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CONSTITUTE HUMAN RIGHTS COMMISSION
STOP KILLINGS: INITIATE PEACE PROCESS
समय अधिकार आयोग गठन गर
हल्ला बन्द गर: शान्ति प्रक्रिया

- Rouge States
- What is Development
- Democracy and Social Justice
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HR NGOs on Street

The Making of History

"Men make history but not under the condition of their choosing"

- Karl Marx

Nepal is a land of diversity, both in the composition of its population and in its geo-politics. Home to nearly 21 million people whose origin may be traced from both the Caucasoid and Mongoloid ethnic groups, Nepal is divided into three ecological and geographical zones: the plains (the terai) to the south, the hills in the central region, and the Himalayas to the north. Although it can be difficult to locate Nepal in a world atlas, in terms of global politics it has developed its own distinct identity. Once recognised as the land of fearless Gurkhas, it is now better known for its dependence upon foreign aid. In recent years, it has also come to be identified as the land where people are caught in the cross-fire of a war between a so-called "revolutionary group" and law enforcement forces.

In what proved to be a turning point in Nepalese history, the Communist Party of Nepal (Maoist) declared an armed People's War on February 13, 1996, "with the proclaimed aim of establishing a New Democratic socio-economic system and state by overthrowing the present socio-economic structure and state." The news was greeted with mixed reaction. The government has described the War "as the act of criminals," while the mastermind of the insurgency, Mr. Pushpa Kamal Dahal (better known as Comrade Prachanda), the General Secretary of CPN (Maoist), claims that "the People's War has established itself as the only revolutionary alternative in Nepal by breaking through innumerable cycles of repression by the reactionaries and opposition of the revisionists."

The "People's War" has since developed into a scene of confusion and bloodshed, where fact is hard to distinguish from fiction. However, what is certain is that the people in the affected areas in the country are living under threat, insecurity and violence perpetrated by both those who claim themselves to be 'Maoists' (who have killed 120 people including 32 police personnel as of Mid-December) as well as by those who claim to be the law enforcement authority (who have killed 355 people). Both have justified their reasons for killing. The Maoists "bring the people's enemies to people's action"; and the

government (in the form of specially trained police) kills "the criminals in an encounter to maintain law and order in the nation as it can not keep its eyes closed when people are being killed." To the innocent victims, however, the only difference between the Maoists and the law is that the Maoists use khukuries (locally carved knives), whereas the police use guns as their choice of weapon.

As Peter Limqueco maintains in "No Revolution without Democracy..." (Himal Vol 10, No 5), "if poverty, oppression and government neglect gets unbearable, the people have a choice either to take up arms or to move elsewhere. It is most likely that they will take up arms because usually such people have nowhere to go." This is partly true in the case of the "People's War" in Nepal. Most of those who have joined the Maoist movement suffer from acute poverty, oppression and political neglect. Most of them hail from the 'marginalised' ethnic communities, and/or from the lowest strata of the caste hierarchy. Although a few are well educated, most are barely literate, school drop outs or non-joiners. As a direct consequence of their socio-economic and psychological vulnerability, it has been relatively easy for the leaders of the crusade to incite these people to carry out violence.

As both facts and statistics corroborate, Nepal is in a phase of crisis. Poverty, illiteracy, social and political discrimination, neglect and marginalisation, to name only a few of the problems, are experienced by the bulk of Nepalese on a daily basis. Against this reality, there is certainly a need for the Maoist goal of liberating "the great Nepalese people." The "Peoples' War" as the chosen route of the Maoists is not, however, the only way to achieve the goal. There are in fact many other options.

After living through tyranny for almost one and a half-century, the "People's Movement" in the early 1990s ushered the nation into an open society and a democratic political structure. For the Maoists to conclude that the achievement of the "People's Movement" was 'meaningless' after only six or seven years of multiparty democracy is premature. The time is now for all to nurture the hard-won democracy we achieved at the cost of many lives to chart our way to the next century. We need collective action to correct the injustices and wrongs

pending in our nation since time immemorial. In this regard, it is worthwhile to call upon the Maoists to channel their energies and resources away from destruction towards educating our people. Only after that is achieved will we, as a nation, be able to re-structure our history, such that human dignity is placed above human ills. Only then will the "great Nepalese people" be genuinely liberated.

At this point of time, we urge both parties, Maoists and government, to recognise that violence does not restore normalcy. It is the role of the present government to take the lead in finding appropriate ways of settling the dispute. The 'Maoists' too should accept that their romantic idea of revolution will not accomplish their proclaimed goal. Destruction of life and property, in whatever way it is done and for whatever reason, can not lead to progress. This is a fundamental error in their judgement. In a democratic society, everyone has a right to any opinion and ideology, and no one should be repressed for following Gandhi, Mao or any other belief.

On December 10, human rights programmes were carried out all over the world to celebrate the 50th Anniversary of UDIIR. This past year has been a wonderful occasion to both assess our 50-year commitments to human rights and to measure how states have demonstrated their commitments to these fundamental and universal human rights. It is therefore timely to pay tribute to all those who have dedicated their lives for the sake of human rights over the past 50 years. We should also salute our friends on the streets around the world who continue to struggle for the cause of human rights and social justice, and for the transformation of their polity from authoritarianism to genuine democracy. All initiatives taken from inter-governmental, governmental and non-governmental organisations for the realisation and fulfilment of human rights also deserve our note of appreciation.

Many of our friends are already in the festive mood of Christmas, Hanukkah and New Year. This belated issue of INFORMAL (we are two months behind schedule) wishes them all a Merry Christmas, Happy Hanukkah, and safe and prosperous New Year.

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Rogue States

- Noam Chomsky

The concept of "rogue state" plays a pre-eminent role today in policy planning and analysis. The current Iraq crisis is only the latest example. Washington and London declared Iraq a "rogue state," a threat to its neighbours and to the entire world, an "outlaw nation" by a reincarnation of Hitler who must be contained by the guardians world order, the United States and its British "junior partner," to adopt the term ruefully employed by the British foreign office half a century ago.¹

The concept merits a close look. But first, let's consider its application in the current crisis.

1. The Crisis

The most interesting feature of the debate over the Iraq crisis is that it never took place. True, many words flowed, and there was dispute about how to proceed. But discussion kept within rigid bounds that excluded the obvious answer: the US and UK should act in accord with their laws and treaty obligations.

The relevant legal framework is formulated in the Charter of the United Nations; a "solemn treaty" recognised as the foundation of international law and world order, and under the US Constitution, "the supreme law of the land."

The Charter states that "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression, and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42," which detail the preferred "measures not involving the use of armed force" and permit the Security Council to take further action if it finds such measures inadequate. The only exception is Article 51, which permits the "right of individual or collective self-defence" against "armed attack...until the Security Council has taken the measures necessary to maintain international peace and security." Apart from these exceptions, member states "shall refrain in their international relations from the threat or use of force."

There are legitimate ways to react to the many threats to world peace. If Iraq's neighbours feel threatened, they can approach the Security Council to authorise appropriate measures to respond to the threat. If the US and Britain feel threatened, they can



do the same. But no state has the authority to make its own determinations on these matters and to act as it chooses; the US and UK would have no such authority even if their own hands were clean, hardly the case.

Outlaw states do not accept these conditions: Saddam's Iraq, for example, or the United States. Its position was forthrightly articulated by Secretary of State Madeleine Albright, then UN Ambassador, when she informed the Security Council during an earlier US confrontation with Iraq that the US will act "multilaterally when we can and unilaterally as we must," because "We recognise this area as vital to US national interests" and therefore accept no external constraints. Albright reiterated that stand when UN Secretary-General Kofi Annan undertook his February 1998 diplomatic mission: "We wish him well," she stated, "and when he comes back we will see what he has brought and how it fits with our national interest," which will determine how we respond. When Annan announced that an agreement had been reached, Albright repeated the doctrine: "It is possible that he will come with something we don't like, in which case we will pursue our national interest." President Clinton announced that if Iraq fails the test of conformity (as determined by Washington), "everyone would understand that then the United States and hopefully all of our allies would have the unilateral right to respond at a time, place and manner of our own choosing," in the manner of other violent and lawless states.²

The Security Council unanimously endorsed Annan's agreement, rejecting US/UK demands that it authorise their use of force in the event of non-compliance. The resolution warned of "severest consequences," but with no further specification. In the crucial final paragraph, the Council "DECIDES, in accordance with its responsibilities under the Charter, to remain actively seized of the matter, in order to ensure implementation of this resolution and to ensure peace and security in the area." The Council, no one else; in accordance with the Charter.

The facts were clear and unambiguous. Headlines read: "An Automatic Strike Isn't Endorsed" (Wall St. Journal); "U.N. Rebuffs U.S. on threat to Iraq if it Breaks Pact" (New York Times) etc. Britain's UN Ambassador "privately assured his colleagues on the council that the resolution does not grant the United States and Britain an 'automatic trigger' to launch

strikes against Iraq if it impedes" UN searches. "It has to be the Security Council who determines when to use armed force," the Ambassador of Costa Rica declared, expressing the position of the Security Council.

Washington's reaction was different. US Ambassador Bill Richardson asserted that the agreement "did not preclude the unilateral use of force" and that the US retains its legal right to attack Baghdad at will. State Department spokesperson James Rubin dismissed the wording of the resolution as "not as relevant as the kind of private discussions that we've had": "I am not saying that we don't care about that resolution," but "we've made clear that we don't see the need to return to the Security Council if there is a violation of the agreement." The President stated that the resolution "provides authority to act" if the US is dissatisfied with Iraqi compliance; his press secretary made clear that that means military action. "US Insists It Retains Right to Punish Iraq," the New York Times headline read, accurately. The US has the unilateral right to use force at will: Period.³

Some felt that even this stand strayed too close to our solemn obligations under international and domestic law. Senate majority leader Trent Lott denounced the Administration for having "subcontracted" its foreign policy "to others" -- to the UN Security Council. Senator John McCain warned that "the United States may be subordinating its power to the United Nations," an obligation only for law-abiding states. Senator John Kerry added that it would be "legitimate" for the US to invade Iraq outright if Saddam "remains obdurate and in violation of the United Nations resolutions, and in a position of threat to the world community," whether the Security Council so determines or not. Such unilateral US action would be "within the framework of international law" as Kerry conceives it. A liberal dove who reached national prominence as an opponent of the Vietnam War, Kerry explained that his current stand was consistent with his earlier views. Vietnam taught him that the force should be used only if the objective is "achievable and it meets the needs of your country." Saddam's invasion of Kuwait was therefore wrong for only one reason: it was not "achievable," as matters turned out.

At the liberal-dovish end of the spectrum, Annan's agreement was welcomed, but within the narrow framework that barred the central issues. In a typical reaction, the Boston Globe stated that had Saddam

not backed down, "the United States would not only have been justified in attacking Iraq -- it would have been irresponsible not to," with no further questions asked. The editors also called for "a universal consensus of opprobrium" against "weapons of mass destruction" as "the best chance the world has of keeping perverted science from inflicting hitherto unimagined harm." A sensible proposal; one can think of easy ways to start, without the threat of force, but these are not what are intended.

Political analyst William Pfaff deplored Washington's unwillingness to consult "theological or philosophical opinion," the views of Thomas Aquinas and Renaissance theologian Francisco Suarez -- as "a part of the analytical community" in the US and UK had done "during the 1950s and 1960s," seeking guidance from "philosophy and theology"! But not the foundations of contemporary international and domestic law, which are clear and explicit, though irrelevant to the intellectual culture. Another liberal analyst urged the US to face the fact that if its incomparable power "is really being exercised for mankind's sake, mankind demands some say in its use," which would not be permitted by "the Constitution, the Congress nor television's Sunday pundits"; "And the other nations of the world have not assigned Washington the right to decide when, where and how their interests should be served" (Ronald Steel).

The Constitution does happen to provide such mechanisms, namely, by declaring valid treaties "the supreme law of the land," particularly the most fundamental of them, the UN Charter. It further authorises Congress to "define and punish...offences against the law of nations," undergirded by the Charter in the contemporary era. It is, furthermore, a bit of an understatement to say that other nations "have not assigned Washington the right"; they have forcefully denied it that right, following the (at least rhetorical) lead of Washington, which largely crafted the Charter.⁴

Reference to Iraq's violation of UN resolutions was regularly taken to imply that the two warrior states have the right to use force unilaterally, taking the role of "world policemen" -- an insult to the police, who in principle are supposed to enforce the law, not tear it to shreds. There was criticism of Washington's "arrogance of power," and the like, not quite the proper terms for a self-designated violent outlaw state.

One might contrive a tortured legal argument to support US/UK claims, though no one really tried. Step one would be that Iraq has violated UN

Resolution 687 of 3 April 1991, which declares a cease-fire "upon official notification by Iraq" that it accepts the provisions that are spelled out (destruction of weapons, inspection, etc.). This is probably the longest and most detailed Security Council on record, but it mentions no enforcement mechanism. Step two of the argument, then, would be that Iraq's non-compliance "reinvokes" Resolution 678 (29 Nov. 1990). That Resolution authorises member states "to use all necessary means to uphold and implement resolution 660" (2 August 1990), which calls on Iraq to withdraw at once from Kuwait and for Iraq and Kuwait "to begin immediately intensive negotiations for the resolution of their differences," recommending the framework of the Arab League. Resolution 678 also invokes "all subsequent relevant resolutions" (listing them: 662, 664); these are "relevant" in that they refer to the occupation of Kuwait and Iraqi actions relating to it. Reinvoking 678 thus leaves matters as they were: with no authorisation to use force to implement the later resolution 687, which brings up completely different issues, authorising nothing beyond sanctions.

There is no need to debate the matter. The US and UK could readily have settled all doubts by calling on the Security Council to authorise their "threat and use of force," as required by the Charter. Britain did take some steps in that direction, but abandoned them when it became obvious, at once, that the Security Council would not go along.⁵ But these considerations have little relevance in a world dominated by rogue states that reject the rule of law.

Suppose that the Security Council were to authorise the use of force to punish Iraq for violating the cease-fire resolution UN 687. That authorisation would apply to all states: for example, to Iran, which would therefore be entitled to invade southern Iraq to sponsor a rebellion. Iran is a neighbour and the victim of US-backed Iraqi aggression and chemical warfare, and could claim, not implausibly, that its invasion would have some local support; the US and UK can make no such claim. Such Iranian actions, if imaginable, would never be tolerated, but would be far less outrageous than the plans of the self-appointed enforcers. It is hard to imagine such elementary observations entering public discussion in the US and UK.

Contempt for the rule of law is deeply rooted in US practice and intellectual culture. Recall, for example, the reaction to the judgement of the World Court in 1986 condemning the US for "unlawful use of force" against Nicaragua, demanding that it desist and

pay extensive reparations, and declaring all US aid to the Contras, whatever its character, to be "military aid," not "humanitarian aid." The Court was denounced on all sides for having discredited itself. The terms of the judgement were not considered fit to print, and were ignored. The Democrat-controlled Congress immediately authorised new funds to step up the unlawful use of force. Washington vetoed a Security Council resolution calling on all states to respect international law -- not mentioning anyone, though the intent was clear. When the General Assembly passed a similar resolution, the US voted against it, effectively vetoing it, joined only by Israel and El Salvador; the following year, only the automatic Israeli vote could be garnered. Little of this received mention in the media or journals of opinion, let alone what it signifies.

