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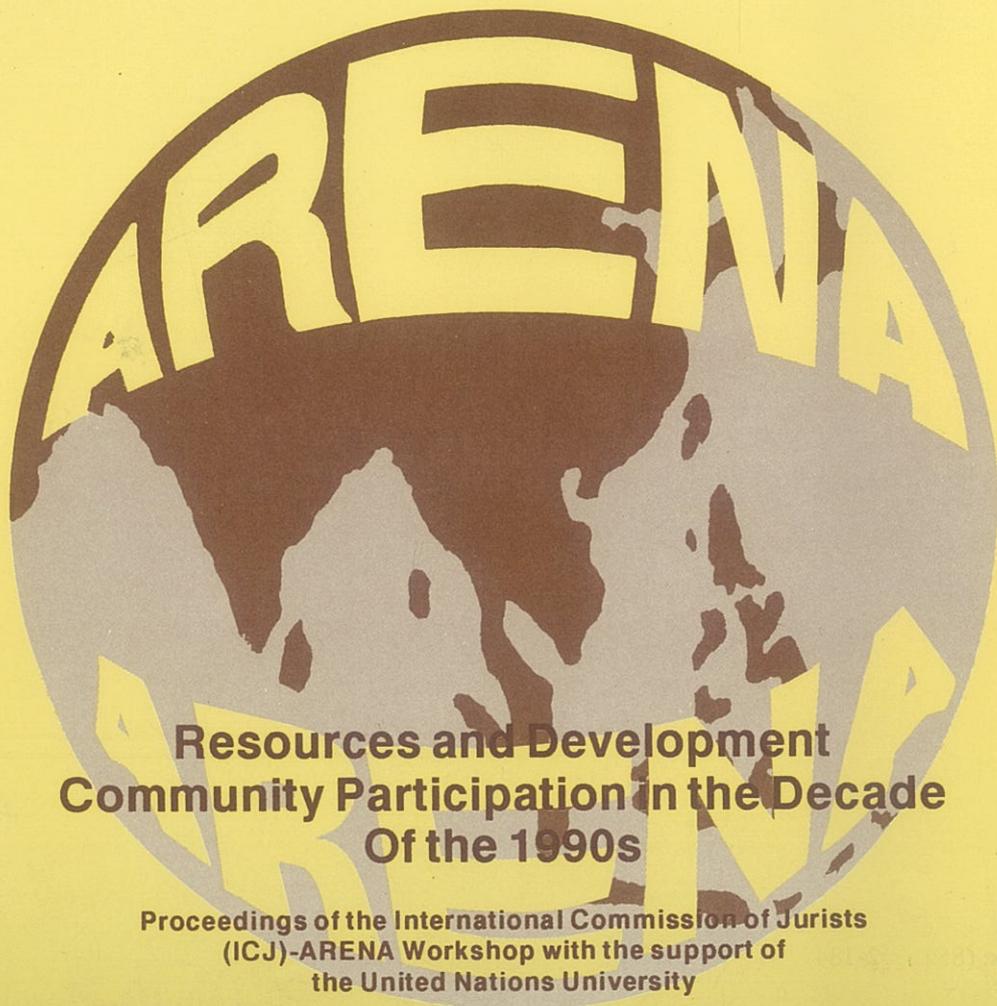
ISSN 0256-7520

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# **ASIAN EXCHANGE**

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QUARTERLY  
BULLETIN  
OF THE  
ASIAN  
REGIONAL  
EXCHANGE  
FOR NEW  
ALTERNATIVES



**Resources and Development  
Community Participation in the Decade  
Of the 1990s**

Proceedings of the International Commission of Jurists  
(ICJ)-ARENA Workshop with the support of  
the United Nations University

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## Foreword

In this issue of *Asian Exchange*, we publish the rich and varied discussions and presentations that embodied the third Biennial Workshop sponsored jointly by ARENA and the International Commission of Jurists (ICJ), with the support of the United Nations University (UNU). The Workshop had as its focus "Resources and Development – Community Participation in the Decade of the 1990s – Law, Rights and Participation", and was held in Bombay, India, from 25-30th June 1988.

The programme and list of participants can be found on pages v and 121, respectively. Likewise, a list of all papers presented is on page 125. Apart from a summary of the discussions that took place throughout the Workshop and the two sub-Workshops that followed it, we have included some of the presentations made for each of the themes tackled. A selected bibliography of documents and publications available at the ARENA Hong Kong Centre on the various themes taken up, is also included.

Finally, the illustrations that appear in this issue are themselves a product of the Workshop. They are part of the more than 80 sketches drawn by Simon S.C. Chau, linguistics professor at the Hong Kong Baptist College, and himself a council member of ARENA, as his way of documenting his ideas and impressions throughout the meeting.

*Maitet Diokno*  
Coordinator



## Introduction

This issue of *Asian Exchange* encapsulates the proceedings of the third Biennial Workshop of ARENA held in Bombay, India, from 25-30th June 1988, and which focussed on the theme "Resources and Development – Community Participation in the Decade of the 1990s – Law, Rights and Participation". The Workshop was premised on the recognition that the voluntary sector in Asia has a definitive role in contributing to the solution of developmental problems, and ensuring social transformation that guarantees peace and social justice to the vast marginalised peoples of Asia. At the same time, NGOs in Asia have been facing very new situations of cooptation, control and repression. In light of these considerations, it was deemed necessary to make a critical assessment and self-evaluation of voluntarist activity, as well as that of social movements, in Asia.

