (revolutionary), a student wing of the Communist Party of Nepal (Maoist), the party launching "People's War", was to celebrate a programme, Balidan Diwas (the Sacrifice Day) as a part of their nation wide programme in memory of late Dil Bahadur

Ramtel who was killed on the same day two years ago (on February 26 1996). Dil Bahadur Ramtel, aged 12, a student of class 4, of Pangdum VDC-3, Gorkha were killed suspecting their involvement in Maoist activities.

While the students were preparing for a cultural programme in the premises of a

local school, the local police authority intervened. After a debate between students, the organisers, and the police, the students shifted the programme to organise it in the courtyard of Chakra Bahadur Bhandari, a local resident of Tharmare VDC-4. The armed police gheraoed the place as well, and threatened the organisers to stop the programme and run away. Khim Bahadur DC, one of those three deceased, protested the police action saying that it was just a cultural programme that they were organising. Police replied him by arresting, punching and kicking. The Chairman, Hem Raj KC, moved ahead to request the police to stop manhandling. He also offered to mediate, if need- between police and the student to settle the dispute. The police rather kicked him on his stomach. Hem Raj, who had undergone vasectomy operation a few days ago, felt unconscious. Then the police shot him, Khim Bahadur and the other one.

## INSEC Press Release

INSEC Chairperson through a press statement issued on March 1, 1998 has strongly condemned the killing. Illustrating the background of the incident, INSEC press statement regrets, "The actions taken by police has violated the fundamental rights of the people enshrined in the constitution of the Kingdom of Nepal. INSEC strongly condemns the police atrocities which have claimed the lives of emerging human rights activist, and elected representative; and other citizens." Opposing the indifferent attitude of the government towards the violation of Human Rights the release said, "The government seems to be reluctant about its responsibility to protect the lives of citizens; it is rather employing despotic methods."

Appealing all human rights organisations and other concerned in the nation to protest this illegal action of police authority, INSEC Chairnman warns the government to ensure the prevention of such events in future. "We, the members of human rights organisations, would be compelled to take to the street if



the government continually repeats to fail to protect the lives of human rights defenders and citizens at large," INSEC Chairman has said.

The press statement has also demanded an impartial investigation into the incident to bring the culprits to justice.

## Nation-wide Protest

Different 13 human rights organizations - HURON, FOPHUR, INSEC, INHURED International, CWIN, CVICT, etc.- launched various joint- programs to condemn the killing incident nationwide.

On 5 March 1998 a protest rally was organized in Kathmandu. The rally chanted slogans to 'stop killing human rights activist & elected representatives,' and open a high level investigation commission, marching through Ratnapark, Bagbajar, Putalisadak, Shahidget to Bhadrakali. Upon the completion of the rally, a memorandum was handed over to the Prime Minister. The memorandum reminds that letting perpetrators go





unpunished amounts to be a crime in itself. Quoting the incident as an extreme example of police atrocity, the memorandum puts that, "the incident runs counter to constitutional norms, democratic cultures, and international human rights laws that Nepal has ratified." The joint memorandum also calls for high level legal-investigation into the event. A press conference was organized the same day.

Similar protest rally was organized at Tharmare, where the event occurred, on 9 March. INSEC adviser Veerendra Keshari Pokhrel and Chairman Sushil Pyakurel, CWIN Chairman Gauri Pradhan, INHURED International Executive Director Gopal Krishna Siwakoti,



PRCC Vice Chairman Mukti Pradhan and General Secretary Khim Lal Devkota, GRINSO representative Bishnu Sapkota, SRID representative Trilochan Gautam, ANNFSU (Revolutionary) Central Treasurer Lekhnath Neopane, CPN (UML) District Secretary Prakash Jwala addressed the participants of the rally when it converged into a mass meeting.

Protest rallies were also organized in Biratnagar on 6 March, in Nepalgunj on 8 March, and in Pokhara on 12 March. Each rally submitted a protest-letter to the Minister of Home Affairs through respective District Administration Offices.

On 19 March an interaction program was organized in Kathmandu in connection with the event. The same day a report prepared by a team of human rights organizations on Tharmre Incident was brought to the public.

INSEC District Representatives for Human Rights Year Book organized a protest rally in Kathmandu on 26 March with an intent to submit a protest-letter to Home Minister through the Chief District Officer. On 27 March similar program was organized in all districts to submit the protest letter to the Home Minister, INSEC networks also participated in the rallies.