Secretary of State George Shultz meanwhile explained (April 14, 1986) that "Negotiations are a euphemism for capitulation if the shadow of power is not cast across the bargaining table." He condemned those who advocate "utopian, legalistic means like outside mediation, the United Nations, and the World Court, while ignoring the power element of the equation" -- sentiments not without precedent in modern history.⁶

The open contempt for Article 51 is particularly revealing. It was demonstrated with remarkable clarity immediately after the 1954 Geneva accords on a peaceful settlement for Indochina, regarded as a "disaster" by Washington, which moved at once to undermine them. The National Security Council secretly decreed that even in the case of "local Communist subversion or rebellion not constituting armed attack," the US would consider the use of military force, including an attack on China if it is "determined to be the source" of the "subversion" (NSC 5429/2; my emphasis). The wording, repeated verbatim annually in planning documents, was chosen so as to make explicit the US right to violate Article 51. The same document called for remilitarizing Japan, converting Thailand into "the focal point of U.S. covert and psychological operations in Southeast Asia," undertaking "covert operations on a large and effective scale" throughout Indochina, and in general, acting forcefully to undermine the Accords and the UN Charter. This critically important document was grossly falsified by the Pentagon Papers historians, and has largely disappeared from history.

The US proceeded to define "aggression" to

include "political warfare, or subversion" (by someone else, that is) -- what Adlai Stevenson called "internal aggression" while defending JFK's escalation to a full-scale attack against South Vietnam. When the US bombed Libyan cities in 1986, the official justification was "self defence against future attack." New York Times legal specialist Anthony Lewis praised the Administration for relying "on a legal argument that violence [in this case] is justified as an act of self-defence," under this creative interpretation of Article 51 of the Charter, which would have embarrassed a literate high school student. The US invasion of Panama was defended in the Security Council by Ambassador Thomas Pickering by appeal to Article 51, which, he declared, "provides for the use of armed force to defend a country, to defend our interests and our people," and entitles the U.S. to invade Panama to prevent its "territory from being used as a base for smuggling drugs into the United States." Educated opinion nodded sagely in assent.

In June 1993, Clinton ordered a missile attack on Iraq, killing civilians and greatly cheering the president, congressional doves, and the press, who found the attack "appropriate, reasonable and necessary." Commentators were particularly impressed by Ambassador Albright's appeal to Article 51. The bombing, she explained, was in "self-defence against armed attack" -- namely, an alleged attempt to assassinate former president Bush two months earlier, an appeal that would have scarcely risen to the level of absurdity even if the US had been able to demonstrate Iraqi involvement; "Administration officials, speaking anonymously," informed the press "that the judgement of Iraq's guilt was based on circumstantial evidence and analysis rather than ironclad intelligence," the New York Times reported, dismissing the matter. The press assured elite opinion that the circumstances "plainly fit" Article 51 (Washington Post). "Any President has a duty to use military force to protect the nation's interests" (New York Times, while expressing some skepticism about the case in hand). "Diplomatically, this was the proper rationale to invoke," and "Clinton's reference to the UN charter conveyed an American desire to respect international law" (Boston Globe). Article 51 "permits states to respond militarily if they are threatened by a hostile power" (Christian Science Monitor). Article 51 entitles a state to use force "in self-defence against threats to one's nationals," British Foreign Secretary Douglas Hurd instructed Parliament, supporting Clinton's "justified and propor-

tionate exercise of the right of self-defence." There would be a "dangerous state of paralysis" in the world, Hurd continued, if the US were required to gain Security Council approval before launching missiles against an enemy that might -- or might not -- have ordered a failed attempt to kill an ex-President two months earlier.⁷

The record lends considerable support to the concern widely voiced about "rogue states" that are dedicated to the rule of force, acting in the "national interest" as defined by domestic power; most ominously, rogue states that anoint themselves global judge and executioner.

2. Rogue States: the Narrow Construction

It is also interesting to review that issues that did enter the non-debate on the Iraq crisis. But first a word about the concept "rogue state."

The basic conception is that although the Cold War is over, the US still has the responsibility to protect the world -- but from what? Plainly it cannot be from the threat of "radical nationalism" -- that is, unwillingness to submit to the will of the powerful. Such ideas are only fit for internal planning documents, not the general public. From the early 1980s, it was clear that the conventional technique for mass mobilisation was losing its effectiveness: the appeal to JFK's "monolithic and ruthless conspiracy," Reagan's "evil empire" New enemies were needed.

At home, fear of crime -- particularly drugs -- was stimulated by "a variety of factors that have little or nothing to do with crime itself," the National Criminal Justice Commission concluded, including media practices and "the role of government and private industry in stoking citizen fear," "exploiting latent racial tension for political purposes," with racial bias in enforcement and sentencing that is devastating black communities, creating a "racial abyss" and putting "the nation at risk of a social catastrophe." The results have been described by criminologists as "the American Gulag," "the new American Apartheid," with African-Americans now a majority of prisoners for the first time in US history, imprisoned at well over 7 times the rate of whites, completely out of the range of arrest rates, which themselves target blacks far out of proportion to drug use or trafficking.⁸

Abroad, the threats were to be "international terrorism," "Hispanic narco-traffickers," and most serious of all, "rogue states." A secret 1995 study of the Strategic Command, which is responsible for the

strategic nuclear arsenal, outlines the basic thinking. Released through the Freedom of Information act, the study, Essentials of Post-Cold War Deterrence, "shows how the United States shifted its deterrent strategy from the defunct Soviet Union to so-called rogue states such as Iraq, Libya, Cuba and North Korea," AP reports. The study advocates that the US exploit its nuclear arsenal to portray itself as "irrational and vindictive if its vital interests are attacked." That "should be a part of the national persona we project to all adversaries," particular the "rogue states." "It hurts to portray ourselves as too fully rational and cool-headed," let alone committed to such silliness as international law and treaty obligations. "The fact that some elements" of the US government "may appear to be potentially 'out of control' can be beneficial to creating and reinforcing fears and doubts within the minds of an adversary's decision makers." The report resurrects Nixon's "madman theory": our enemies should recognise that we are crazed and unpredictable, with extraordinary destructive force at our command, so they will bend to our will in fear. The concept was apparently devised in Israel in the 1950s by the governing Labour Party, whose leaders "preached in favour of acts of madness," Prime Minister Moshe Sharett records in his diary, warning that "we will go crazy" ("nishtagea") if crossed, a "secret weapon" aimed in part against the US, not considered sufficiently reliable at the time. In the hands of the world's sole superpower, which regards itself as an outlaw state and is subject to few constraints from elites within, that stance poses no small problem for the world.⁹

Libya was a favourite choice as "rogue state" from the earliest days of the Reagan Administration. Vulnerable and defenceless, it is a perfect punching bag when needed: for example, in 1986, when the first bombing in history orchestrated for prime time TV was used by the Great Communicator's speech writers to muster support for Washington's terrorist forces attacking Nicaragua, on grounds that the "archterrorist" Qaddafi "has sent \$400 million and an arsenal of weapons and advisors into Nicaragua to bring his war home to the United States," which was then exercising its right of self-defence against the armed attack of the Nicaraguan rogue state.

Immediately after the Berlin Wall fell, ending any resort to the Soviet threat, the Bush Administration submitted its annual call to Congress for a huge Pentagon budget. It explained that "In a new era, we foresee that our military power will remain

an essential underpinning of the global balance, but...the more likely demands for the use of our military forces may not involve the Soviet Union and may be in the Third World, where new capabilities and approaches may be required," as "when President Reagan directed American naval and air forces to return to [Libya] in 1986" to bombard civilian urban targets, guided by the goal of "contributing to an international environment of peace, freedom and progress within which our democracy -- and other free nations -- can flourish." The primary threat we face is the "growing technological sophistication" of the Third World. We must therefore strengthen "the defence industrial base" -- aka high tech industry -- creating incentives "to invest in new facilities and equipment as well as in research and development." And we must maintain intervention forces, particularly those targeting the Middle East, where the "threats to our interests" that have required direct military engagement "could not be laid at the Kremlin's door" -- contrary to endless fabrication, now put to rest. As had occasionally been recognised in earlier years, sometimes in secret, the "threat" is now conceded officially to be indigenous to the region, the "radical nationalism" that has always been a primary concern, not only in the Middle East.

At the time, the "threats to our interests" could not be laid at Iraq's door either. Saddam was then a favoured friend and trading partner. His status changed only a few months later, when he misinterpreted US willingness to allow him to modify the border with Kuwait by force as authorisation to take the country over -- or from the perspective of the Bush Administration, to duplicate what the US had just done in Panama. At a high-level meeting immediately after Saddam's invasion of Kuwait, President Bush articulated the basic problem: "My worry about the Saudis is that they're...going to bug out at the last minute and accept a puppet regime in Kuwait." Chairman of the Joint Chiefs Colin Powell posed the problem sharply: "The next few days Iraq will withdraw," putting "his puppet in" and "Everyone in the Arab world will be hapey."¹⁰

Historical parallels are never exact, of course. When Washington partially withdrew from Panama after putting its puppet in, there was great anger throughout the hemisphere, including Panama. Indeed throughout much of the world, compelling Washington to veto two Security Council resolution and to vote against a General Assembly resolution

condemning Washington's "flagrant violation of international law and of the independence, sovereignty and territorial integrity of states" and calling for the withdrawal of the "US armed invasion forces from Panama." Iraq's invasion of Kuwait was treated differently, in ways remote from the standard version, but readily discovered in print (including this journal).

The inexpressible facts shed interesting light on the commentary of political analysts: Ronald Steel, for example, who muses today on the "conundrum" faced by the US, which, "as the world's most powerful nation, faces greater constraints on its freedom to use force than does any other country." Hence Saddam's success in Kuwait as compared with Washington's inability to exert its will in Panama.¹¹

It is worth recalling that debate was effectively foreclosed in 1990-91 as well. There was much discussion of whether sanctions would work, but none of whether they already had worked, perhaps shortly after Resolution 660 was passed. Fear that sanctions might have worked animated Washington's refusal to test Iraqi withdrawal offers from August 1990 to early January. With the rarest of exceptions, the information system kept tight discipline on the matter. Polls a few days before the January 1991 bombing showed 2-1 support for a peaceful settlement based on Iraqi withdrawal along with an international conference on the Israel-Arab conflict. Few among those who expressed this position could have heard any public advocacy of it; the media had loyally followed the President's lead, dismissing "linkage" as unthinkable -- in this unique case. It is unlikely that any respondents knew that their views were shared by the Iraqi democratic opposition, barred from mainstream media. Or that an Iraqi proposal in the terms they advocated had been released a week earlier by US officials who found it reasonable, and flatly rejected by Washington. Or that an Iraqi withdrawal offer had been considered by the National Security Council as early as mid-August, but dismissed, and effectively suppressed, apparently because it was feared that unmentioned Iraqi initiatives might "defuse the crisis," as the New York Times diplomatic correspondent obliquely reported Administration concerns.

Since then, Iraq has displaced Iran and Libya as the leading "rogue state." Others have never entered the ranks. Perhaps the most relevant case is Indonesia, which shifted from enemy to friend when General Suharto took power in 1965, presiding over an enormous slaughter that elicited great satisfaction in the West. Since then Suharto has been "our kind of guy,"

as the Clinton Administration described him, while carrying out murderous aggression and endless atrocities against his own people; killing 10,000 Indonesians just in the 1980s, according to the personal testimony of "our guy," who wrote that "the corpses were left lying around as a form of shock therapy."¹² In December 1975 the UN Security Council unanimously ordered Indonesia to withdraw its invading forces from East Timor "without delay" and called upon "all States to respect the territorial integrity of East Timor as well as the inalienable right of its people to self-determination." The US responded by (secretly) increasing shipments of arms to the aggressors; Carter accelerated the arms flow once again as the attack reached neargenocidal levels in 1978. In his memoirs, UN Ambassador Daniel Patrick Moynihan takes pride in his success in rendering the UN "utterly ineffective in whatever measures it undertook," following the instructions of the State Department, which "wished things to turn out as they did and worked to bring this about." The US also happily accepts the robbery of East Timor's oil (with participation of a US company), in violation of any reasonable interpretation of international agreements.

The analogy to Iraq/Kuwait is close, though there are differences: to mention only the most obvious, US-sponsored atrocities in East Timor were vastly beyond anything attributed to Saddam Hussein in Kuwait.

There are many other examples, though some of those commonly invoked should be treated with caution, particularly concerning Israel. The civilian toll of Israel's US-backed invasion of Lebanon in 1982 exceeded Saddam's in Kuwait, and it remains in violation of a 1978 Security Council resolution ordering it to withdraw forthwith from Lebanon, along with numerous others regarding Jerusalem, the Golan Heights, and other matters; and there would be far more if the US did not regularly veto such resolutions. But the common charge that Israel, particularly its current government, is violating UN 242 and the Oslo Accords, and that the US exhibits a "double standard" by tolerating those violations, is dubious at best, based on serious misunderstanding of these agreements. From the outset, the Madrid-Oslo process was designed and implemented by US-Israeli power to impose a Bantustan-style settlement. The Arab world has chosen to delude itself about the matter, as have many others, but they are clear in the actual documents, and particularly in the US-supported projects

of the Rabin-Peres governments, including those for which the current Likud government is now being denounced.¹³

It is clearly untrue to claim that "Israel is not demonstrably in violation of Security Council decrees" (New York Times), but the reasons often given should be examined carefully.¹⁴

Returning to Iraq, it surely qualifies as a leading criminal state. Defending the US plan to attack Iraq at a televised public meeting on 18 February, Secretaries Albright and Cohen repeatedly invoked the ultimate atrocity: Saddam was guilty of "using weapons of mass destruction against his neighbours as well as his own people," his most awesome crime. "It is very important for us to make clear that the United States and the civilised world cannot deal with somebody who is willing to use those weapons of mass destruction on his own people, not to speak of his neighbours," Albright emphasised in an angry response to a questioner who asked about US support for Suharto. Shortly after, Senator Lott condemned Kofi Annan for seeking to cultivate a "human relationship with a mass murderer," and denounced the Administration for trusting a person who would sink so low.

Ringling words. Putting aside their evasion of the question raised, Albright and Cohen only forgot to mention -- and commentators have been kind enough not to point out -- that the acts that they now find so horrifying did not turn Iraq into a "rogue state." And Lott failed to note that his heroes Reagan and Bush forged unusually warm relations with the "mass murderer." There were no passionate calls for a military strike after Saddam's gassing of Kurds at Halabja in March 1988; on the contrary, the US and UK extended their strong support for the mass murderer, then also "our kind of guy." When ABC TV correspondent Charles Glass revealed the site of one of Saddam's biological warfare programs 10 months after Halabja, the State Department denied the facts, and the story died; the Department "now issues briefings on the same site," Glass observes.

The two guardians of global order also expedited Saddam's other atrocities -- including his use of cyanide, nerve gas, and other barbarous weapons -- with intelligence, technology, and supplies, joining with many others. The Senate Banking Committee reported in 1994 that the US Commerce Department had traced shipment of "biological materials" identical to those later found and destroyed by UN inspectors, Bill Blum

recalls. These shipments continued at least until November 1989. A month later, Bush authorised new loans for his friend Saddam, to achieve the "goal of increasing U.S. exports and put us in a better position to deal with Iraq regarding its human rights record..." the State Department announced with a straight face, facing no criticism in the mainstream (or even report).