Such an assessment drew upon the inputs made through the case studies and presentations that were given at the Workshop, on the following themes: rights of citizens against discrimination – cultural oppression and the women's question; land rights, forest rights and tribal rights; health, housing and access to public services; ecology, environment, science and technology; and peace, militarisation and human rights. Furthermore, it was our hope that this critical evaluation would facilitate linkages between legal activists, NGOs, researchers and scholars, and other organizations in the region.

The discussions on these themes showed that, rather than being isolated, the struggles against cultural and gender oppression, for land rights, tribal rights, for a better health, for ecological balance, and for peace and human rights, are closely interlinked not only in terms of theory and research, but also in terms of action. It was moreover quite evident by the end of the Workshop that a basis had been laid for creative cooperation between different kinds of actors for the promotion and protection of rights. The specific recommendations of the sub-Workshop on regional cooperation on human rights and legal support work in Asia, and the suggestions for a research and conceptual agenda that came out of the sub-Workshop on the Asian development problematique, pointed to spaces for action and cooperation across the region.

But even as the participants – numbering 31 men and 16 women from 11 Asian countries – were meeting, the sordid state of human rights kept intruding into the discussions: the absence of our council member from Malaysia, Dr. Nasir Hashim, detained in October 1987 on the basis of the Internal Security Act; the assassination of Filipino human rights lawyer Al Surigao, shot and killed before the very eyes of his wife and child (news of

whose death reached us on the first day of the Workshop); and the mysterious disappearance of a Sri Lankan peace activist, Kandasamy, who had spent his last years amongst refugees of the Tamil war for self-determination. These events brought home the reality of human rights in a workshop intended to contextualize human rights and development in Asia.

A consensus that emerged out of the Workshop was a disenchantment with development paradigms handed down to Asian countries by the West. For example, in recent years Thailand has been lauded as the most promising NIC-to-be (NIC – newly industrializing country). However, people living within this "superstar" of development are facing serious threats to their livelihood. They are being marginalised in the course of development, for the sake of development. But even this Eurocentric model is slowly and gradually being substituted by a new Japanocentric paradigm. This tendency must be carefully and critically analysed.

It was not easy, especially for an organization with limited resources, to organize a Workshop like this. However, ARENA has been privileged to enjoy the friendship and solidarity of individuals and groups, both in Asia and other parts of the world. Due recognition must be given to all of them, in particular, the International Commission of Jurists (ICJ, Geneva, Switzerland), which agreed to co-sponsor the Workshop and which provided a significant measure of material and logistical support; the United Nations University (UNU, Tokyo, Japan), which supported the Workshop both in the spirit of solidarity and in the active participation of its Senior Programme Officer, Dr. Uchida Takeo; the Centre for Education and Documentation (CED, Bombay, India), which provided much-needed help in the physical and other organizational arrangements, both big and small, for the Workshop; and the participants themselves, all of whom are seriously involved in their respective work but who saw the importance of getting together with other fellow Asians on issues of common concern. All their efforts will hopefully bring us a step closer towards a more healthy and more liberating world.

*Surichai Wun'Gaeo*  
*ARENA Council Member*

## Workshop Programme

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SATURDAY, 25th JUNE 1988

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- Opening Remarks: D.J. Ravindran, Legal Officer-Asia, International Commission of Jurists; and Dr. Uchida Takeo, Senior Programme Officer, United Nations University.

- **Theme 1: Rights Of Citizens Against Discrimination – Women's Question And Cultural Oppression**

*Presenters:* Sucheela Tanchainan, Friends of Women Centre, Thailand; and Utsumi Aiko, Asian Women's Association, Japan.

*Respondents:* Ammu Abraham, Women's Centre, Bombay, India; and Emilina Quintillan, Asia Pacific Forum on Women, Law and Development, Malaysia.

- Plenary Discussion on Theme 1

- **Theme 2: Land Rights, Forest Rights And Tribal Rights**

*Presenter:* Edna Co, Kaduami (Regional Development Center – Northern Luzon), Philippines.

*Respondent:* Clarence J. Dias, International Centre for Law in Development, U.S.A.

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SUNDAY, 26th JUNE 1988

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- **Theme 3: Access To Public Services – Health**

*Presenters:* Sunil Ratnapriya, General Medical Officers Association, Sri Lanka; and Simon Chau, Chinese University of Hong Kong, Hong Kong.

*Respondents:* M. Abdus Sabur, Asian Cultural Forum on Development, Thailand; and Evelyne Hong, Consumers Association of Penang, Malaysia.

- Plenary Discussion on Theme 3

- **Theme 4: Ecology, Environment, Science And Technology**

*Presenters:* Harsh Sethi, Centre for the Study of Developing Societies, Delhi, India; Ip Po-Keung, Lingnan College, Hong Kong; and Clarence Dias, International Centre for Law in Development, U.S.A.