# INSEC Round Up

## Evaluation Meetings on Human Rights Year Book 1996

### Pokhara

INSEC, West Regional Office, Pokhara organised a meeting to evaluate the matter and impact of Human Rights Year Book on 12th Jan 1998. District Justice of Kaski District Court inaugurated the meeting as the Chief Guest of the programme. Advocate, also a college-teacher, Nirmal Kuman Karki presented a written analysis of Year Book 1996. Advocate Karki opined that the Year Book has accomplished an important job by incorporating information of the activities undertaken by Non Governmental Organisations towards the protection and promotion of human rights. In his inaugural remarks, the Chief Guest Mr. Silwal said that the Year Book published by INSEC has been resourceful. Kaski District Secretary CPN (UML) Som Nath Pyasi; Chairman of FOPHUR Kaski Naba Datta Dhungna; Advocate Bhupa Nidhi Panta; Coordinator of CWIN, Kaski, Kumar Bhattarai also spoke on the occasion.

### Parbat

INSEC also organised such meeting in Kusma, Parbat, one of the districts in the west of Nepal, on 3rd Dec 1997. District Justice Hem Raj Panta chaired the meeting as the chief guest of the programme. Advocate Ram Ghimire read out a written analysis of the year book. He remarked that the Year Book has been a comprehensive document of human rights situation in Nepal, thus a useful tool to promote human rights movement across the country. It also focussed on further endeavour to make the facts more tangible.

Chief District Officer, police officer, representatives of political parties, etc also spoke on the occasion.

Such meetings were also held in- Baitadi, a district in the far-west of Nepal, on 5 Dec 1997; Myagdi, a district in the western hills, on 2nd Dec 1997; Gorkha on 12 Dec 1997; and in Gulmi on 26 Nov 1997. Every meeting made analysis of the Year Book and presented relevant comments and suggestions to correct the shortcomings.

## INSEC Abroad

Indira Phuyal, Coordinator, INSEC Mid-Region, Kathmandu participated in a 4-week Diplomacy Training



Programme in Sydney, Australia. The 9th DTP Session was, as in the past, jointly organised by Diplomacy Training Programme and the Law Department of the University of New South Wales, Sydney from 26th January to 19th February 1998. 25 participants from 11 countries in the Asia Pacific region participated in the training which dealt with fundamentals of human rights, Public International Law, the UN System, Human Rights and Media, NGO's Role in Sustainable Human Rights Training and Education and many other key issues pertaining to human rights.

INSEC Executive Board Member Dr Shiva Sharma participated in a meeting of Asian Labour Forum in Puna, India held on 23/24 Jan 1998. 20 participants from Nepal, India, Bangladesh, Pakistan and Sri Lanka discussed on future programmes of the Forum. The main objective of the meeting was to build an opinion on Social Clause.

Krishna Upadhyaya, Director of Programmes, INSEC, attended a consultation on "International Solidarity in the Age of Globalisation" organised by Indian National Social Action Forum (INSAF), in Bombay, from 16 to 21 February 1998. 57 participants attended the consultation. The main speakers in the consultation were Prof. Ashok Mitra, (India) Dr. Samir Amin (Senegal) and Prof. K.N. Panikkar (JNU, India).

## Meetings/Celebrations

### World Human Rights Day

Information has been received from all INSEC networks on the completion of various programmes organised to observe the World Human Rights Day. According to the reports received from INSEC Network in Kailali, a district in the far western Nepal, a talk programme was organised in Pathariyai Jagapur. Around 200 participants participated in the programme. Similar programmes were organised in Kanchanpur, Bhojpur, Dhankuta, Biratnagar, Tehrathum, Panchthar and some other district as well.

Human Rights and Environment Development Centre, an INSEC network in Udayapur, organised a Demonstration and Jail Observation Programme on December 10 to observe the Human Rights Day. Similarly, the Centre also organised a training programme on Human Rights and the Constitutional Provisions.

Human Rights and Social Services Centre, Rasuwa organised a quiz contest amidst students to observe the

Day. Human rights Environment and Community Development Centre, a network in Jhapa, organised a demonstration and Prisoner's Meeting programmes. The participants of the demonstration holding playcards bearing all 30 articles of the Universal Declaration of Human Rights met the prisoners at Chandragadhi Jail and discussed on various aspects of human rights.

### Awareness Meetings

INSEC network in Bardiya organised an awareness meeting on 6 December 1997. The meeting discussed on various aspects of human rights, women's rights, Kamaiya problems, caste discrimination and so on. Similar assemblies were also organised in Kailali and Kanchanpur districts.

Social Awareness, Human Rights and Development Centre, a network in Bhojpur, organised awareness meetings on Community Building in December 1997 to discuss on issues pertaining to environmental protection, health, sanitation and rights of the child. Human Rights, Social Awareness and Development Centre, a network in Dhankuta, organised awareness meetings in Arkhaule Jitpur VDC and Murtidhunga Nigale on 4/5 December 1997 to discuss on the role of elected representatives to protect and promote human rights and maintain environmental cleanliness. Similar awareness meetings have been conducted also in Panchthar, Morang, Saptari, Siraha, Tehrathum, Udayapur, Nuwakot, Bara, Dhanusha, Parsa, Achham, Dandelhdhura and Darchula.