Britain's record was exposed, at least in part, in an official inquiry (Scott Inquiry). The British government has just now been compelled to concede that it continued to grant licenses to British firms to export materials usable for biological weapons after the Scott report was published, at least until December 1996.

In a February 28 review of Western sales of materials usable for germ warfare and other weapons of mass destruction, the Times mentions one example of US sales in the 1980s, including "deadly pathogens," with government approval, some from the Army's centre for germ research in Fort Detrick. Just the tip of the iceberg, however.¹⁵

A common current pretence is Saddam's crimes were unknown, so we are now properly shocked at the discovery and must "make clear" that we civilised folk "cannot deal with" the perpetrator of such crimes (Albright). The posture is cynical fraud. UN Reports of 1986 and 1987 condemned Iraq's use of chemical weapons. US Embassy staffers in Turkey interviewed Kurdish survivors of chemical warfare attacks, and the CIA reported them to the State Department. Human Rights groups reported the atrocities at Halabja and elsewhere at once. Secretary of State George Shultz conceded that the US had evidence on the matter. An investigative team sent by the Senate Foreign Relations Committee in 1988 found "overwhelming evidence of extensive use of chemical weapons against civilians," charging that Western acquiescence in Iraqi use of such weapons against Iran had emboldened Saddam to believe -- correctly -- that he could use them against his own people with impunity -- actually against Kurds, hardly Lathe peoples of this tribal-based thug. The chair of the Committee, Claiborne Pell, introduced the Prevention of Genocide Act of 1988, denouncing silence "while people are gassed" as "complicity," much as when "the world was silent as Hitler began a campaign that culminated in the near extermination of Europe's Jews," and warning that "we cannot be silent to genocide again." The Reagan Administration strongly opposed sanctions and insisted that the matter be silenced, while extending its support for the mass murderer. In

the Arab world, "the Kuwait press was amongst the most enthusiastic of the Arab media in supporting Baghdad's crusade against the Kurds," journalist Adel Darwish reports.

In January 1991, while the war drums were beating, the International Commission of Jurists observed to the UN Human Rights Commission that "After having perpetrated the most flagrant abuses on its own population without a word of reproach from the UN, Iraq must have concluded it could do whatever it pleased"; UN in this context means US and UK, primarily. That truth must be buried along with international law and other "utopian" distractions.¹⁶

An unkind commentator might remark that recent US/UK toleration for poison gas and chemical warfare is not too surprising. The British used chemical weapons in their 1919 intervention in North Russia against the Bolsheviks, with great success according to the British command. As Secretary of State at the War Office in 1919, Winston Churchill was enthusiastic about the prospects of "using poisoned gas against uncivilised tribes" -- Kurds and Afghans -- and authorised the RAF Middle East command to use chemical weapons "against recalcitrant Arabs as experiment," dismissing objections by the India office as "unreasonable" and deploring the "squeamishness about the use of gas": "we cannot in any circumstances acquiesce in the non-utilisation of any Weapons which are available to procure a speedy termination of the disorder which prevails on the frontier," he explained; chemical weapons are merely "the application of Western science to modern warfare."

The Kennedy Administration pioneered the massive use of chemical weapons against civilians as it launched its attack against South Vietnam in 1961-2. There has been much rightful concern about the effects on US soldiers, but not the incomparably worse effects on civilians. Here, at least. In an Israeli mass-circulation daily, the respected journalist Amnon Kapeliouk reported on his 1988 visit to Vietnam, where he found that "Thousands of Vietnamese still die from the effects of American chemical warfare," citing estimates of one-quarter of a million victims in South Vietnam and describing the "terrifying" scenes in hospitals in the south with children dying of cancer and hideous birth deformities. It was South Vietnam that was targeted for chemical warfare, not the North, where these consequences are not found, he reports. There is also substantial evidence of US use of biological weapons against Cuba, reported as minor news

in 1977, and at worst only a small component of continuing US terror.¹⁷

These precedents aside, the US and UK are now engaged in a deadly form of biological warfare in Iraq. The destruction of infrastructure and banning of imports to repair it has caused disease, malnutrition, and early death on a huge scale, including 567,000 children by 1995, according to UN investigations; UNICEF reports 4500 children dying a month in 1996. In a bitter condemnation of the sanctions (January 20 1998), 54 Catholic Bishops quoted the Archbishop of the southern region of Iraq, who reports that "epidemics rage, taking away infants and the sick by the thousands" while "those children who survive disease succumb to malnutrition." The Bishop's statement, reported in full in Stanley Heller's journal *The Struggle*, received scant mention in the press. The US and Britain have taken the lead in blocking aid programs -- for example, delaying approval for ambulances on the grounds that they could be used to transport troops, barring insecticides to prevent spread of disease and spare parts for sanitation systems. Meanwhile, western diplomats point out, "The US had directly benefited from [the humanitarian] operation as much, if not more, than the Russians and the French," for example, by purchase of \$600 million worth of Iraqi oil (second only to Russia) and sale by US companies of \$200 million in humanitarian goods to Iraq." They also report that most of the oil bought by Russian companies ends up in the US.¹⁸

Washington's support for Saddam reached such an extreme that it was even willing to overlook an Iraqi air force attack on the USS *Stark*, killing 37 crewmen, a privilege otherwise enjoyed only by Israel (in the case of the USS *Liberty*). It was Washington's decisive support for Saddam, well after the crimes that now so shock the Administration and Congress, that led to Iranian capitulation to "Baghdad and Washington," Dilip Hiro concludes in his history of the Iran-Iraq war. The two allies had "co-ordinate[d] their military operations against Teheran." The shooting down of an Iranian civilian airliner by the guided-missile cruiser *Vincennes*, was the culmination of Washington's "diplomatic, military and economic campaign" in support of Saddam, he writes.¹⁹

Saddam was also called upon to perform the usual services of a client state: for example, to train several hundred Libyans sent to Iraq by the US so they could overthrow the Qaddafi government, former Reagan White House aide Howard Teicher revealed.²⁰

It was not his massive crimes that elevated Saddam to the rank of "Beast of Baghdad." Rather, it was his stepping out of line, much as in the case of the far more minor criminal Noriega, whose major crimes were also committed while he was a US client.

In passing, one might note that the destruction of Iran Air 655 in Iranian airspace by the Vincennes may come back to haunt Washington. The circumstances are suspicious, to say the least. In the Navy's official journal, Commander David Carlson wrote that he "wondered aloud in disbelief" as he observed from his nearby vessel as the Vincennes - then within Iranian territorial waters -- shot down what was obviously a civilian airliner in a commercial corridor, perhaps out of "a need to prove the viability of Aegis," its high tech missile system. The commander and key officers "were rewarded with medals for their conduct," Marine Corps colonel (ret.) David Evans observes in the same journal in an acid review of the Navy Department cover-up of the affair. President Bush informed the UN that "One thing is clear, and that is that the Vincennes acted in self-defence...in the midst of a naval attack initiated by Iranian vessels..." all lies Evans points out, though of no significance, given Bush's position that "I will never apologise for the United States of America -- I don't care what the facts are." A retired Army colonel who attended the official hearings concluded that "our Navy is too dangerous to deploy."²¹

It is difficult to avoid the thought that the destruction of Pan Am 103 over Lockerbie a few months later was Iranian retaliation, as stated explicitly by Iranian intelligence defector Abolhassem Mesbahi, also an aide to President Rafsanjani, "regarded as a credible and senior Iranian source in Germany and elsewhere," the Guardian reports. A 1991 US intelligence document (National Security Agency), declassified in 1997, draws the same conclusion, alleging that Akbar Mohtashemi, a former Iranian interior minister, transferred \$10 million "to bomb Pan Am 103 in retaliation for the US shoot-down of the Iranian Airbus," referring to his connections with "the Al Abas and Abu Nidal terrorist groups." It is striking that despite the evidence and the clear motive, this is virtually the only act of terrorism not blamed on Iran. Rather, the US and UK have charged two Libyan nationals with the crime.

The charges against the Libyans have been widely disputed, including a detailed inquiry by Denis Phipps, former head of security at British Airways

who served on the government's National Aviation Committee. The British organisation of families of Lockerbie victims believe that there has been "a major cover-up" (Spokesperson Dr. Jim Swire), and regard as more credible the account given in Alan Frankovich's documentary the Maltese Cross, which provides evidence of the Iranian connection and a drug operation involving a courier working for the US DEA. The film was shown at the British House of Commons and on British TV, but rejected here. The US families keep strictly to Washington's version.²²

Also intriguing is the US/UK refusal to permit a trial of the accused Libyans. This takes the form of rejection of Libya's offer to release the accused for trial in some neutral venue: to a judge nominated by the UN (Dec. 1991), a trial at the Hague "under Scottish law," etc. These proposals have been backed by the Arab League and the British relatives organisation but flatly rejected by the US/UK. In March 1992, the UN Security Council passed a resolution imposing sanctions against Libya, with five abstentions: China, Morocco (the only Arab member), India, Zimbabwe, Cape Verde. There was considerable arm-twisting: thus China was warned that it would lose US trade preferences if it vetoed the resolution. The US press has reported Libya's offer to release the suspects for trial, dismissing it as worthless and ridiculing Qaddafi's "dramatic gesture" of calling for the surrender of US airmen who bombed two Libyan cities, killing 37 people, including his adopted daughter. Plainly, that is as absurd as requests by Cuba and Costa Rica for extradition of US terrorists.²³

It is understandable that the US/UK should want to ensure a trial that they can control, as in the case of the Noriega kidnapping. Any sensible defence lawyer would bring up the Iranian connection in a neutral venue. How long the charade can continue is unclear. In the midst of the current Iraq crisis, the World Court rejected the US/UK claim that it has no jurisdiction over the matter, and intends to launch a full hearing (13-2, with the US and British judges opposed), which may make it harder to keep the lid on.

The Court ruling was welcomed by Libya and the British families. Washington and the US media warned that the World Court ruling might prejudice the 1992 UN resolution that demanded that "Libya must surrender those accused of the Lockerbie bombing for trial in Scotland or the United States" (New York Times), that Libya "extradite the suspects to the United States and Britain" (AP). These claims are not

accurate. The issue of transfer to Scotland or the US never arose, and is not mentioned in the UN Resolutions. Resolution 731 (21 Jan. 1992) "Urges the Libyan Government immediately to provide a full and effective response" to requests "in connection with the legal procedures" related to attacks against Pan Am 103 and a French airliner. Resolution 748 (31 March 1992) "Decides that the Libyan Government must now comply without any further delay" with the request of Resolution 731, and that it renounce terrorism, calling for sanctions if Libya fails to do so. Resolution 731 was adopted in response to a US/UK declaration that Libya must "surrender for trial all those charged with the crime," with no further specification.

Press reports at the time were similarly inaccurate. Thus, reporting the US dismissal of the Libyan offer to turn the suspects over to a neutral country, the New York Times highlighted the words: "Again, Libya tries to avoid a U.N. order." The Washington Post dismissed the offer as well, stating that "The Security Council contends that the suspects must be tried in US or British courts." Doubtless Washington prefers to have matters seen in this light. A correct account was given in a 1992 opinion piece by international legal authority Alfred Rubin of the Fletcher School (Christian Science Monitor), who noted that the Security Council resolution makes no mention of extradition to the US and UK, and observes that its wording "departs so far from what the United States, Britain, and France are reported to have wanted that current public statements and press accounts reporting an American diplomatic triumph and UN pressures on Libya seem incomprehensible"; unfortunately, the performance is all too routine.

In the NY Times, British specialist on UN law Marc Weiler, in an op-ed, agreed with Rubin that the US should follow the clear requirements of international law and accept Libya's proposal for World Court adjudication. Libya's response to the US/UK request was "precisely as mandated by international law," Weiler wrote, condemning the US/UK for having "flatly refused" to submit the issue to the World Court. Rubin and Weiler also ask obvious further questions: Suppose that New Zealand had resisted powerful French pressures to compel it to abandon its attempt to extradite the French government terrorists who had bombed the Rainbow Warrior in Auckland harbour? Or that Iran were to demand that the captain of the Vincennes be extradited?²⁴

The World Court has now drawn the same conclusion as Rubin and Weiler.

The qualifications as "rogue state" are illuminated further by Washington's reaction to the uprisings in Iraq in March 1991, immediately after the cessation of hostilities. The State Department formally reiterated its refusal to have any dealings with the Iraqi democratic opposition, and as from before the Gulf war, they were virtually denied access to the major US media. "Political meetings with them would not be appropriate for our policy at this time," State Department spokesperson Richard Boucher stated. "This time" happened to be March 14, 1991, while Saddam was decimating the southern opposition under the eyes of General Schwartzkopf, refusing even to permit rebelling military officers access to captured Iraqi arms. Had it not been for unexpected public reaction, Washington probably would not have extended even tepid support to rebelling Kurds, subjected to the same treatment shortly after.

Iraqi opposition leaders got the message. Leith Kubba, head of the London-based Iraqi Democratic Reform Movement, alleged that the US favours a military dictatorship, insisting that "changes in the regime must come from within, from people already in power." London-based banker Ahmed Chalabi, head of the Iraqi National Congress, said that "the United States, covered by the fig leaf of non-interference in Iraqi affairs, is waiting for Saddam to butcher the insurgents in the hope that he can be overthrown later by a suitable officer," an attitude rooted in the US policy of "supporting dictatorships to maintain stability."

Administration reasoning was outlined by New York Times chief diplomatic correspondent Thomas Friedman. While opposing a popular rebellion, Washington did hope that a military coup might remove Saddam, "and then Washington would have the best of all worlds: an iron-fisted Iraqi junta without Saddam Hussein," a return to the days when Saddam's "iron fist...held Iraq together, much to the satisfaction of the American allies Turkey and Saudi Arabia," not to speak of Washington. Two years later, in another useful recognition of reality, he observed that "it has always been American policy that the iron-fisted Mr. Hussein plays a useful role in holding Iraq together," maintaining "stability." There is little reason to believe that Washington has modified the preference for dictatorship over democracy deplored by the ignored Iraqi democratic opposition, thought it doubt-

less would prefer a different "iron fist" at this point. If not, Saddam will have to do.²⁵

The concept "rogue state" is highly nuanced. Thus Cuba qualifies as a leading "rogue state" because of its alleged involvement in international terrorism, but the US does not fall into the category despite its terrorist attacks against Cuba for close to 40 years, apparently continuing through last summer according to important investigative reporting of the Miami Herald, which failed to reach the national press (here; it did in Europe). Cuba was a "rogue state" when its military forces were in Angola, backing the government against South African attacks supported by the US. South Africa, in contrast, was not a rogue state then, nor during the Reagan years, when it caused over \$60 billion in damage and 1.5 million deaths in neighbouring states according to a UN Commission, not to speak of some events at home -- and with ample US/UK support. The same exemption applies to Indonesia and many others.

The criteria are fairly clear: a "rogue state" is not simply a criminal state, but one that defies the orders of the powerful -- who are, of course, exempt.