*Respondents:* Praful Bidwai, Times of India, Delhi, India; and Surichai Wun'gao, Chulalongkorn University, Thailand.

- Plenary Discussion on Theme 4
- Reception with participants, journalists and friends from Bombay organizations

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MONDAY, 27th JUNE 1988

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- **Theme 5: Peace, Militarisation And Human Rights**

*Presenters:* Santasilan Kadirgamar, Sri Lanka (formerly Jaffna University); Chung Hyun-Back, Sung Kyun Kwan University, South Korea; Ma. Socorro Diokno, Free Legal Assistance Group, Philippines, and Regional Council for Human Rights in Asia; and Sabiha Sumar, Shirkat-Gah, Pakistan.

*Respondent:* Arief Budiman, Universitas Kristen Satya Wacana, Indonesia.

- Plenary Discussion on Theme 5
- Brief Remarks from Honorable Krishna Ayr, former Justice, Supreme Court of India

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TUESDAY, 28th JUNE 1988

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- **Context Of Voluntarism: State In Asia -- Issues For Voluntary Activities**

*Presenters:* Arief Budiman, Universitas Kristen Satya Wacana, Indonesia; and Lee Samuel, Christian Institute of Social Studies, Soong Sil University, South Korea.

*Respondents:* Suthy Prasartset, Chulalongkorn University, Thailand; Smitu Kothari, Lokayan, Delhi, India; and Murai Yoshinori, Sophia University, Japan.

- **Context Of Voluntarism: Limits And Potentials For Voluntarism**

*Presenters:* Harsh Sethi, Centre for the Study of Developing Societies, Delhi, India; Sugeng Setyadi, Yayasan Mandiri, Indonesia; and Syed Husin Ali, University of Malaya, Malaysia.

*Respondents:* Claude Alvares, Third World Bookstore, Goa, India; and Rajni Bakshi, Jaipur, India.

- Justice P.N. Bhagwati, former Chief Justice, Supreme Court of India, "Contributions Of NGOs In The Indian Experience".
- Plenary Discussion on the Context of Voluntarism
- Synthesis Report of Discussions
- Group Discussions (participants break up into two groups)
- Plenary Discussion – Reports of Group Discussions

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WEDNESDAY, 29th JUNE 1988

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- Reports of Group Discussions and Closing Remarks
- Sub-Workshop Discussions
  - I. Regional Cooperation On Human Rights And Legal Support Work In Asia
  - II. Asian Development Problematique

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THURSDAY, 30th JUNE 1988

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- Continuation of Sub-Workshop Discussions
- Plenary Reporting on Sub-Workshops



## Opening Remarks

The relationship between development and human rights, though obvious, is not often acknowledged. Very often development is associated with technocrats, and human rights is seen too political or sensitive to be made part of development policies or programmes.

The artificial dichotomy between development and human rights has contributed to much of the negative consequences of past development decades and has driven home the point that development policies and programmes have to take into account the question of human rights.

The linking of human rights and development policies was also made imperative in the search for the root causes of human rights violations, as against merely dealing with the symptoms reflected in the form of grave violations such as torture, extra-judicial killings, etc. This approach – known as the preventive approach – looks into structural causes of human rights violations including the human rights implications of development policies and programmes.

The International Commission of Jurists (ICJ) is one of the few human rights organizations that reoriented its programmes to look into linkages between development and human rights. Beginning with the seventies, the ICJ organized a series of third world seminars on "Development and Human Rights". These seminars, which brought together lawyers, social scientists and grassroots development workers, discussed the linkages between development policies and human rights. The topics discussed in these seminars varied from agrarian policies and their effect on rural population, women and development, the situation of tribals and other minority communities, etc. These topics themselves indicate how the ICJ had departed from the earlier classical individual-centred human rights approach.

A common theme that emerged from these seminars was that the poor and marginalised sections of society should be made to participate actively in the development policy making process and should not remain as mere objects. Also, in order to strengthen people's participation, they needed to be provided with legal resources. In Asia there are several groups which provide legal resources to enable people themselves, working collectively, to understand the law and use it effectively to perceive, articulate and advance or protect their interests.

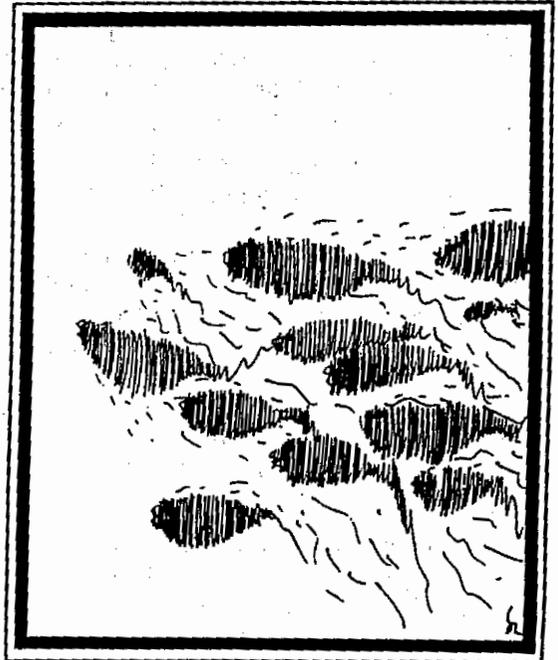
In 1987, the ICJ organised a Southeast Asian and a South Asian seminar on "Legal Services for the Rural Poor and Other Disadvantaged Groups". The purposes of these seminars were:

- to examine and compare the work of existing organizations in the region engaged in educating the rural poor about their rights and making legal services available to them;
- to identify the obstacles encountered in this work;
- to discuss how to overcome these obstacles;
- to make their work more effective through sharing of experience; and
- to evolve ways and means to stimulate new groups.