### Symposium on Women Leadership Development

INSEC network in Panchthar organised a symposium on Women Leadership Development on 7 Dec 1997. 49 representatives participated in the symposium which dealt with the need, role and responsibility of elected women representatives. The participants were also informed on VDC Act, laws and by-laws in connection with development, the need of women representation in leadership. Similarly, 50 representatives participated in such programmes organised by Achham network on 5th Dec 1997.

INSEC network in Jumla, an extremely rural and backward district, also organised such programme on 12 Dec 1997. Advocate Bishnu Prasad Timilsina, Advocate Devi Bahadur Sejuwal, District Health Worker Ganga Mahat and former MP Dilli Bahadur Mahat talked on discrimination against women, women involvement in local levels, women leadership development, health and sanitation. 17 representatives participated in the programme.

Prakash Awareness Group (Prag), a network in Arghakhanchi organised a two-day Leadership Development Training on 7/8 December 1997. District Justice Mahabir Prakash Shrestha inaugurated the training. A total of 23 participants discussed on gender discrimination, women involvement in local development, women in leadership, environmental protection etc.

## **Training for Human Rights Activists**

### **Bardiya**

Active Forum for Human Rights Awareness, a Bardiya network of INSEC, organised a two-day training for human rights defenders on 22-23 Nov 1997. 26 human rights defenders from Banke and Bardiya participated in the training which dealt with constitutional provision of Nepal, human rights situation in Nepal, human rights and INSEC Campaign and so on. INSEC Network in Kanchanpur also organised similar training on 12-13 Dec 1997; Gorkha network on 13-14 Dec 1997; Rasuwa network on 25-26 Nov 1997; and, Nuwakot network on 22-23 Nov 1997.

## **Child Programmes**

### **Poetry Competition**

Human Rights, Social Awareness and Development Centre (HUSADEC), a network in Dhankuta organised an inter-school (primary level) poetry and race competition in Dandabajar Dhankuta on 20 Nov 1997. The programme was coordinated by Child Rights Awareness Group (CAG) of Bhanu Secondary School, Dandabajar. Chief guest of the programme Krishna Blon, the Principal of the School, gave away prizes and certificates to the winner students.

### **Essay Competition**

Society Upliftment Centre, a network in Dhanusha, organised an essay competition amongst the students of Girls' Secondary School, Dhanusha on 12 Dec 1997. Nimu Yadav, Archana Lav, Durga Kumari and Twinkal Chaudhary respectively stood 1st, 2nd, 3rd and 4th.



## **Child Rights Day**

Child Rights Day was organised by Udayapur network at Triveni Secondary School on 19 Nov 1997. Various programmes were organised to observe the day. The students standing first, second and third were given prizes and certificates.

Women Integrated Development Centre, a network in Chitwan, organised a poetry competition at Balkumari Secondary School, Narayangadh; Narayani Secondary School, Bharatpur; Janjeevan Secondary School; Chainpur and Navapratat Lower Secondary School, Birendranagar to observe Child Rights Day on 20 Nov 1997.

## **Training for Elected Representatives**

Kailali network- Human rights and Social Development Centre- organised a training programme for the elected representatives on 3rd Dec 1997. 33 elected representatives participated in the programme. Such training programmes were also organised by Nuwakot network (on 20-21 Nov); Dhankuta network (on 12-13 December); Kavre network (on 2-3 Dec) and Dang Network (on 8-9 Dec 1997). Similar programmes were also organised by Bara network on 20 Nov 1997; Dolakha network on 21 Nov 1997; and Parsa network on 20 Nov 1997.

## **National Immunisation Day**

To make the National Immunisation Day a success, various INSEC networks organised awareness campaigns across the country. Udayapur network informs that awareness programmes were organised in various VDCs in Udayapur. On the very Day, 7 December 1997, volunteers were mobilised on Thoksila, Babala, Mainamaini, Beltar, etc VDCs to help administer the polio vaccine. Such programmes were also organised in Dhanusha, Bhojpur, Kavre, Panchthar, Bara, Dolakha, Sindhupalchok, and other districts in the initiation of the district networks.

## **Refresher Training for Human Rights Teachers**

INSEC Western Regional Office, Pokhara organised a refresher training for Human Rights Teachers of the region on 4th Jan 1998. 29 teachers were given training on teaching methodology, the use of visual teaching aids and so on.

The Regional Office also organised a training on Accounts and Book Keeping on 17 Nov 1997 in Pokhara. Thirteen participants from 7 INSEC networks in the region participated in the training.



# Human Rights Year Book 1997 Released

Human Rights Year Book 1997, the sixth series from 1992, was released on April 9 at a programme in Kathmandu. Former Prime Minister Krishna Prasad Bhattarai, the chief guest of the programme, brought to public the 565-paged volume. The programme paid tributes to freedom fighters late Ganesh Man Singh, the commander of the Mass Movement 1990 and Prakash Kaphley, the renown human rights defender and the founder Director of INSEC.