3. More on "the debate"

That Saddam is a criminal is undoubtedly true, and one should be pleased, I suppose, that the US and UK, and the mainstream doctrinal institutions, have at last joined those who "prematurely" condemned US/UK support for the mass murderer. It is also true that he poses a threat to anyone within his reach. On the comparison of the threat with others, there is little unanimity outside the US and UK, after their (ambiguous) transformation from August 1990. Their 1998 plan to use force was justified in terms of Saddam's threat to the region, but there was no way to conceal the fact that the people of the region objected to their salvation, so strenuously that governments were compelled to join in opposition.

Bahrain refused to allow US/British forces to use bases there. The president of the United Arab Emirates described US threats of military action as "bad and loathsome," and declared that Iraq does not pose a threat to its neighbours. Saudi Defence Minister Prince Sultan had already stated that "We'll not agree and we are against striking Iraq as a people and as a nation," causing Washington to refrain from a request to use Saudi bases. After Annan's mission, long-serving Saudi foreign minister Prince Saud al-Faisal reaffirmed that any use of Saudi air bases "has to be a UN,

not a US issue."

An editorial in Egypt's quasi-official journal *Al Ahram* described Washington's stand as "coercive, aggressive, unwise and uncaring about the lives of Iraqis, who are unnecessarily subjected to sanctions and humiliation," and denounced the planned US "aggression against Iraq." Jordan's Parliament condemned "any aggression against Iraq's territory and any harm that might come to the Iraqi people"; the Jordanian army was forced to seal off the city of Maan after two days of pro-Iraq rioting. A political science professor at Kuwait University, warned that "Saddam has come to represent the voice of the voiceless in the Arab world," expressing popular frustration over the "New World Order" and Washington's advocacy of Israeli interests.

Even in Kuwait, support for the US stance was at best "tepid" and "cynical over US motives," the press recognised. "Voices in the streets of the Arab world, from Cairo's teeming slums to the Arabian Peninsula's shiny capitals, have been rising in anger as the American drumbeat of war against Iraq grows louder," Boston Globe correspondent Charles Sennott reported.²⁶

The Iraqi democratic opposition was granted a slight exposure in the mainstream, breaking the previous pattern. In a telephone interview with the New York Times, Ahmed Chalabi reiterated the position that had been reported in greater detail in London weeks earlier: "Without a political plan to remove Saddam's regime, military strikes will be counter-productive," he argued, killing thousands of Iraqis, leaving Saddam perhaps even strengthened along with his weapons of mass destruction and with "an excuse to throw out UNSCOM [the UN inspectors]," who have in fact destroyed vastly more weapons and production facilities than the 1991 bombing. US/UK plans would "be worse than nothing." Interviews with opposition leaders from several groups found "near unanimity" in opposing military action that did not lay the basis for an uprising to overthrow Saddam. Speaking to a Parliamentary committee, Chalabi held that it was "morally indefensible to strike Iraq without a strategy" for removing Saddam.

In London, the opposition also outlined an alternative program: (1) declare Saddam a war criminal; (2) recognise a provisional Iraqi government formed by the opposition; (3) unfreeze hundreds of millions of dollars of Iraqi assets abroad; restrict Saddam's forces by a "no drive zone" or extend the "no-flight

zone" to cover the whole country. The US should "help the Iraqi people remove Saddam from power," Chalabi told the Senate Armed Services Committee. Along with other opposition leaders, he "rejected assassination, covert US operations or US ground troops," Reuters reported, calling instead for "a popular insurgency." Similar proposals have occasionally appeared in the US. Washington claims to have attempted support for opposition groups, but their own interpretation is different. Chalabi's view, published in England, is much as it was years earlier: "everyone says Saddam is boxed in, but it is the Americans and British who are boxed in by their refusal to support the idea of political change."²⁷

Regional opposition was regarded as a problem to be evaded, not a factor to be taken into account, any more than international law. The same was true of warnings by senior UN and other international relief officials in Iraq that the planned bombing might have a "catastrophic" effect on people already suffering miserably, and might terminate the humanitarian operations that have brought at least some relief.²⁸ What matters is to establish that "What We Say Goes," as President Bush triumphantly proclaimed, announcing the New World Order as bombs and missiles were falling in 1991.

As Kofi Annan was preparing to go to Baghdad, former Iranian president Rafsanjani, "still a pivotal figure in Tehran, was given an audience by the ailing King Fahd in Saudi Arabia," British Middle East correspondent David Gardner reported, "in contrast to the treatment experienced by Madeleine Albright...on her recent trips to Riyadh seeking support from America's main Gulf ally." As Rafsanjani's ten-day visit ended on March 2, foreign minister Prince Saud described it as "one more step in the right direction towards improving relations," reiterating that "the greatest destabilising element in the Middle East and the cause of all other problems in the region" is Israel's policy towards the Palestinians and US support for it, which might activate popular forces that Saudi Arabia greatly fears, as well as undermining its legitimacy as "guardian" of Islamic holy places, including the Dome of the Rock in East Jerusalem, now effectively annexed by US/Israeli programs as part of their intent to extend "greater Jerusalem" virtually to the Jordan Valley, to be retained by Israel. Shortly before, the Arab states had boycotted a US-sponsored economic summit in Qatar that was intended to advance the "New Middle East" project of Clinton and Peres.

Instead, they attended an Islamic conference in Teheran in December, joined even by Iraq.²⁹

These are tendencies of considerable import, relating to the background concerns that motivate US policy in the region: its insistence, since World War II, on controlling the world's major energy reserves. As many have observed, in the Arab world there is growing fear and resentment of the long-standing Israel-Turkey alliance that was formalised in 1996, now greatly strengthened. For some years, it had been a component of the US strategy of controlling the region with "local cops on the beat," as Nixon's Defence secretary put the matter. There is apparently a growing appreciation of the Iranian advocacy of regional security arrangements to replace US domination. A related matter is the intensifying conflict over pipelines to bring Central Asian oil to the rich countries, one natural outlet being via Iran. And US energy corporations will not be happy to see foreign rivals -- now including China and Russia as well -- gain privileged access to Iraqi oil reserves, second only to Saudi Arabia in scale, or to Iran's natural gas, oil, and other resources.

For the present, Clinton planners may well be relieved to have escaped temporarily from the "box" they had constructed that was leaving them no option but a bombing of Iraq that could have been harmful even to the interests they represent. The respite is temporary. It offers opportunities to citizens of the warrior states to bring about changes of consciousness and commitment that could make a great difference in the not too distant future.

Notes

1. Mark Curtis, *The Ambiguities of Power* (Zed 1995), 146.
2. Jules Kagan, *Middle East International*, 21 Oct. 1994. Kagan, *FT* Feb. 19; Steven Erlanger and Philip Shenon, *NYT*, Feb. 23; Clinton press conference, *NYT*, Feb. 24; R.W. Apple, *NYT*, Feb. 24; Aaron Zitner, *BG*, Feb. 21, 1998.
3. Text, *BG*, March 3; Colum Lynch, *BG*, March 3; Weston, Costa Rica, *ibid.*; *WSJ*, March 3; Barbara Crossette, *NYT*, March 3; Laura Silber and David Buchan, *FT*, March 4; Steven Lee Myers, *NYT*, March 4, 1998.
4. Editorial, *BG*, Feb. 27; Pfaff, *BG*, Feb. 23; Steel, *NYT*, March 1.
5. Editorial, *FT*, March 2 1998. Blair's initiative, quickly withdrawn, was a "mistake" because it "weakened the Anglo-American position," the editors conclude.
6. See my *Culture of Terrorism* (South End 1988), 67f.; *Necessary Illusions* (South End 1989), 82f., 94f., 270.
7. See my *For Reasons of State* (Pantheon 1973), 100ff.; *Pirates and Emperors* (Claremont 1986), 140 (Amana, Black Rose, Pluto); UN Ambassador Thomas Pickering and Justice Dept, cited in my

- Detering Democracy (Verso 1991), 147; expanded edition, Hill & Wang, 1992; World Orders Old and New (Columbia 1994), 16f. (expanded edition 1996). George Kahin, *Intervention* (Knopf, 1986), 74.
8. Steven Donziger, ed., *The Real War on Crime: The Report of the National Criminal Justice Commission* (HarperCollins 1996). Nils Christie, *Crime Control as Industry* (Routledge 1993). Michael Tonry, *Malign Neglect -- Race, Crime, and Punishment in America* (Oxford 1995). Randall Shelden and William Brown, *Criminal Justice* (Wadsworth, forthcoming).
 9. "Irrationality suggested to intimidate US enemies," AP, BG, March 2 1998. On the Israeli theory, see my *Fateful Triangle* (South End 1983), 464ff.
 10. On these matters and what follows, see my articles in *Z* in 1990-91; *Detering Democracy* (chaps. 4-6, "Afterword"); *Powers and Prospects* (South End, 1996), chap. 6; my article in Cynthia Peters, ed., *Collateral Damage* (South End, 1992). Also Dilip Hiro, *Desert Shield to Desert Storm* (Routledge 1992); Douglas Kellner, *The Persian Gulf TV War* (Westview, 1992); Miron Rezun, *Saddam Hussein's Gulf Wars* (Praeger 1992); and a number of useful collections. There is also a much (self)praised "scholarly history" by Lawrence Freedman and Efraim Karsh, which contains useful information but with serious omissions and errors: *The Gulf Conflict 1990-1991: Diplomacy a War in the New World Order* (Princeton, 1992). See *World Orders*, chap. 1, n. 18; and my "World Order and its Rules," *J. of Law and Society* (Cardiff), Summer 1993.
 11. Steel, *op. cit.*
 12. Cited by Charles Glass, *Prospect* (London), March 1998.
 13. See my articles in *Z*, from the Madrid conference in 1991 through the Oslo conference in 1993, and beyond. Also *Detering Democracy*, chap. 6, Afterword; *Powers and Prospects*, chap. 6; *World Orders Old and New*, chap. 3 and epilogue; and sources cited. For further update, see my "The 'Peace Process' in US Global Strategy," address at Ben-Gurion University conference, June 1997, forthcoming in the proceedings (Haim Gordon, ed.).
 14. Serge Schmemmann and Douglas Jehl, *NYT*, Feb. 27, 1998.
 15. See sources cited earlier. Albright, Cohen, CNN live report, Ohio State U., Feb. 18; partial transcript (omitting the interchange quoted), *NYT*, Feb. 19. Lott, BG, Feb. 26, 1998. Charles Glass, *New Statesman*, Feb. 17, 1998. Blum, *Consortium*, Mar. 2 1990. William Broad and Judith Miller, *NYT*, Feb. 26 1998. Scott Inquiry Report, February 1996. Gerald James, *In the Public Interest* (London, Little, Brown, 1996). Alan Friedman, *Spider's Web: The secret history of how the White House illegally armed Iraq* (Bantam 1993).
 16. David Korn, ed., *Human Rights in Iraq* (Human Rights Watch 1989, Yale); *CARDRI* (Committee against Repression and for Democratic Rights in Iraq), *Saddam's Iraq* (Zed, 1986, 1989), 236f. Dilip Hiro, *The Longest War* (Routledge 1991), 53; Rezun, *op. cit.*, 43f. Darwish and Gregory Alexander, *Unholy Babylon* (St. Martin's 1991), 78f. John Gittings, "How West propped up Saddam's Rule," *Guardian Weekly*, March 10, 1991.
 17. Andy Thomas, *Effects of Chemical Warfare* (Stockholm International Peace Research Institute (SIPRI), Taylor & Francis, 1985), chap. 2. See my *Turning the Tide* (South End 1985), 126; *Detering Democracy*, 181f. Vietnam, see *Necessary Illusions*, 38f. Cuba, Chomsky and Edward Herman, *Political Economy of Human Rights*, Vol. I (South End 1979), 69, and much subsequent material. Currently, Alexander Cockburn, *Nation*, March 9 1998.
 18. *The Struggle*, New Haven, Feb. 21, 1998. Maggie O'Kane, *Guardian*, Feb. 19; Scott Peterson, *CSM*, Feb. 17; Roula Khalaf, *FT*, March 2 1998. The impact of the bombing and sanctions was known at once; see Jean Dreze and Haris Gazdar, *Hunger and Poverty in Iraq 1991*, London School of Economics, Sept. 1991. For extensive review, see Geoff Simons, *The Scourging of Iraq* (Macmillan, London, 1996).
 19. Hiro, *Longest War*, 239f.
 20. AP, *NYT*, May 26 1993.
 21. Carlson, *U.S. Naval Institute Proceedings*, Sept. 1989; Evans, *ibid.*, Aug. 1993; and other discussion there. Bush, *Newsweek*, Aug. 15, 1988. John Barry and Roger Charles, "Sea of Lies," *Newsweek*, July 13, 1992.
 22. Ian Traynor and Ian Black, *GW*, July 13 1997; Richard Norton-Taylor and Katerina von Walderssee, *Ibid.*, Jan. 29, 1995; John Coates, *Sunday Telegraph*, Nov. 13, 1994. See also Alasdair Palmer, *Spectator*, 28 March 1992, reporting the intercepts on Mohteshemi and other evidence of the Iranian connection, in part from Foreign Office leaks, he says.
 23. Paul Lewis, *NYT*, March 28, April 1, 1992. AP, BG, Oct. 19 1997. Cuba, April 28 1992 (*Weekly News Update* #118, May 3 1992, Nicaragua Solidarity Network). On Costa Rica's request for extradition of accused US terrorist John Hull, and the US reaction, see my *Letters from Lexington* (Common Courage 1992), chap. 16. On earlier Libyan and Arab League offers, see, *inter alia*, Reuters, *NYT*, Dec. 9, 1991. Reuters, BG, March 21, April 19; *NYT*, April 14; Paul Lewis, *NYT*, March 24, 25, 1992. Ian Black, *GW*, April 14 1996.
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What is development?

- Hugo Slim

In hazarding a guess at what most of us in NGOs mean by development, I will try to sketch out the ideal as it has emerged in recent years and identify some of its essential ingredients. In so doing, I want to emphasise the following key principles

- that genuine development is much more than a matter of economics and economic growth;
- that development is a universal goal for all societies and not just a 'Third World problem';
- that development depends on the just interaction between different groups and different nations, and that at the heart of the struggle for development is the struggle of relationships.

Having looked at the *ideal* of development and glimpsed a near-perfect world, I will then look briefly at the *reality* of the development agenda today, as it is dominated by the so-called 'Washington Consensus'. Finally, in the light of this reality I want to suggest that the right role for NGOs is one which continues to question current orthodoxy and, where appropriate, to seek alternatives to it.

What is development trying to do

In 1974, a group of ten of the world's development experts (all men) met at Cocoyoc in Mexico to try to set a new agenda of 'alternative development', to move forward from what they considered to be the failure of development in the 1950s and 1960s. They produced the Cocoyoc Declaration, in which they made a basic distinction between priorities relating to the 'inner limits' and those relating to the 'outer limits' of development (Cocoyoc, 1974, pp. 170-1).

The inner limits cover 'fundamental human needs' like food, shelter, health, and human rights. The outer limits relate to aspects of 'the planet's physical integrity' like the environment and population. This distinction is still a useful one and identifies the two great concerns of development: human development and protection of the planet, and their inevitable interdependence.

Some basic ingredients

In recent decades, development theorists and practitioners have come to recognise that a certain number of basic ingredients are required, if effective development is to take place within each of these two spheres. Listing some of these ingredients may help to give a picture of what development is and how it comes about.