The conclusions of both the Southeast and South Asian seminars emphasised the need for a multidisciplinary approach and in particular, the need for collaboration between legal activists and social scientists to critically review development policies and programmes. The seminars also concluded that universities, in particular, the law and social science faculties, could help grassroots groups understand the structural nature of the problems they are confronted with.

The present seminar was planned to provide a forum for legal activists and social scientists in the region; we approached ARENA to co-sponsor the seminar and help us organise it. We are grateful to ARENA for co-sponsoring and shouldering the burdens of organising this seminar.

We hope that this seminar would come out with recommendations for continued dialogue between legal activists and social scientists so that a strong link is established between those who are concerned with development and those concerned with human rights.



*D.J. Ravindran*  
*International Commission of Jurists*

# The Right To Live In Dignity

*Sabiha Sumar*

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The year 1988 has been a historic one for Pakistan and the Muslim World. The general elections brought into power the first woman Prime Minister of the Muslim world. In addition, in December 1988, Pakistan was bestowed the honour of providing the first woman chairperson of the South Asian Association for Regional Cooperation (SAARC), Benazir Bhutto, also SAARC's youngest chairperson.

This momentous breakthrough has provided a unique opportunity for addressing the question of discrimination against Pakistani women. Ms. Bhutto's success can mean not only legal equality for women, but also a commitment to restore their equality in society as a whole by inculcating in people the sense of women's worth — not only in stereotyped roles as mothers, daughters and sisters but as equal individuals. We need to rethink the role of women and bring to the forefront of the debate women's secondary position within the home, discrimination in the workplace, the right of equal pay for equal work and recognition of the large number of women who are part of the informal labour force.

Already with the coming of a woman Prime Minister certain changes are visible, small though they may be. Women's presence in the media, marginalized during General Zia's era, has resurged. Faces that are inextricably linked to our social and cultural milieu and which had been wiped off the television screen, are now beginning to reappear. Not only that, the SAARC programmes on television have also brought Pakistani women closer to the women of the South Asian region — all of whom, though coming from different cultural norms and practices, share a certain commonality in their view of the world. Certainly today there is great hope that the women of Pakistan will breathe freely.

## **Zina: Legitimising Women's Oppression**

The legacy of Zia's rule, however, looms large. One of the most draconian measures applied against women in Pakistan by the martial law regime was the Zina Ordinance. Zina is part of the Hudood Ordinances which are the first set of Islamic laws introduced in 1979 and later confirmed by Mohammad Khan Junejo's government in 1985. The background to the Hudood Ordinance lies in the desire of the Zia

government to bring laws in Pakistan in conformity with the Quran and Sunnah (the sayings and deeds of the Prophet). The Ordinances deal with the offences of prohibition (consumption of drugs and alcohol), zina (rape, adultery, fornication), theft and qazf (perjury).

Whilst the Hudood Ordinances as a whole sanction barbaric punishments such as stoning to death, whipping and cutting off hands, the Zina Ordinance exemplifies the way in which a legal code is created to legitimise women's oppression – a code which gives legal sanction to the biases within society.

Prior to 1979, adultery and fornication were not crimes against the State. Under the Hudood Ordinance both are now serious offences liable for the heaviest punishment – death, and that also by stoning. Furthermore, no distinction is made between adultery and rape.

Zina is defined as willful sex between two adults who are not validly married to each other (i.e., adultery). Where sex takes place against the will or consent of a person (either man or woman), or by use of force (i.e., rape), or where one person is falsely led to believe that his/her partner is validly married to him/her, the offence is defined as zina-bil-jabr. Both types of zina are liable to the Hadd Punishment (stoning to death in public) either if a confession is obtained, or if the actual act of penetration is witnessed by four pious and forthright male adults. Failing this the lighter punishment of tazir (rigorous imprisonment and whipping) applies. Tazir punishment may be given when, despite there being no witnesses or confession, the court is convinced that zina or zina-bil-jabr took place.

The implications arising out of the Hudood Ordinances are severe, and its interpretation by the courts has led to serious miscarriages of justice for women. Whilst zina effectively applies to adultery or fornication and zina-bil-jabr to rape (either by the man or the woman), the onus of providing proof in a rape of a woman rests on the woman herself. If she is unable to convince the court, her allegation that she has been raped is in itself considered a confession of zina (sex outside marriage) and the rape victim effectively implicates herself and is liable to punishment. Furthermore, under the concept of zina-bil-jabr the woman can be categorised as the rapist herself since it is often assumed that she seduced the man. Pakistan is the only country in the world in which a woman can actually be punished for raping a man – despite the biological fact that a woman cannot rape a man, and despite the implicit consent on the part of the man in seduction, as opposed to the use of brute force in rape.