Year 1997 saw 2540 numbers of events, an increase by 400 as compared to those of last year, resulting in well over 6 thousand victims. The Year Book, as in past years, reveals a gradual increase in the violence. Ignorance, illiteracy, superstition, and deliberate protection of criminals, by those in power, have been noted as the root causes for the increasing violence. The Year Book 1997 concludes that political interference on controlling, and protecting, in some cases, crimes and social violence should end to redress the situation.

## Opinions

Releasing the Year Book 1997, Chief Guest Mr Bhattarai observed that human rights situation is making progress in the country. He said that political parties have benefited from human rights movement, adding, "political parties are not a danger to democracy. If there remains any danger to democracy, it might be due to the fact that the king has enormous military power in his hands. But he is very considerate." Speaking on the role of human rights organisations, Mr Bhattarai hailed the works of INSEC in the field of human rights and social justice.

INSEC Adviser and former Speaker to the House of Representatives Mr Daman Nath Dhungana also addressed the audience. He observed democracy as a collective phenomenon and expressed discontent towards the dictatorial orientation upsurging in the country in the name of democracy. Mr. Dhungana flayed corrupt elected representatives while speaking with reference to contemporary political practices. "Corruption has spread like cancer in Nepalese society," Mr. Dhungana observed.

MP. Padma Ratna Tuladhar expressed that instead of institutionalising democracy, corruption has been rampant in the country. He expressed sorrow over the failure of implementing the torture compensation act.



FOPHUR Chairman Bishwakanta Mainali, HURON Chairman Kapil Shrestha, Harihar Dahal, Chairman of the Nepal Bar Association, Kishor Nepal, Chairman of the General Federation of Nepalese Journalists, also addressed the programmes.

Chairman of the programme Sushil Pyakurel hailed the role of late Ganeshman Singh and Prakash Kaphley in the struggle for democracy and human rights. Mr Pyakurel noted that human rights defenders are firmly united to address key national issues.

Putting his welcome speech, INSEC General Secretary Dr. Rajesh Gautam briefed on deteriorating human rights situation in the country. "We have the nation but not nationality; we have the law but not the rule of law; we have the government but not security," Mr Gautam said referring to the paradoxes in political practices in Nepal.

## Prakash Human Rights Award

On the Year Book Release occasion, the recipient of the Prakash Human Rights Award 1997 was announced. The Award was instituted in 1995 to commemorate the contribution of late Prakash Kafley to human rights and democratic movement in Nepal. Prakash Kafley died in a tragic plane crash in 1992 while coming home from Sri Lanka participating in a regional meeting. Dayabir Singh Kansakar, aged 87, has been announced to be the recipient of the Prakash Human Rights Award for 1997. Mr. Kansakar has a long history of social services. Thus far, Binaya Kumar Kasaju (1995), Gajendra Bahadur Basnet (1996) and Rishi Ram Tharu (1997) have received the Award.

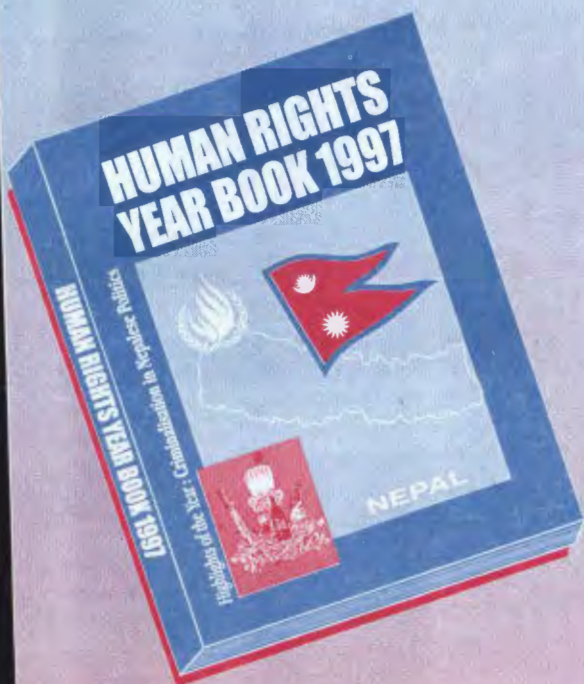
Prakash Human Rights Award is given annually to one who has an outstanding record of social services. ●



# Released! Released!!

## Human Rights Year Book 1997

(English & Nepali Version)



The book contains major human rights issues of Nepal during the year 1997. It has recorded 2500 events, which victimised 6328 persons. It also includes composite summary of human rights situation in Nepal and some typical incidents of human rights violations.

The topics deal with –

- Judiciary and Human Rights
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