Development is essentially about change: not just any change, but a definite improvement—a change for the better. At the same time, development is also about continuity. Because if change is to take root, it must have something in common with the community or society in question. It must make sense to people and be in line with their values and their capacity. Development must therefore be appropriate—culturally, socially, economically, technologically, and environmentally

But appropriate does not mean old-fashioned. Genuine development has an air of originality about it, but it is original not just by virtue of being novel. In the strict sense of the word, genuine development is original because it has its origins in that society or community, and is not simply an imported copy or imitation of somebody else's development. It is well known that 'imitative development' is often doomed to failure. At best it does not take root; at worst it imposes itself and distorts or destroys a society. Genuine development, therefore, is not about similitude and making everything the same. Instead, real development safeguards and thrives on difference, and produces diversity.

At the heart of any change for the better are the twin ingredients of equity and justice. Change will not be an improvement if it is built on injustice and does not benefit people equally. A quest for justice and equity usually meets resistance from some quarters, and this means that struggle, opposition, and conflict of some kind are also essential ingredients of development. This is because relationships are a major factor in determining development. Relationships between individuals, communities, the sexes, the social classes, and power groups combine with international relationships to dictate the equity of development throughout the world. Effective development will inevitably challenge some of these relationships in the process of changing them.

Participation is a critical aspect of equity. If development is really to belong to people, it must be shared by them. This means involving them. It is now a

well-known maxim that true development can be achieved only *by people* and cannot be done *to people*. Representation and involvement in decision-making, action, and outcome are therefore regarded as essential. Many development theorists use the word 'democracy' to describe this process. And the idea of empowerment is increasingly used to describe the fulfilment of a participatory process, the consequence of which is the achievement of other key development ingredients like choice, control, and access.

At the end of the day, development is judged as successful by whether or not it lasts. Sustainability, self-reliance, and independence are seen as vital ingredients in effective development: the eggs that bind the mixture of the cake. Sustainability is particularly important, because it guarantees a future for the improvements brought about by a community or society. Sustainability is therefore described as intergenerational equity, because the benefits of development will be equally available to future generations, and not all used up by the present generation. Effective development is about change for the better for future generations too, and not just at their expense.

If these are some of the ingredients of development, the oven in which they are all baked is time. Development takes time, and time is something of which Western culture in particular has very little. Most people agree that the pressure for quick results has been the cause of many of the world's most inappropriate development initiatives. It is a pressure which stems from a widespread naivety in the world's major development institutions over the last 50 years, a naivety founded on an over-confidence in technological and economic development, without sufficient regard for social and environmental realities.

Development is more than economics

Recognition of these various development ingredients has made it increasingly clear that there is more to human development than economic development. Real human development concerns more intangible factors that relate to the *quality* of change in people's lives, as well as to the *quantity* of change. This view that human development is more complex than economics alone is clearly expressed by John Clark in his 1991 book *Democratising Development* (p. 36):

Development is not a commodity to be weighed or measured by GNP statistics. It is a process of change that enables people to take charge of their own destinies and realise their full potential. It

requires building up in people the confidence, skills, assets and freedoms necessary to achieve this goal.

Economic growth is not a simple engine for human development. Development is not just about *having* more, but also about *being* more (Pratt and Boyden, 1985, p 13, CAFOD et al., 1987). It is about the development of the human person, of society, and of the environment. As a result, one of the major trends in recent development theory and practice has been the merging of the human rights and environment agendas with the development agenda. This merger recognises that development must be valued in terms beyond simple economic analysis, and that poverty is as much about a loss of rights, freedom, culture, dignity, and environment as about low income. In his 1992 book *Empowerment: The Politics of Alternative Development*, John Friedman outlines a new responsible model of economic growth which takes human rights and the environment into account:

An appropriate economic growth path is pursued when market measures of production are supplemented with calculations of the probable social and environmental costs, or costs to third parties, that are likely to be incurred in any new investment.

The creation of UNDP's human development index (HDI) in 1990 was a further bold attempt to recognise that human development is more than economics and is about the quality of human life as well as the quantity of economic growth. This point is well made in UNDP's 1993 *Human Development Report*:

There is no automatic link between income and human development. Several countries have done well in translating their income into the lives of their people: their human development rank is way ahead of their per capita income rank. Other societies have income ranks far above their human development rank, showing their enormous potential for improving the lives of their people.

The conclusion is that rich countries are not always the most developed, and poor countries are not always the least developed. Irresponsible economic growth — superdevelopment — can act as a force for underdevelopment in and against many societies. Civilisation (the old nineteenth century word for development) is more than economic growth and is by no means a monopoly of the rich, but common to all societies.

A universal issue, not a 'Third World' issue

This de-linking of economic growth and human development brings the important realisation

that human-development strategies are required in response as much to over-development and super-development as to under-development. The extreme urbanisation, pollution, environmental degradation, unfair trading practices, and economic expansionism in European, North American, and Southeast Asian societies is as much a form and cause of misdevelopment as the hunger, conflict, and poverty in some African, Asian, and Latin American societies.

Every society—rich or poor—has a development problem, and the old development geography of north/south, east/west, and of first, second, third, and fourth worlds, misses the point that fair and sustainable development is a global issue. As John Friedman makes clear (1993, p. 131), human development is a question and a challenge for world society:

Rich and poor countries constitute a single world system, and the overdevelopment of the first is closely linked to the misdevelopment of the second. Neither 'development' is sustainable in the long run; and both fail to meet the equity test. A vision of alternative development is thus as pertinent for the countries central to the world economy as it is for those on the periphery.

Development is about relationships

Human relationships are one of the main determinants of human development. A great deal of the world's misdevelopment is the result of unfair or dysfunctional relationships at an international, national, or community level. At national and community levels, power relations, gender relations, and ethnic relations play a major part in shaping or distorting genuine development. At an international level, unjust economic relations ensnare poor countries into debt and commodity-pricing traps, while political imbalances prevent many countries from enjoying a full stake in global governance. In this context, much of what is offered as development aid is in fact a catalyst of misdevelopment, either because it is environmentally or socially inappropriate, or because its 'giving' represents the extension of a dysfunctional power relationship between nations. Because of this, Pope Paul VI wisely urged poor countries to 'choose with care between the evil and the good in what is offered by the rich' (CAFOD, 1967). The dysfunctional way in which the 'First World' projects so much of the shadow side of its psyche on to images of a 'weak and helpless Third World' also places huge cross-cultural obstacles in the way of healthy and just relationships between peoples.

Just human relationships are therefore one of the keys to development, and dialogue needs to be at the heart of the development relationship to encourage exchange, agreement, and partnership. For NGOs and other development organisations in particular, this question of forming just relations is crucial. As Charles Abrams has observed, effective co-operation between development professionals and the communities with which they work depends on recognising a place for the 'expert' from outside the community alongside the 'inpert' from inside it, and achieving the right balance between the two (Abrams, 1964).

Measuring development

The fact that development is an issue for every society, and that it is as much about human rights, the environment, and relationships as it is about economics, makes it an increasingly complex phenomenon to measure. The last few years have seen an enormous effort to move beyond traditional economic indicators (of production, income, consumption, debt, etc.) epitomised by the World Bank's world-development indicators, to a new broad range of indicators which capture the personal, social, cultural, and environmental dimensions of development.

Of this new generation of development indicators, the World Bank's programme of social indicators of development currently has 94 indicators and UNDP's Human Development Index (HDI) has 253 human development indicators (UNDP, 1993). These range from infant mortality rates to air quality, through human rights, to TV ownership and population per passenger car. The HDI also claims to be gender-sensitive.

It is hard to gauge the accuracy and relevance of new development indicators like the HDI, which the British newspaper the *Daily Mail* has described with typical tabloid precision as 'a happiness index'. However, they are at least evidence of the wider recognition that a purely economic model of development is not sufficient, and that in reality the quality and scope of development are more complex than wealth creation and distribution.

The reality of development today

Much of the above has described the ideal recipe for genuine development. In reality, however, the development menu today is dominated by one main dish, which is known as 'the Washington Consensus', served up from the policy kitchens of the White House, the World Bank, and the IMF in Washington, and gar-

nished with the policies of the European Union.

With the end of the Cold War, the Western economic and political view has come to dominate the global scene. From living in a bi-polar world which set out two main models of political and economic development, we currently exist in an essentially uni-polar world, where the tenets of Western liberalism go unchallenged and dictate international policy. For the most part, the world now tends towards this view, which is therefore regarded as a consensus. Its motto is 'good governance', which has both an economic and political aspect. Economic good governance refers to notions of free markets and a limited and enabling State. Political good governance is about human rights and the development of a vibrant society.

The Washington Consensus has much to commend it, and indeed co-opts a great deal of the language and ideas of previously progressive NGOs, especially relating to human rights, which somewhat takes the wind out of their sails as radical organisations. But in its ideals lie all the dangers of prescription and of a single model, because its whole platform hinges on the principle of conditionality. The Washington Consensus is a set menu, and it is now impossible for any aid-dependent country to order its development *à la carte*.

The set menu

The majority of Western aid is now conditional on the rigorous pursuance of good governance in its prescribed form. While there is little doubt that human rights are a given good and an ethical model to be applied across the world (although there is even some dispute about that), the same may not necessarily be the case for economic models and notions of the perfect State and society. For example, the enormous trust which the Washington Consensus places in civil society and a thriving NGO sector as a panacea for efficient service-provision may prove unfounded in the many different cultural and historical settings around the world. The informal voluntary sector is a peculiarly European (possibly even Anglo-Saxon) phenomenon which may not travel well.

There are, therefore, grave dangers in a single prevailing developmental model, particularly when—as is the case today—there is also a distinct lack of alternatives. The NGO sector, in particular, has always been the forum for opposition and alternative development strategies. Today it finds itself courted to an unprecedented degree by the establishment—often with echoes of its own words—and is in danger of being co-opted.

But, as yet, it has no real alternatives to the Washington Consensus beyond a vague suspicion that the new blueprint of good governance cannot be any better than previous ones. This is not enough on which to make a stand, however, and in the meantime any debate about development seems to be suspended, with the argument temporarily won.

The case of Eastern Europe and the new States of the former Soviet Union adds a new financial urgency to the question. With Western aid budgets being reduced in real terms, it is alarming for development agencies concerned with Africa, Asia, and Latin America to see these dwindling budgets now being shared with the countries of Eastern Europe and the new independent States, especially when foreign policy is bound to dictate a priority for the former communist countries over and above other (most notably African) countries.

So what is development?

The first part of this article sketched out a relatively positive picture of what principles might be considered to contribute to genuine development. The ingredients it identified are complex and not easy to come by.

Among them, the principles of diversity and originality were identified as essential, but the prospect for these two ingredients in particular appears even more distant in the light of the development *realpolitik* described above. The prevailing consensus prizes uniformity and only really allows for one road towards a single and overprescribed model of development. It is perhaps ironic that a consensus which champions choice and the market in its economics tends not to encourage a marketplace for developmental alternatives.

It seems fair to conclude that the main priority for the NGO community today is to continue to explore alternatives, and to question the current blueprint where it proves to be flawed, from the basis of experience and partnership. These alternatives should be used to influence and challenge current trends and, if not to change the model, at least to shape the best possible variations. Genuine universal development is indeed an ideal, a holy grail. But, as a general rule, it may be more creative to have several knights errant roaming the world in search of it in different ways and different places, instead of one white knight leading the whole band in one direction, in the belief that he knows where it is hidden.

Notes

This article is based on a Discussion Paper prepared for a Save the Children UK regional meeting in Thailand in December 1993. I am indebted to Douglas Lackey of SCF for setting me such a direct question as the subject of my session—a question that I had been happily dodging to date

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Among the fears and frustrations, and threats and condemnation that we receive from various power centres, a few lines such as these—

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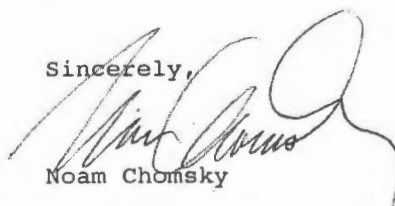
**Department of Linguistics and Philosophy
Cambridge, Massachusetts 02139**

June 9, 1998

Dear Mr. Kattel,

I was very pleased to see that you were able to use my Cape Town lecture in Informal, and was pleased to see the fruits of your important activities as well. I am sending several recent articles of mine that have appeared in various places in the past few months. Another, a transcript of a talk in London, is in press in New Left Review. Keep up the wonderful work, very badly needed, everywhere.

Sincerely,



Noam Chomsky

help us to fight the injustices our consciences have condemned.

Democracy and Social Justice

- Dev Raj Dahal

The establishment of multi-party democracy in Nepal helped the Nepalese citizens to speak up, to organise and agitate against the centralisation of power in ways that were not easily done before. Right to opposition is one crucial aspect of civic spirits. Citizens' dissatisfaction with the governing class or distrustful of the way power is exercised by this class is a legitimate means of expressing discontent. The bigger question is how to provide social justice to ordinary citizens to overcome their growing apathy, alienation and disaffection. In a multi-ethnic multi-lingual and multi-racial country, it is only the social justice that can hold the society and the state together. The question is: has democracy brought any change in the rational use of political power and a sense of social justice to the ordinary citizens? It is difficult to answer straight away. So far, it appears that Nepalese democracy has become a contested site where political parties and actors of different sizes and hues continue to vie for power and privilege as their uppermost priority. It is, therefore, facing a challenge in establishing the rule of law and guarantee for human rights.

The rhythm of democracy movement had carried a noble mission of emancipating the citizens and transforming the people into public. There were broad claims to stress the responsibilities as well as the rights of citizenship. As the spirits of movement evaporated, discourses of intellectuals debunked a sense of national apocalypticism. One grim fact is that despite a change in institutions, the continuity of the same political elites, held a powerful grip on Nepalese politics and the new elites did not feel any need to define how they were different from the old politics of pragmatism. As a result, change in the basic policymaking process has been postponed. Politics failed to become a key to rekindle a sense of optimism, trust and empowerment by means of social and economic transformation. National leaders do not seem to have any vision of their own and, therefore their imagination is grounded more in the past than the future. They seem less concerned to logical warning and ethical appeal about the nation's destiny. As they are imprisoned by the past, it is far less clear whether they will become a voice of the future. Whose side they are on, then! It requires scholars to enter into a centre of

political discourse.

The nation's image as one of the poorest countries next to Ethiopia conveys vivid reality of what the national leaderships have done in the name of the people. A small group of elites with a grandiose rhetoric of people's liberation through "economic liberalisation," appropriated the social space of the citizens and undermined every possibility of redressing the unequal balance of power and wealth through public ownership and their capacity to overcome market manipulation and failures. A truly transparent market can serve a meeting point for all -- to compete on clearly defined rules -- provided each has the means and resources at disposal. A need to restore civic ethics in leadership for quality democratic governance has now become a matter of paramount importance to reconcile the principle of social justice with the legitimacy of political order. This can be a temporary response that is, by definition, not a solution.