Women and men who are unable to make choices about their marriage partner because of family pressures, have eloped and found themselves charged with zina, the assumption being that with any couple who elope

sex must have taken place. Women who have sought divorce are threatened into submission by fear of being charged with zina. A husband simply has to file a complaint that he suspects his wife of adultery. For the police, a vague description of the alleged lover suffices; a First Information Report (FIR) is issued and the woman is put in jail where she may await trial for eight to ten years.

Such cases have occurred where a rape victim herself is punished for zina while the rapists roam the streets freely. In July 1983, Safia-Bibi, an eighteen year old blind girl, raped by her landlord and his son and subsequently made pregnant, was sentenced by the trial court to 15 lashes (to be administered publicly), plus three years imprisonment for zina. Unable to positively identify her assailants (due to her blindness), the rapists were acquitted of the crime. Similarly, a thirteen year old orphaned girl was raped by her uncle and his son and became pregnant. Unable to convince the court that rape had occurred, she was instead awarded the tazir punishment of 100 lashes plus three years rigorous imprisonment for zina. The fact that she was pregnant was proof for the court that sex outside marriage had taken place.

Various other types of miscarriages of justice occur in practice. A husband can file an FIR with the police alleging that his wife has left him for another man. On the strength of this allegation the wife and her alleged lover are arrested and sent to jail to await trial. This is an extremely powerful lever of control that a man can, and often does, use to subjugate his wife.

For example, if a woman files for divorce against her husband and leaves her home (as required by law), her husband can file an allegation of zina against his wife if she moves into a household which has a man other than her blood relative. In early 1987 Roshan Jan filed for divorce against her husband on the grounds of severe physical maltreatment, and moved into her neighbour's house. Her husband lodged an FIR alleging that she had committed adultery (zina) with the married neighbour. On the basis of this FIR Roshan Jan was arrested and has been in jail, without legal aid, awaiting trial.

Even if a divorce document has been attested by a magistrate, if the husband fails to register it with the chairman of the local council as legally required, the divorce is invalid. If the woman is unaware of this and subsequently remarries she can be prosecuted for zina. Furthermore, in such a case the woman can be accused of "raping" her second husband (zina-bil-jabr) on the grounds that she misled him into believing that she was validly divorced. This is what in fact happened to Shahida Parveen.

Shahida had been divorced by her first husband. Divorce papers had been signed in front of a magistrate. The document however had not been registered in the local council office by the husband as required by law,

## Women in Thailand

Thai women, especially rural women, have played important roles both within and outside the household. They have worked side by side together with men in the fields, managed marketing systems and have contributed to decision making within the family. Despite all this, and the fact that Thai women have a remarkably high rate of participation in the labour force, they have gained little access to education, property and legitimate power, and have had to live with a double standard of sexual morality.

Women represent 50% of Thailand's workforce. In the 1970 census and the 1978 labour force survey, the number of women employed was about 70% of the figure for the men, or about two-thirds of all adult women. Both surveys, however, were conducted during the agricultural off-season, thereby excluding casual or under-employed workers from the category of those employed. If we add the enormous number described as "waiting for the agricultural season" to the employed category, the ratio of female to male employment would be between 83% and 87%.<sup>1</sup>

Despite the high degree of participation of Thai women in agricultural production and other employment sectors, they earn inadequate incomes and are given less opportunities for education. In 1961, when the National Economic Development Plan put more emphasis on economic growth rather than equality and redistribution, many rural women were forced to move to the cities in search of jobs.

Since most of them were unskilled with little education, they became a source of cheap labour for various industries and types of "employment", including servants in urban households and prostitutes or masseuses in establishments offering sexual services. Some have even fallen victim to trafficking of women overseas.<sup>2</sup> Besides the double workload of Thai women and the serious economic problems they have had to face, they have also become victims of sexual violence, i.e. rape, wife-battering and forced prostitution.

In the past, Thai laws denied female autonomy, allowing a husband to sell, pawn or give away his wife at any time and to administer bodily punishment on her, or, in the case of an adulterous wife,<sup>3</sup> to kill her. Although Thai laws have changed with time, and the Constitutional Monarchy recognises the equality of men and women, there remain laws and regulations which prevent women from participating fully in local politics and administration.<sup>4</sup>

Women's development activities in Thailand are organized by both governmental and non-governmental agencies. Of these, NGOs have played significant roles because of their long establishment. At present, there are about 400 NGOs concerning women, which are organized by women only.<sup>5</sup> Most women's organisations of today concentrate their efforts on social welfare activities involving different target groups - children, the disabled, women, etc. Some organisations focus on activities in

their professional fields (i.e., lawyers, doctors, nurses, etc.), while others focus on developing women's consciousness.