Media, independent intellectuals, civil society and ordinary citizens at large increasingly believe that Nepalese leaders are too feudalistic, family-bound and egoistic to do justice to the ordinary people. This is spreading like a virus into the political parties, the institutional channel of interest aggregation, articulation and communication. As a result, there is erosion of their mediating capacity between the state and the society. This explains the reason why contemporary Nepal does not provide adequate opportunities for its citizens to participate in its political life. As present constitution and institutions lack performance legitimacy the traditional disposition of power is bound to gain strength in the future, no matter what its implications on political community.

In the absence of economic security conducive to political freedom and self-realisation, majority of the Nepalese citizens have failed to protect themselves against the callously organised interests of political parties-bureaucracy-business complex. The separation of political economy from ethics has undermined the sense of common good. This has undermined the organizational base of democratic politics. At a time when personal behaviours of many of the elected leaders furnish a rather poor role model, citizens are being nostalgic about previous leaders - B. P. Koirala, Puspa Lal and Madan Bhandari to nourish the cognitive development of their children. The available means for the personality growth, inculcation of democratic values, shaping character and integrating youths into the life world of nation are grossly insufficient. If Nepal is to successful-

ly grow democratically it must, of course, maintain internal cohesion and stability. A shared vision about the nation's future also requires effective partnerships of the government with the private sector and with the groups within civil society.

The stability of democracy is not possible unless sound performance of the polity, especially economic performance, is attained. The right to livelihoods, within a framework of democratic autonomy, is a highly valued goal to be attained. Without critical minimum resources, citizens will be dependent on others, unable to exercise sovereign choice embedded in the constitution. A culture of dependency converts the political imperative of democracy into a legal, formal one and eats into its soul and vitality. Young citizens' migration from the rural to the urban areas continues to evacuate the critical change agents of society spawning deep wound into its social structure. The increasing movement of young citizens abroad in search of better jobs has weakened their aspiration to live together and share the sovereignty of the nation. A sense of political uncertainty continues to expose the citizens to the dangers of sudden, shocking encounters -- hunger, violence, injustice etc, the things they had never experienced before.

Nepalese leaders have yet to marshal the support of citizens on behalf of the goals of modern state and transform the people into Nepalese. Democracy implies both to the internal life of political parties and the democratization of society. The former embodies the representation of electoral process, such as election, rule of law, civil liberties and human rights while the latter includes civic education, mass mobilisation and citizen participation in the structures of representative democracy. When the value of state membership (citizenship) becomes lower than the party membership, in no way does it project Nepal's civic and civilised character. This means the nation's identity is less inclusive in the minds of deprived and marginalised. An identity which is essentially exclusive tends to reinforce a culture of aggressive behaviour among the newly activated citizens which might serve new flash-points in society with widespread acts of unrest. Some elite acculturated with alien ideas even question the very relevance of national identity while the others feel just deprived and alienated. Both the tendencies are the deadliest enemy of democracy.

The question of identity can be resolved only when there is an eventual production of a "public figure" capable of mediating knowledge, ideology interests, wealth and power in society. Unfortunately, the Nepalese

political class which has a glorious ancestry rooted in the country's democratic struggle, lost its direction giving way to the birth of a neo class and its increasing convergence with the bureaucracy and comprador class. The neo-class has succeeded in bringing the professional bodies, people's organisations and civil society in general politics consensus, thereby undermining the base of wider social representation in politics. Nepal still does not have a strong civil society with dense networks of social structures to mediate different interest groups of society. As a result, the gulf continues to widen between the have and have-nots. No single political formation has been left untouched by graft and nepotism. The partisan press -- aligned with different factions of political parties -- gives venomous expression to this fact. In this context, the bigger issue at stake is how to check the career politicians who equate their voices with the voices of the people and take refuge in a sort of cultural relativism, the justification of value judgement.

The traditional ideological elements of religion, ethnicity, caste, class, gender, etc. epitomised in an Hindu curse theory of karma, meaning fate, had furnished a belief that inequality is a part of natural order. These elements are seemingly becoming assertive and pulling the citizens towards a political culture of conformism, dependence on superior authority, submissive behaviour to the leaders and succumbing to a world-view shaped not by themselves but by others. This culturally-rooted anti-modernism has succumbed the innocent mass more to the legitimization of conservatism than human rights and democracy, temptation toward resignation than self-confidence and instrumentalization for narrow purpose than nationalism.

It seems, therefore, difficult to convert the political, business and official leaders' tendency to behaviour defined by constitution. The other issue of serious concern is: How to overcome the emerging masculine and ethnocentric perspective of the national leaders that is gaining momentum in their behaviour and provoking the indignation of critical minorities, women and the marginalized? Who bears the responsibility for the blind acceptance of elite status quo which in no way is politically neutral?

The survival of democracy in Nepal depends on popular will and commitment to it which, in turn, is the consequence of the affirmation of the integrity of each culture and the preservation of each language to enrich the shared Nepalese identity. The sense of trustworthiness in other social groups and parties is a particularly crucial aspect of democratic political culture.

Ironically, lack of interpersonal trust among leaders of political parties in Nepal has led to a danger of ferocious jockeying for political power and frequent alternation of coalition partners. This shows that Nepalese democracy is radically diseased by governmental instability and that only a profound transformation of political culture can cure it. Increasing citizens' confidence in their leaders is one option, while the reform in institutional culture of leaders and citizens is another. Still, necessary correction in the prevailing social conservatism is yet another better option. How to do it? The tendency of homogenisation and hegemonisation of other identities cannot be a desirable option in an age of democratic pluralism as they evoke sub cultural distinctiveness, ethnicity, religion, region, language, etc. and ungluing the webs of nationalism that so far tied this nation-state.

Greater economic prosperity is what exactly so many Nepalese citizens hope for their future. A political culture whose own civility is in question would be an enormous liability in holding the state and society together. The health and happiness of the citizens are of incomparably greater to make them feel "we are proud to be Nepali." At a time when private money plays an influential role in public affairs rather than "one person one vote," what is desired is the revival of public spirits and strengthening of the sphere of social justice - a justice based on reciprocity, sharing and caring to each other.

As the jarring puzzles from the future unfold today, ordinary citizens began to sound for a total cleaning of the system. A positive change can certainly be effected, provided concerted efforts are initiated by public-spirited citizens, the press, judiciary and civil society with enough potential for countervailing and correcting the centralisation of political power. As the crisis engulfs the system as a whole, it also affords an opportunity to widen the democratic space and renew its civic spirits so that Nepalese citizens are not looked upon as passive recipients of governance but active participants in it.

The success of Nepalese democracy springs from its ability to marry the citizens' vast appetite for tolerance caught in a perilous situation and liberate them. National leaders have to take responsibility to restore ethics to politics and build a sense of civic competence among ordinary citizens. One way is civic knowledge about public affairs, the other is freeing the polity from the sound-bite of demagogues and still an other is improving people's quality of life, especially those of the powerless. Only then can the polity reflect citizens' concern towards democracy and postpone their disaffection and apathy to public life. This strengthens the base of social justice.

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The First Conference of Radio Listeners' Clubs

The first conference of Radio Listener Clubs—which INSEC had formed to promote participation in human rights radio education programmes, was held in Narayangadh of Chitwan on June 11 and 12. After much discussion on a number of issues, the participants in the conference formulated a National Ad-hoc Committee of Radio Listeners' Clubs. More than 170 participants from across the country, senior dignitaries of Radio Nepal, journalists, human rights defenders, elected representatives and representatives from other national institutions in the country participated in the conference. Mukunda Sharma, the Executive Director of Radio Nepal, inaugurated the conference. Mr Sharma on the occasion thanked INSEC "for holding the first-of-its-kind-conference to organise radio listeners nation-wide around the issues of human rights."

Ad-hoc Committee formed by the Conference
Chairman: Madan Poudel (Mid Region)
Secretary: Kumar Khadka (Eastern Region)
Treasurer: Radhika Sapkota (Mid Region)

Member: (Radha Krishna Kasaju (Mid Region)
Member: Rudra Prasad Dhital (Mid Region)
Member: Bishnu Bahadur Khatri (Western Region)
Member: Ambar Bahadur Sunuwar (Mid-Western Region)
Member: Ram Datta Joshi (Far Western Region)
Member: Sanju Nepal (Eastern Region)

Adviser
Krishna Subedi (INSEC Central Office)
Krishna Bajgai (Sunsari)



INSEC organised a programme to observe the Sixth Prakash Memorial Day at the Russian Cultural Centre, Kathmandu on 1 August. On the occasion Prakash Human Rights Award 2054BS was conferred upon Mr. Daya Bir Singh Kansakar, aged 87, the senior social worker in Nepal, through his wife as Mr. Kansakar could not attend the programme due to poor health. The Chief Guest of the programme was Mrs. Rewanti Kumari Acharya, the widow of late senior politician Tanka Prasad Acharya. INSEC Chairman Sushil Pyakurel chaired the programme which was participated in by the family members of Prakash Kaphley, human rights activists, journalists, lawyers and other senior dignitaries (including Daya Bir Singh Kansakar's contemporary social workers- Mr. Siddhi Gopal Baidya, Rudra Lal Mulmi and Professor Asha Ram Shakya.)

Prakash Human Rights Award

Prakash Human Rights Award was instituted by INSEC in 1995 to commemorate late Prakash Kaphley, the founder director of INSEC, who passed away at a Thai air crash in 1992 on his way back home from participating in a regional human rights meeting in Sri Lanka. The award carries a purse of NRs 25'000/- and a commemoration letter, and is conferred annually to one who has a outstanding record in social service. So far four personalities have received the award.

The Programme

The programme began with garlanding the photograph of late Prakash Kaphley by Human Rights activist and MP Padma Ratna Tuladhar and other distinguished guests. Rewanti Kumari Acharya, the chief guest, inaugurated the formal programme by lighting three candles. Mrs. Acharya conferred the cash prize upon Mr. Kansakar's spouse. Chairman Sushil Pyakurel read out the commemoration letter, Dr. Rajesh Gautam, General Secretary of INSEC presented an artistic logo of INSEC

Speakers on the Occasion

Siddhi Gopal Baidya, aged 94, one of the invitees, held that INSEC has encouraged the social workers by honouring them. Such honours, he held, encourage future generations to work in this field. He also mentioned the major contributions made by Mr. Kansakar.

Kansakar's contemporary **Rudra Lal Mulmi** cited some of the institutions formed by Daya Bir Singh Kansakar such as – schools, a maternity hospital and other institutions – to show how Kansakar took up the



Sixth Prakash Memorial Day



tedious task. "Daya Bir Singh and social service are just two sides of a coin," he opined.

Professor **Asha Ram Shakya**, the other contemporary of Mr. Kansakar, said 'Daya' (kindness) 'bir' (boldness). The name matched his deeds, and added that Dayabir gained victory through kindness. He thanked INSEC for honouring those who have been almost forgotten.

Krishna Pahadi, the Chairman of Human Rights and Peace Society, opined that a person gains the height of honour not by birth but by what one does "it is the deeds of Prakash which is pushing us to recall him." Drawing attention towards the increasing cases of human rights violence, he warned everyone to be alert on our future.

Kapil Shrestha, the Chairman of Human Rights Organisation of Nepal, said "INSEC has honoured itself by giving away the Prakash Human Rights Award to Dayabir Singh Kansakar, the saint of social service." He also highlighted on the role of Prakash Kaphley putting that "Prakash was not only the human rights *prakash* (light) of Nepal but of the whole South Asian Region."

INSEC General Secretary Dr. Rajesh Gautam discussed why and how INSEC chose to honour Dayabir Singh. The Chairman of the programme Sushil Pyakurel, who is also a close friend and co-worker of Prakash Kaphley, held that he is committed to taking up the work begun by Prakash. He quoted the programme as a bridge

which would join the history and the present. "Prakash was like a *satisal* tree, never shaken by breezes. He stood up firm and dedicated to the cause."

Daya Bir Singh Kansakar

Dayabir Singh Kansakar, who made tremendous contribution in the field of social service beginning from 2001BS through the establishment of The Red Cross Society in Nepal, was chosen to receive the Prakash Human Rights Award 2054BS at the age of 87. The award is conferred every year by INSEC to a distinguished social worker/human rights defender.

Born at Kel Tole of Kathmandu in May 1911, Mr. Kanshakar is the eldest son of Bhawani Kanshakar and Mother, Laxmi Devi Kanshakar, the first blood donor of Nepal, founder of the first welfare organisation Red Cross and founder member of the Red Cross Society in Nepal.

Reaching 8th grade in his formal education, he has shown an immense courage even during the oppressive Rana regime, and commitment to establishing such a

social organisation. He unconditionally served the poor and unhealthy people. "Save other people's lives" has been the consistent and important theme in his life. In the beginning, he provided medicine for the poor people free of cost. In 1947, he got permission to open the Paropakar Aushadhalaya (welfare dispensary) from the Rana Government. After the democracy in 1951, the name of the organisation was changed into the Red Cross. This organisation also gave medical care to the freedom fighters who were injured in the anti Rana movement, which had its 45 branch offices in different parts of the country in 1951. Dayabir Singh also offered his enormous strength and dedication to the establishment of Red Cross Orphanage, Red Cross High School, Red Cross Ambulance Services, Red Cross Blood Donation Programme, Indra Rajya Laxmi Red Cross Maternity Hospital, to name a few.

INSEC feels proud to be able to honour such an important person with the Prakash Memorial Human Rights Award of 2054BS.

Our heartfelt congratulations to Mr.Kanshakar !

NGOs under Threat

After eight years of democratic practice, the democratically elected government of Nepal views NGOs as trouble-makers, and has passed measures to prevent NGOs from functioning in their own way.

INSEC called the attention of all concerned to the following HMGN's (secretary-level) decision made on 26 August 1998 concerning non-governmental organisations in Nepal. The decision makes it mandatory for NGOs to get permission from the concerned Ministry of His Majesty's Government of Nepal before proposing any projects/ programmes that involve foreign grants. This means

that all NGO programme need to be certified and ratified by the government.

INSEC feels that the decision not only hampers the independence of NGOs, but also seeks to make them subservient to the government. The decision narrows the scope of NGOs and discourages the civil society to actively participate in its role as a corrective to the government to ensure that no citizen is deprived of his/her rights and responsibilities.

For the time being, INSEC calls on you to be alert to this repressive development. We would keep you informed of how things progress in future.

The circular of the Home Ministry (unofficial translation by INSEC)

His Majesty's Government
Home Ministry
District Administration Department

Date: Sep 1, 1998

I would like to provide you, as per the decision taken by the meeting of His Majesty's Government (secretary level) held on 26 August 1998, with the following points for clarification concerning the provision that any NGOs take permission before accepting any foreign grants.

- To abide by the provision that any NGOs have to ask permission from the government before accepting any foreign grants from institutions and/or individuals.
- To take action as per the law against those who do not comply with this
- By 'His Majesty's Government,' the concerned ministry should be understood which deals with the work similar to one proposed by the NGO (such as- the ministry of health for the NGOs working with health related issues)
- The concerned ministries may grant permission for the concerned project proposal contracted by NGOs with foreign institutions or individuals taking pre-consent of home and finance ministries. Give a copy of the permission to the concerned district administration office.
- Those NGOs affiliated with social welfare ministry and social welfare council should get permission from these offices after going through the steps above.

Sd.

Section Officer

HR Organisations on Street

The world is celebrating the 50th anniversary of Universal Declaration of Human Rights to reinforce our commitment toward human rights and to re-invigorate our action in the next millennium. We, in Nepal, are, however, returning back to barbaric times. We are working out new methods of warfare and renewed tactics of abuses.

Nepal is currently experiencing an increase in crime, violence and social disorder on a daily basis. The interplay of the Maoist "People's War" and police operation in the name of "Kilo Sera Two", with a view to controlling "criminal activities," as the government puts it, has resulted in a large number of human rights abuses. In the last five months alone, 200 people have been killed including police officials; hundreds have sustained injuries and many more have gone missing.

The Maoists "take action against the people's enemies." The police authority shoots the "Maoists" on sight and then justifies its actions by saying it was forced to open fire during an "armed encounter". It has been difficult for ordinary people to ascertain what the "people's enemy" refer to, and what is meant by an "armed encounter." For many, including human rights organisations, it is heart-breaking to see how people are treated. Everyone wonders whether anything could justify killing!

Against this background, INSEC and ten other human rights organisations launched a month long programme consisting of protest rallies, sit-ins, and corner speeches, beginning August 18. All these programmes aimed to draw the attention of the Nepali Government and the Communist Party of Nepal (Maoist)-- the key players in the worsening of the current state of affairs-- to the need for staunching the violence. Concomitantly, the programmes aimed to raise people's awareness of the

deteriorating human rights situation in the country. The organisations on streets demanded a stop to the killings by both sides. They strongly demanded that the government set up a human rights commission immediately, as per the Human Rights Commission Act framed 20 months ago.

The Programme

- Aug 18 Protest Rally at New Road and in front of RNAC Complex
- Aug 18 Handing over a memorandum to Prime Minister
- Aug 19 Meeting with Supreme Court Chief Justice and Leader of the main opposition party in parliament
- Aug 20 Press conference
- Aug 21 Sit-in at Putalisadak (close to the Prime Minister's Office)
- Aug 23 A symbolic hunger strike at Bhadrakali (in front of Prime Minister's Office)
- Aug 24 Corner meeting at Sukuldhoka, Bhaktapur District
- Aug 25 Corner meeting at Gausala, Kathmandu
- Aug 26 Sit-in at Bhadrakali (in front of Prime Minister's Office)
- Aug 27 Corner meeting at Bashantapur
- Aug 28 Sit-in at Maitighar (close to Prime Minister's Office)
- Aug 30 Sit-in in front of ministerial quarters, Lalitpur
- Aug 31 Sit-in in front of NC party office, Teku
- Sep 1 Sit-in in front of CPN (UML) party office, Madannagar, Balkhu
- Sep 2 Corner meeting at Indrachowk
- Sep 3 Corner meeting at Putalisadak (Khasibazar)
- Sep 4 Sit-in at New Road
- Sep 6 Corner meeting at Bhotahiti
- Sep 7 Corner meeting at Patan District
- Sep 8 Protest rally
- Sep 9 Press conference
- Sep 10 Sit-in in front of Prime Minister's quarter,
- Sep 11 Programmes in Chitwan District
- Sep 12 Programmes in Gorkha District
- Sep 12 Sit-in in front of District Administration Office, Gorkha

Memorandum to Prime Minister

Memorandum submitted to the Prime Minister urges the government to take quick steps towards establishing the human rights commission. "It has passed 19 months since the Human Rights Commission Act was



passed by the House of Representatives, and the relevant information published in the Nepal Gazette", the memorandum reiterates. It asserts that "violence cannot be resolved through violence. The government should always employ actions which are consistent with the legal standards." The memorandum further says, "We strongly condemn the events of killing regardless of whoever is involved. We request all concerned to respect the right to life of citizens. Our serious concern is that the government should take initiatives to restore peace and normalcy."

The organisations

INSEC, HURON, FOPHUR, HURPES, CWIN, CVICT, IHRD, INHURED INTERNATIONAL (Pulchok), PRCMN, GRINSO, SHREED

A Symposium on the Present State of Human Rights

"Set up human rights commission
Initiate peace process"

Eleven human rights organisations organised a talk programme in Kathmandu on the "Present State of Human Rights: Challenges and Responsibilities" on October 15. Representatives of various political parties, parliamentarians, journalists and human rights defenders participated in the programme.

The talk programme aimed to evaluate the earlier one-month programme, and to set up future programmes. The various speakers emphasised that the role of human rights organisations should be strengthened for the observance of human rights in the country.

Divided into two sessions, the first session of the programme was chaired by INSEC Chairman Sushil Pyakurel. Krishna Pahadi, the Chairman of Human Rights and Peace Society, welcomed the participants.

Mr. Pahadi gave a presentation on the current human rights situation in Nepal. He informed that more than 300 people have been killed in the name of encounter with the Maoists. He also informed the participants of the incidences of mass killings, the violation of the concept of rule of law, and so on. "Violating his own

promises, the Prime Minister has besmirched himself", said Mr. Pahadi referring to the fact that the Prime Minister could not live up to his statement concerning the set up of human rights commission some weeks ago.

Closing the programme, Sushil Pyakurel remarked that the delay in the formation of human rights commission has violated the decision of the sovereign parliament. "This has raised a question against the concept of the rule of law", Mr. Pyakurel added. He insisted time and again that the government should not neglect the ideal of democracy at any cost. Mr. Pyakurel called on the government as well as the CPN (Maoist) and other political parties to immediately stop killing and repression; and initiate peace process.

Views of the Participants

Addressing the programme Hiranya Lal Shrestha, the President of Human Rights and Foreign Affairs Committee in parliament, focused on the need of Human Rights Commission. Mr. Shrestha remarked that human rights is violated from government as well as non-governmental actors. "Every day the need for human rights commission is being felt", he said.

Member of Parliament Shankar Pokhrel remarked that parliament has failed to be transparent. Mr. Pokhrel supported the demands and activities of human rights organisations and said "human rights commission should immediately come into being." The need of time, as he highlighted, is to build up human rights culture and institute transparent practices in every walk of our life.

Suwash Nembang, the other Member of Parliament, confirmed that there is a state of terrorism in the country, and stressed on the set up of human rights commission for the impartial investigation of human rights abuses. Touching on the laws conflicting with the principles of democracy and human rights, Mr. Nembang said "any commitment that we hold should be put to practice. The act concerning women is not compatible with the spirit of the constitution. The acts concerning torture, compensation and legal aid have yet been implemented." Mr. Nembang also noted with regret the recent





expression of Prime Minister that he (the Prime Minister) had no knowledge of human rights. "This expression shows that the situation of peace, law and order is not proper", Mr. Nembang added.

On the occasion, MP Ram Nath Dhakal held that police organisation was not created to fight terrorism but to maintain law, order and peace. He also urged to stop forthwith the politicisation in police organisation. "It is condemning that the democratic government is taking retaliatory actions which have resulted in deaths of civilians, disappearances, arrests, torture and the state of terrorism which have forced many people to leave their villages." Mr. Dhakal strongly noted that the governance should run under the direction of the law.

Khagaraj Adhikari, MP and a whip of CPN UML, held that even the MPs are not true and fair. Speaking about the human rights commission, he remarked that it was developed without any consideration for amending the proposals forwarded by CPN UML. Many provisions in the act, such as the one concerning financial matters, could possibly create a dependency on the government.

INSEC Adviser Veerendra Keshari Pokhrel stressed that every citizen should have unfettered access to their constitutional rights. "Human rights and laws are not only for those who are in power. Those in power are responsible for the protection of human rights and other constitutional rights of people", Mr Pokhrel added that the delay in the set up of human rights commission has violated the constitution and laws.

Kalyan Dev Bhattarai, an intellectual, noted that the democracy restored through the mass movement of 1990 could not be institutionalised. "It has been something like a ball between the people and the king", he said "human rights, political commitment, transparency are the missing elements in our democracy."

Dr. Rishi Raj Baral, the Editor of Yojana Weekly, contends that discussion about human rights

should not put the government and the Maoist "people's war" at two opposing poles. "Maoist people's war is associated with the people's future and the worry of the looters. Human rights workers should not change their voices which we are unfortunately bound to feel so now," Dr. Baral noted urging human rights defenders to relay accurate information to the public.

Dilli Ram Khanal, an intellectual, expressed concern over the way the information is released through state-media. "People are devoid of the right to information, the state-media simply distorts the voices particularly of the opposition and keeps people confused", he commented. About human rights commission, he said "there is not opposition to the set up of human rights commission however voices should be raised concerning its structure. The state should guarantee the peoples' social, economic and cultural rights as well."

KDB Raut, Chairman of PRCMN, noted with regret that the panchayat-way repression is going on in the country. Speaking on human rights commission Mr. Raut insisted that it should not be just for 'show', a powerful and independent commission is the need of time.

CVICT Director Dr. Bhogendra Sharma said no excuses could justify human rights violations. Those citing negative examples from US and other countries to justify violations here should learn that the state can not escape its basic responsibilities to protect the life of citizens.

Khima Lal Devkota, an advocate, remarked that human rights organisations should not work for the support of the government. "We should worry about the fact that the government is developing a culture of deviance by violating the court rulings", he said.

Rabindra Bhattarai from CVICT, Shanta Lal Mulmi, a social worker, Babu Raja Maharjan from HURON Kathmandu, Shova Gautam, a journalist also addressed the programme.

Women Awareness Campaign

A five-day "Awareness Consultation for Elected Women Representatives" was organised on 25-29 May 1998 at Kathmandu amongst elected women representatives drawn from 11 Village Development Committees of Morang, Sunsari, Dhankuta, Dhanusha, Sindhuli, Kavre, Chitwan, Nuwakot, Parbat, Rupandehi and Dang districts.



The topics such as women's involvement in development, social discrimination, environmental protection, women and human rights, Village Development Committee Act, village development planning, problems of the grassroots and women's roles in redressing them, etc. were discussed at length.

Mass Movement Day

INSEC Network in Tehrathum, a hill district in the Eastern Region, observed the Mass Movement Day on April 11 amidst a varieties of programmes. On the occasion, a talk programme on the importance of the Mass Movement Day was also held. It is worth recalling that the Mass Movement on April 9, 1990 toppled down a monarchical, partyless system prevailing in the name of Panchayat democracy.

The Mass Movement Day was also observed in Doti, Arghakhanchi, Gulmi, Rupandehi, Tanahu, Banke, Kanchanpur, Darchula, Rolpa, Salyan, Nuwakot, Bara, Kathmandu, Dang, all INSEC networks, amidst a varieties of programmes. Some of these networks observed the day with students, some with elected representatives, some with journalists and so on.

A Training on Organisational Development and Management

INSEC network in Saptari organised a two-day organisational and development training programme at

Simara on April 12-13. The training addressed the issues such as organisational development, the importance of organisation building, organisational management, and so on. A total of 10 participants participated in the training.

Interaction

INSEC network in Dhankuta organised an interaction programme on 'current human rights movement, reality and potentialities' on 7-8 April 1998. The Chief Justice of the Appellate Court Mrs. Sharada Shrestha presided over the function as the chief guest. A total of 21 participants including noted journalists, lawyers, human rights defenders, teachers, and other professionals participated in the programme and expressed their concerns.

May Day

INSEC network in Dhanusha organised an interaction programmes on 'labour rights, human rights' to mark the May Day on May 1, 1998. Similar programme was also held by INSEC networks in Kailali, Kanchanpur and Dang districts on the same day.

Fact-finding Study and

Interaction on Border Issue

INSEC Jhapa Network organised a fact-finding mission to study on 'border encroachment area' of Pashupatinagar Phatak, Ilam on 7 May. Representatives from INSEC, HURON, Lions Club of Birtamod, General Federation of Journalists visited to the 'encroached' area and held an interaction programme to publicise the findings. The team also submitted a memorandum to the Prime Minister urging to take necessary steps to settle the border-issue.

Women Leadership Development Training

INSEC network in Bardiya organised a women leadership-training programme on 19-20 April. On the occasion, discussion was held on women's participation in local development, women leadership development, problems of rural women and the need of leadership, gender discrimination, social discrimination on women, impact of ill-traditions on women, women health law, discriminatory laws against women, and so on. Nineteen women participants attended the training.

Human Rights Trainer's Training Programme

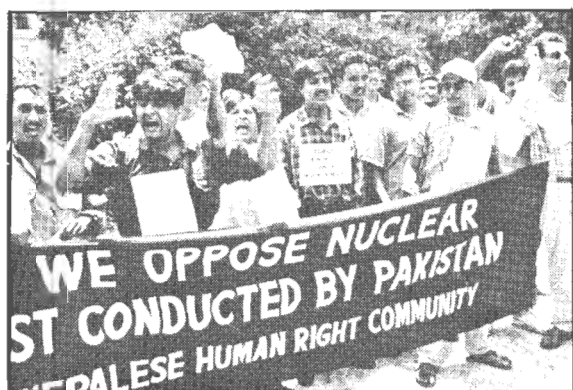
A ten-day human rights trainer's training programme

was held at Dhulikhel, Kavre from 26 April – 7 May 1998. The programme aimed to refresh and update human rights teachers who run human rights education programmes at the grassroots. The topics of the programme covered a wide range of issues pertaining to the concept of human rights, its evolution and structures, development, literacy and human rights, human rights and human rights education, and so on. Discussions were also held on teaching learning skills on the analysis of teaching resources. The training programme also dealt with the formation of training manual, planning and management while organising training programmes and so on.

Twenty-six human rights defenders and human rights education teachers from all of the Regional Offices and networks of INSEC participated in the programme.

Protest against Nuclear Test

Nepalese human rights organisations organised a protest programme against the looming competition in nuclear tests in the region in front of the Embassy of



Pakistan to Nepal on May 29. A demonstration that marched ahead of Narayan Gopal Chowk, Maharajgunj turned to be a sit-in at the Embassy. "We need peace!" "Stop Nuclear Test!" "Condemn Nuclear Tests!" Human rights defenders chanted these slogans.

Bandh Observation

Various human rights organisations observed a 'valley bandh' organised by *Rastriya Prajatantra Party* on July 14 'to demonstrate against murder, terror and insecurity'. The report of the observation held that the bandh was fairly peaceful despite the fact that many of the organisers were unlawfully arrested from various places—more than 50 from Bhaktapur, many others from



Lalitpur and various places of Kathmandu.

A press statement issued by the observers reads "the deprivation of organisers of their fundamental and constitutional rights such as the right to peaceful assembly and demonstration."

Similarly, *Samyukta Janamorchha Nepal* (United People's Front) called a Nepal bandh to draw the attention towards the issue of nationality, democracy, people's livelihood and public security on April 6. Human Rights organisation- INSEC, POPHUR, INHURED International, IHRD, GRINSO, CWIN, HURON, and so on- observed the bandh. A press statement released in the evening informed that the bandh remained peaceful although sporadic bursts of violence were noted. The organisers of the bandh were, however, arrested from various places. To quote the information of DIG Bhuwan Chanda Bhatta passed onto the human rights team, 51 organisers of the bandh were arrested. It was also informed that the organisers placed a petrol bomb in a night coach with name plate Na A Kha 8432 while it was heading to Gongabu from Gaushala, thus wounding 4 buss staff.

The press statement stated that though armed police were seen everywhere, the only incident observed happened in Bhotahiti at noon. Both the law enforcing personnel and organisers were proved to be patience. In the course of observation the security personnel were also seen checking passerbys' purses and bags. Journalists collecting news information were also obstructed.