In her evaluation of women's organisations in Thailand, Sukanya Hantrakul points out that many of these organisations' projects are actually focussed on target groups other than women themselves. This has led to a problem of poor distribution of limited resources for women. Another evaluation conducted in 1977-79 by the National Council of Women of Thailand concludes that projects directly benefiting women are often the last to be funded. Women constituted only one-fourth of all the targetted beneficiaries of these projects.<sup>6</sup>

With regard to governmental activities, the concept of women's development was carried in the Third, Fourth and Fifth National Economic and Social Development Plans (1971-76, 1977-81 and 1982-86, respectively). In each of these Plans, it is evident that the planners should have acquired more knowledge and understanding of the situation of women. Women were treated only as targets of the population policy rather than as subjects in the Third Plan. In the Fourth Plan, women were trained only to be proper housewives. And although the Fifth Plan specifically included a Women's Development Plan, it still needs to be improved. A major program of the Women's Development Plan is the Employment and Income Raising Plan which could actually place a greater burden on rural women. It should be noted that more work does not necessarily mean more income, which is the underlying premise of the Employment and In-

come Raising Plan. The Plan should have alleviated the workload of rural women, besides providing them adequate incomes. There should also be provision of a strategy to tackle problems of sexism in employment and the problem of low prices of agricultural products.

NGOs which have played a more significant role in women's development activities have brought about some changes in women's position because of their objectives, policies and the long-term activities. These organisations not only helped to solve women's immediate problems and needs, but also sensitized the government to take up women's issues more seriously.

FOOTNOTES: 1. Pasuk Phongpaichit, From Peasant Girls to Bangkok Masseuses, ILO; Geneva, 1982, p. 3; 2. Sudarat Sereewat, The Trafficking in Thai Women: Problems and Strategies to Counter Trafficking in Women, Chulalongkorn University Social Research Institute, 1984, pp. 34-40; 3. Lampan Nuambunlue, The Rights and Duties of Women According to Thai Law During the Bangkok Period, Unpublished masteral thesis, Department of History, Chulalongkorn University, Bangkok, 1976, pp. 34-35 and pp. 101-102; 4. Malee Pruekpongsawalee, Women And The Law, Paper presented to the seminar on Women in Development: Implications for Populations for Population Dynamics in Thailand, Bangkok, 1982, pp. 145-146; 5. Yupha Wongchai, "Where is the Weakest Point of Women's Development in Thailand?", Sathree Tai, Vol. 3, No. 1, February-April 1985, p. 37; 6. Sukanya Hantrakul, "Half a Century of Non-Governmental Organizations for Women in Thailand", Women's News, Vol. 3, No. 6, January 1982, p.8.

Excerpted from "Women in Thailand", Paper presented by Sucheeeta Tanchainan at the Workshop on "Resources and Development - Community Participation in the Decade of the 1990s - Law, Rights and Participation", Bombay, India, 25-30th June 1988.

and was therefore not legally binding. Unaware of this, Shahida, meanwhile, set out her period of iddat (the traditional period of 96 days following a divorce during which a woman cannot remarry, as laid down in the Quran) with her parents in Lahore, then subsequently remarried. Shahida had an affidavit attested by a magistrate in Lahore to confirm her status as an adult free to marry whomsoever she wished. Her first husband, rebounding from a failed attempt at a second marriage, decided he wanted his first wife back. Since he had not registered the divorce documents, his marriage to Shahida was still legally binding. Hence, her second marriage was by definition zina/zina-bil-jabr. Accordingly, both Shahida and her second husband were sentenced to death by stoning.

One of the most frequent circumstances under which zina is alleged to have occurred is in cases of elopement. Of the 44 women in Karachi Jail charged with zina, over half are accused of the crime after abduction. The assumption is that with any couple who elope (or as is absurdly stated where a woman is abducted) sex must have taken place, for which they are liable to prosecution for zina.

Eighteen year old Zahida has been charged with zina on the grounds that she ran away with her fiance. Her stepmother wanted her to marry an elderly man (who was willing to pay a higher bride price). Zahida refused and eloped, with the intention of secretly marrying her fiance. Her father lodged an FIR of abduction the same day and the police arrested the couple and charged them with zina. Both are now in jail. Zahida's case is typical of many women charged with zina.

If the accused parties in a zina case cannot be found, it is quite common for the police to arrest close relatives (usually elderly parents) who are charged with being accomplices to zina. They are thereby liable to the punishment of tazir (lashes and rigorous imprisonment). Sixty year old Naikan Bibi underwent such an accusation. Her son ran away with an unmarried woman whose family, having been unable to trace the couple's whereabouts, instead lodged a complaint against Naikan Bibi and her husband as accomplices to zina. Both are now in jail, without legal support and under the threat of the punishment of whipping despite their elderly age. Again it is assumed that the couple who had eloped, necessarily committed zina. There are at least three such cases in Karachi jail in which elderly parents have been accused of being accomplices to zina.

Most of the women in the Karachi Central Jail accused of zina are in circumstances similar to those described above. Clearly, therefore, the present interpretation of the Hudood Ordinance leaves much to be desired. Bail in cases of zina is usually set at Rs. 20,000 to 30,000 (US\$1,000 to 1,500), a sum which is beyond the reach of most of the accused, given that they all come from low income classes. Realistically,

the bail can only be provided by the husband or the father, and it is they who are often the complainants. Hence the women are left to fester in jail. In cases where bail has been furnished by the husband, it often becomes a powerful weapon to threaten the wife into submission. If the wife "steps out of line" he can withdraw the bail and she will be sent back to jail.

After Parveen's husband left her with her in-laws and took up a job in the Middle East, her in-laws gave her to a creditor as payment for their debts. Upon his return, her husband filed a complaint of zina, which led to Parveen's arrest. Her husband then furnished her bail, but cancelled it just before returning to his job in the Middle East, thereby sending her back to jail.

In the case of Ghulam Sakina, bail was used as a weapon by her husband. Ghulam Sakina and her husband had been falsely arrested as accomplices in a zina case. Her husband obtained bail and eventually bailed Sakina out. In the time that lapsed between arranging for the bail and getting Sakina out, her husband had found himself a lover. Sakina said, "This was nothing new for my husband; he is always bringing women home, this time the difference was that he could avoid arguments with me by cancelling my bail." That is exactly what he did, and she was back in jail. Since Sakina does not have a lawyer, it is unlikely that her case will come up for trial in the near future. As her husband is unlikely to bail her out (unless he gets bored with his new lover), Sakina is doomed to remain in jail.

In 1982, according to data collected by the Women's Division, Government of Pakistan, there were a total of 70 female convicts in Pakistan. By early 1988, there were 108 women in the Multan Jail alone, all of whom have been convicted of zina. This rapid increase in numbers, and the building of a new jail solely for women in Larkana, show the increasing awareness amongst men of the powers over women that the Hudood Ordinance has placed in their hands.

It is also clear that the women who have been victimised by zina share a low income social background. It is commonly acknowledged that women from low income communities face the greatest degree of sexual and social oppression. Most of them are unaware of their civil and legal rights, including the stipulations of the Hudood Ordinance. It is precisely because of their lack of awareness that women in jail are more vulnerable to harassment in every way. The jail authorities have in their own minds already convicted these women whom they treat like criminals. The ponderous legal system and lack of legal aid perpetuate these conditions for women under trial.

The Hudood Ordinance has without a doubt weakened the position of women in Pakistani society. It has suppressed their dignity and their ability to decide their own lives, and has left them as pawns in the hands of

an oppressive legal order. The manner in which it has been used, coupled with the ambiguities within it, clearly show that women's security and rights are far lower today than ever before. The Hudood Ordinance unquestionably hangs like the sword of Damocles over the head of all the women in Pakistan. This repressive legislation must therefore be repealed and the evils perpetuated by it be rectified.

### **Efforts to Repeal the Ordinances**

These were some of the injustices of the Hudood Ordinances that led to the formation in 1987 of the Committee for the Repeal of the Hudood Ordinances (CRHO). The members of the CRHO visited Karachi Central Jail, collected data and published articles informing the public about the situation of women in jail. In November 1987, when Shahida Parveen and her second husband were sentenced to death by stoning in public in November 1987, the CRHO accelerated its campaign by placing an advertisement in three newspapers, *Dawn*, *Jang* and *Muslim*. The advertisements informed the public of the injustices of the Hudood Ordinances, demanded the repeal of the Ordinances as well as the immediate withdrawal of all charges made under these Ordinances.

The response to the advertisements was tremendous – women, men and school children from various sections of society wrote to affirm their commitment to a just society. As a result of this huge public outcry, Shahida and her husband's sentence was quashed. This victory occurred under the regime of President Zia-ul-Haq. But the Hudood Ordinances remain in effect this day.

For a government that is committed to human rights, the repeal of the Hudood Ordinances is relatively easy. The Eighth Amendment Act of 1985, which indemnified all acts of the martial law regime (1977-1985), and which to this day forms part of the Constitution, provides that only those laws specified in the Seventh Schedule of the Constitution need a two-thirds majority in order to be repealed. All other laws of the martial law regime, including the Hudood Ordinances, can be repealed according to normal legislative procedure.

The normal procedure is that if a decision to repeal is passed by the National Assembly (237 members), the bill will be transferred to the Senate (87 members). If the Senate rejects it, the bill will be considered in a joint sitting of the two houses. A majority vote of the 324 members (163 votes) is all that is required then to repeal the Ordinances. Prime Minister Bhutto's party, the ruling Pakistan People's Party (PPP), has the support of 148 members of the National Assembly, and it is estimated that the Prime Minister can count on the support of five other members of Parliament. A move to repeal the ordinances would need the additional support of ten more members of Parliament.

The task, however, becomes difficult as we can expect opposition from the miniscule fundamentalist lobby who would like to impose their biases on the majority of Pakistani society. Nevertheless it is important to bear in mind that the Hudood Ordinances had been enacted under a martial law regime, after General Zia had dismissed the democratically elected Government in 1977, and on the pretext of Islamization of Pakistan. The obvious victims of the Islamization process that followed, were the most vulnerable members of our society – women and the poor. The need at this moment is to see the Hudood Ordinances as political laws, rather than as the word of God.