"We do express our concern over the violation of the right to participate in peaceful demonstration, and demand an immediate release of those detained. We would also insist that an investigation be opened about

the injured in the bandh, and that they receive compensation. In addition, we call on the government as well as the organisers of the programmes such as bandh to refrain from violence and pay attention to the human rights of the people."

Child Programmes

Speech Contest

A speech contest on Child Labour Exploitation was organised at Balika High School, Kavre under the co-ordination of Child Awareness Group on March 26. Similarly, on April 9, a speech contest on International Campaign against Child Labour was organised at Ugrachandi Nala Village Development Committee 1. Child Awareness Group at Shanti Niketan Secondary School co-ordinated an essay competition on Child Labour Exploitation on 27 March. The students who stood first, second and third in each of these competitions were given away prizes.

Similar programmes were also held at Dupcheshwar Secondary School, Nuwakot, Sarba Mangala Higher Secondary School, Kavre, Sarbajanik Secondary School, Dhanusha, Ekata Boarding School Chautara, Sindhupalchok, Nepal Rastriya Secondary School, Bara.

Art Competition

INSEC Network in Panchthar organised a district level art competition amidst school children on a theme 'let's not discriminate between sons and daughters'. Sarita Tumbahamphe of Prithvi Secondary School, Yashok, Subash Sambahamphe of Phidim Secondary School, Phidim and Tanka Gurung of Ranitar Secondary School, Ranitar respectively stood the first, second and third.

Child Leadership Development Symposium

Panchthar Network sponsored a child leadership development symposium under the chairmanship of Raj Kumar Khadka, the Chairman of Child Awareness Group. The symposium sought to extract the meaning of child leadership out of their perception, the qualities of good leadership, the necessity of leadership and so on.

Consultation on Child Labour

INSEC Regional Office for Mid and Far Western Region organised a consultation on Agricultural Child Labour from 31 March- 6 April. A total of 36 participants including 6 women from Dang, Bankey, Bardiya, Kailali and Kanchanpur discussed on the problems of child labour in agriculture and prevailing inter/national laws. The consultation was able to draw important conclusions to raise aware-

ness and produce training package in order to solve the problems.

The consultation was participated in by bonded child labours, their guardians, legal professionals, representatives teachers' organisations, representatives of NGOs and INGOs, journalists and so on.

Regional Women's Assembly

INSEC Mid and Far West Region Office in Nepalgunj organised a regional women's assembly on 21-23 April. Elected women representatives, women members of INSEC networks of the region, district representatives of Human Rights Year Book and representatives of various social organisations participated in the programme.

The programme was inaugurated by the Member of the Royal Council Standing Committee Mrs Rina Tulachan. Addressing the participants as the Chief Guest she held that "the issues of women are very lightly taken by political parties." Papers were presented to discuss on women's health in Nepal, women participation in local development, steps to be taken for women's development and self reliance, types of violence against women, human rights and women and so on.

Prakash Memorial Day

INSEC Regional Office Pokhara organised Prakash Memorial Day amidst a variety of programmes on August 1. Kiran Datta Tiwari, a noted social worker, distributed clothes for 15 street children. Advocates Tilak Parajuli, Bhupa Nidhi Panta, etc. highlighted on the role of Prakash Kaphley, the founder of INSEC, to establish human rights movement in Nepal.

INSEC Network in Rajbiraj, Bara, Dang, Bardiya, Rautahat and Kanchanpur also observed the day by organising a variety of programmes. Participants paid tributes not only by offering flowers to the photographs of Prakash Kaphley but also by offering to join the movement with wholehearted dedication and commitment walking along the foot-trails late Prakash has sketched.

Street Drama

Child Awareness Group of Prithvi Secondary School, Panchthar organised a street drama to raise awareness against the effects of age-old traditions and conservative practices.

Chairman in Quanju

INSEC Chairman Sushil Pyakurel participated in a conference organised in South Korea by Hong-Kong-based Asian Human Rights Commission and South Korean Kwanju Citizen's Solidarity from 14-18 May 1998. On the occasion of the 50th anniversary of UDHR, the conference adopted a South Asian Declaration in connection with people's rights. Over 150 participants from different 15 countries reviewed critically the achievements and failures on human rights of the last 50 years.

Asian Human Rights Declaration was adopted with a view to putting pressure on governments through people's mobilisation towards the expressions of the Declaration. The conference also discussed on the impact of the economic crisis, upsurged in Asian countries, on human rights movement, problems facing women and labours, and similar concerns of the people.

Chairman in Canada

INSEC Chairman Sushil Pyakurel Participated in an international conference entitled 'Vienna plus Five' held in Ottawa, Canada on June 24-28. Human Rights Internet (HRI) had organised the conference with a view to evaluating the achievements made in the field of human rights after the launch of Human Rights Conference in Vienna in 1993.

Prakash in Thailand

A Thailand-based organisation 'Asian Resource Foundation' organised a youth programme from 13 to 16 May in Thailand. Asserting that "In 21st Century – Youth Will Make a Better World", the youth symposium discussed the problems facing the youths of the region, and ways of redressing these problems. Each participant reviewed the youth programmes in their respective countries and discussed in groups the challenges ahead of the Asian Youths.

Prakash Gnyawali, from INSEC Central Office and Rabin Shrestha, a student of Sindhupalchok associated with INSEC programmes for children participated in the symposium.

Kabita in Global March

A Global March against Child Labour Exploitation kicked off in the Philippines on 17 January, and ended on June 2nd In Geneva. The march was organised with



the idea of bringing awareness world wide to the need for protection of 250 million children and their access to free and meaningful education. The declaration assembly with around 15 thousand participants was marked by playing indigenous songs, dances and musical instruments. The former President of the Philippines Korajon Aquino also met the participants of the rally and expressed her support.

The March team reached Europe after visiting South Asian and Pacific countries. The team was divided into five groups in Turkey to participate in various programmes in Europe. The Nepali team was also divided into two, one to go to Geneva through Greece and Italy, and the other through England, Belgium and Ireland.

Kabita Aryal, the Chief of INSEC Children's Desk; Manoj Kumar Chaudhari, the son of a bonded labourer; and Likhani Kumari Sada, a girl from a marginalised Mushar family, all participated in the March.

Mukunda in Geneva

Mukunda Kattel from INSEC Central Office participated in Geneva Training Course 1998, March 9 – April 24, sponsored by a Geneva-based organisation 'International Service for Human Rights (ISHR).' The organisation's Geneva Training Course focuses on effective use of international human rights procedures, and coincided with the UN Commission on Human Rights. The training session 1998 coincided with the 54th Session of Human Rights Commission.

Over 30 participants from over 20 countries had participated in the training.

December 10, the Human Rights Day, was observed amidst varieties of programme in the country. In Kathmandu, a Morning Peace March was organised jointly by INSEC and other prominent human rights organisations with an aim of informing the public of the human rights situation in the country. The March with slogans calling to set up human rights commission, initiate peace, stop killing, and so on was started from the New Road Gate and concluded at Ratnapark. INSEC Regional Offices and Networks also inform that they organised various programmes to mark the Day. The programmes included interactions on human rights issues, rallies and peace marches, symposiums, jail visits, and so on. INSEC networks in various districts organised programmes with school children as well.

INSEC also participated in a three-day (8-10 December) Human Rights Publication Exhibition programme launched by the Central Library of Thirbhuvan University at the City Hall Kathmandu.

INSEC representatives participated in international programmes organised to mark the 50th Anniversary of UDHR in different parts of the world. Chairman Sushil Pyakurel and General Secretary Dr. Rajesh Gautam participated in a book launch entitled "Debt Bondage" in London. The report is prepared by a London Based organisation Anti-Slavery International which campaigns against all forms of contemporary forms of slavery and forced labour worldwide. The report compiles various instances of contemporary forms of slavery and forced and bonded labour from around the world; from West Africa to Nepal.

On the book launch programme (December 1), Chairman Sushil Pyakurel addressed the delegates in the Houses of Parliament, London. In his speech he stressed on the need for the abolition of bonded labour system in Nepal through legal measures. He called upon all international organisations to support the movement of Nepalese organisations which aim to abolish slavery like practices in Nepal.

Mr. Pyakurel also participated in a Conference on "Workers Rights are Human Rights" organised by a Brussels based organisation - SOLIDAR, the European alliance of development, humanitarian aid and social welfare NGOs, in Madrid, Spain. In the conference (December 2-5) a report entitled "Workers Rights Are Human Rights" was released. The report is a part of SOLIDAR's campaign to high-

light the need to link trade and basic human rights in the work place within the rules of the World Trade Organisation. Mr. Pyakurel also addressed the participants in the Conference where he spoke about bonded labour System in Nepal as well as in South. In the conference, he introduced the kamaiya system as a "social crime which comes from negative social traditions of the past." He also informed that the system "is closely associated with the formation of socio-economic and political histories of the nation of Nepal."

The Conference has adopted a Madrid Declaration.

After the Conference in Madrid, Spain, Chairman Pyakurel participated in a Human Rights Defender's Summit held in Paris from 8 to 11 December. The Summit was jointly organised by Amnesty International, ATD fourth World, FIDH and France Libertes. Over 3 hundred participants from around the world participated in the conference. The conference adopted a Paris Declaration and an Action Plan for Paris Human Rights Defenders Summit.

Similarly, Mr. Mukunda Raj Kattel participated in a Human Rights Conference organised by Human Rights and Equal Opportunity Commission (8 to 10 December) in Sydney, Australia. The National Conference was based on the theme "Human Rights, Human Values: What do we think now?"

A Number of plenary sessions drew on the wording of the Preamble of the Declaration:

- The Declaration as the common standard of achievement for all peoples and all nations
- Human Rights: the highest aspiration of the common people
- Social progress
- Friendly relations between nations
- The rule of law

Specialist focus groups explored a wide range of topics that emerged from these themes. Children and young people, citizenship and the democratic process, arts and culture, friendly relations between nations, rural issues, media values and social progress, business and labour, corporate responsibility in promoting social progress, trade and human rights: the role and impact of international agencies, and so on were the main themes discussed at length in the three-day conference.

Over two hundred delegates from China, Vietnam, Fiji, South Africa and Australia participated in the conference.

Demands of Nepalese Youths: Education and Employment

- **Prakash Gnyawali**

The youths are an active, dynamic, struggling and, thus, decisive force for social transformation anywhere. It is because of their capacity to protest against status-quoist practices, fight against injustices and exploitation; and readiness to adapt to changes that the world might get a lead to expected direction. The youths are the hopes for future leadership, particularly to translate the golden plans for the twenty-first century into action.

Where as the responsibility the youths should shoulder is enormous in Nepal, they are but teamed with poverty, ignorance, conservative and traditional practices. More than sixty percent Nepalese people are in crisis to sustain livelihood due to severe poverty. The youths are the worst sufferers of this crisis. Poverty and ignorance have severely mired the potentials of Nepalese youths.

According to 1991 population census, the rural population of Nepal comprises 88 percent. More than 60 percent of them are illiterate, and within those illiterate women make up 75 percent. Youths of age group 16-40 occupy 36.12 percent; only 40.4 percent of the total youth force is literate. Seventy percent youths in urban areas are literate where as 60.1 percent youths in the rural sector are devoid of basic education.

Nepal now houses 3 universities, 2 public and 1 private; 203 colleges, 332 higher secondary schools, 2654 secondary schools and 21473 primary schools. Of 60 percent children enrolled in primary education, 27 percent complete it. Of those enrolled in secondary level an average of 35-40 percent cross the level for higher education.

Of those studying higher education, 1.5 percent join engineering, 1.2 medicine, 0.5 agriculture and livestock, 0.3 forestry, 8.8 science and technology, 6.2 education 6.6 law and 0.6 Sanskrit education. Thirty percent join management, 44.3 percent humanity and social sciences. According to the 1991 census, only 0.83 percent passes bachelors level. And of those holding bachelors degree women are only 18 percent. This means only 1.29 percent of the total males and 0.44 percent of females obtain bachelors level degrees.

On the one hand this is the educational reality, on the other hand, the government has not yet been able

to formulate and implement practical educational policies. This has led to educated unemployment. Privatisation and commercialisation has led to decreased educational standard; educational institutions have turned to be places of deformed and deregulated activities.

Nepal is an agricultural country; 81% of the total employment has been in agriculture but this does not provide full employment to support peoples' livelihood. This has affected 57% Nepalese youths too; they are engaged in agriculture as a seasonal worker. When farm season is off, there is nothing to engage with. A majority of Nepalese youths thus are unemployed.

On contrary to what was expected, even after the restoration of democracy, those who go to power have as in the panchayat regime kept themselves afar from peoples' everyday problems. They are rather involved in individual gains. There has been an incessant tug-of-war between party leaders for power so that they could take personal advantages out of state treasury. Devising appropriate economic policies and programmes have been a continuous failure. This all has compelled the Nepalese youths either to leave the country in search of employment in foreign countries or remain unemployed.

Drug addiction, prostitution etc. are other problems suffering Nepalese youths, mostly, resulting from illiteracy and unemployment. HIV/AIDS is spreading at a high speed. Lack of proper health and sport facilities have led many youths to permanent mental and physical retardation. Political criminalisation, corruption, etc. have also adversely affected Nepalese youths today.

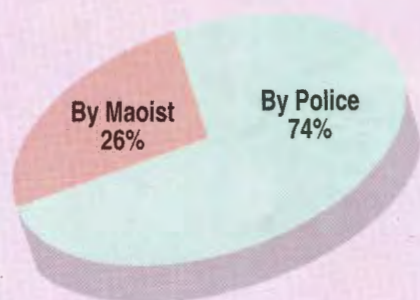
Since Nepal is an agricultural country, it is through the reform in agricultural sector that employment opportunities should be generated. Scientific farm practices should be promoted in the country. This results in two benefits: the increased amount of yield and employment opportunity for the youths. First and foremost, Nepal needs to workout definite agricultural policies. Youths should not be used as a tool to power politics, to use them only surrounding elections and neglect other times. The neglected youths have been observed vulnerable to indulge in indecent practices such as women trafficking, drug addiction, juvenile delinquencies, and so on.

To better address the situation the existing social and economic structures should completely be changed. And to that end, Nepalese youths should take an organised effort.

- *Prakash Gnyawali works with INSEC*

Isn't the following horrendous?

Year	KILLING					
	By Police			By Maoists		
	M	F	Total	M	F	Total
1996	56	3	59	23		23
1997	13	3	16	30	2	32
1998	229	31	260	65		65
Total	298	37	335	118	2	120



The statistical information is about the death toll which has occurred in connection with the "People's War" as of Mid-December 1998. The "People's War", led by the CPN (Maoist), has developed into a scene of bloodshed in Nepal.

Types of Victims	KILLING					
	By Police			By Maoist		
	M	F	Total	M	F	Total
Agricultural Workers	141	17	158	34	1	35
Police				32		32
Political Activists	68	10	78	24		24
Elected Representatives	4	1	5	12		12
Students	18	3	21			
Business Personnel	5		5	3		3
Teachers	9		9	4		4
Civil Servants	3		3	4		4
Workers	2		2		1	1
Others	4		4			
N/A	44	6	50	5		5
Total	298	37	335	118	2	120