The CRHO is calling upon the PPP government to adhere to and act single-mindedly on its promise to abolish the Hudood Ordinances. The CRHO has agreed to stand by the government and offer its fullest support to work for the repeal. It has launched a campaign to educate the Pakistani public on the present situation of women languishing in jails under the Zina Ordinance.

Following the Prime Minister's announcement in December 1988 to free all women prisoners except those convicted for murder, members of the CRHO visited the Karachi Central Jail and found that the amnesty was applied only to those women who have been convicted for crimes other than murder. Thus only three women were released, while 64 women and 31 children who are awaiting trial are still detained. Some of these women have been awaiting trial since 1980. Yet the Prime Minister's amnesty was not applied to them, even as the reality of Pakistan's legal system is such that the trial period often outruns the actual sentence. For example, Rahima awaited trial for zina for four years, and when finally convicted, was sentenced to four months' imprisonment.

In view of the injustices perpetrated under the Hudood Ordinances, and the fact that 3,000 women are affected by this law every year, the need to repeal the Hudood Ordinances is an urgent one. The Committee to Repeal the Hudood Ordinances has implored the PPP Government to do so, and has urged the government, as immediate relief to those suffering under this oppressive law, to direct the Provincial Governments to withdraw all cases pending under the zina (Enforcement of Hudood) Ordinances 1979.



## The Sacred Right Of Cordillera Peoples To Ancestral Lands

Edna A. Co

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To claim a place is the birthright of every man. The lowly animals claim their place. How much more man? Man is born to live. Apo Kafunian, lord of us all, gave us life and placed us in the world to live human lives. And where shall we obtain life? From the land. To work the land is an obligation, not merely a right. In tilling the land, you possess it. And so, land is a grace that must be nurtured. To enrich it is the external exhortation of Apo Kafunian to all his children. Land is sacred. Land is beloved. From its womb springs our Kalinga life...

— Kalinga Elder

The Gran Cordillera is the highest and largest mountain range in northern Luzon, Philippines.<sup>1</sup> It is home to about one million indigenous peoples collectively known as "Igorot", a term which literally means "people from the mountains". But derogatory connotations were attached to it by the Spanish aggressors, who in the sixteenth century came in quest of gold and religious converts, but who were met instead with strong resistance from the Cordillera tribes. The mountain peoples of Northern Luzon repudiated the pattern of subjugation (e.g., attending Catholic mass, paying taxes, obeying Spanish laws, etc.) so consistently that the Spanish colonial administration grudgingly referred to them as *tribus independentes* or "independent tribes". (Scott, 1974:3) The Cordillera peoples retained and preserved their ethnolinguistic identities through defiant struggles that continued into the American colonial period and contemporary times.

There are seven major ethnolinguistic groups in the Gran Cordillera: Ibaloi of Southern Benguet; Kankana-ey of Northern Benguet and Western Mountain Province; Bontoc of Central Mountain Province; Ifugao of Ifugao Province; Kalinga of Kalinga; Isneg of Apayao; and Tinggian of Eastern Abra.<sup>2</sup>

	<b>Population</b>
Ifugao	180,000
Bontoc	148,000
Kankana-ey	125,000
Kalinga	106,780
Isneg	103,500
Ibaloi	93,000
Tinggian	57,671
Others*	134,252
<b>Total</b>	<b>948,203</b>

\* including Kalangoya - 54,000; Gaddang - 43,150; and Bago - 37,102  
Source: NCSO 1981 Philippine Yearbook

The peoples of the Cordillera greatly value their terraced ricefields, orchards, swidden farms and pastureland. Agricultural land in the Cordillera is limited because of the mountainous terrain. According to the National Census data of 1980, the total farm area of the Cordillera is 198,018 hectares, or about 11% of the land area. Of the entire land area (1.8 million hectares), about 65% is forested. (CRC, 1987) This amounts to 10% of the total hectarage of Philippine forests. The Cordillera forests also serve as watersheds for the main river systems of Northern Luzon. Government planners have often said that if these rivers were dammed for hydroelectric power, they would provide at least 58% of the total electricity needs of the country.

The Cordillera is also the primary mining district of the country. It accounts for 73% of Philippine gold output, 46% of all silver production, 23% of total copper concentrate output, and 63% of Philippine zinc metal output. (CRC, 1987)

Igorot settlements are small. A village of average size is generally composed of 130 houses. The houses are normally clustered, except in some areas of Ifugao where the settlement pattern is more dispersed and defined by the presence of forest areas and rice terraces. The fairly even distribution or spread of human settlements in this natural environment is both an indication and affirmation of the people's ancient belief in maintaining a relationship of unsullied harmony between man and nature.

The Cordillera Igorots practice wet-rice agriculture, *kaingin* or swidden farming, vegetable farming, small-scale mining or gold panning, livestock raising, hunting, fishing and handicraft making. The Bontoc, Kalinga, Kanakana-ey, Ifugao, Tinggian and Ibaloi engage in terrace agriculture. Rice fields are carved from mountains in narrow strips and walled by stone or clay. The soil is fertilized by organic matter such as manure,

decaying plants and humus soil. The Isnegs practice swidden farming as a major agricultural method. Temperate vegetable farming is prevalent in Central Benguet and parts of the Southern Mountain Province.

## Social and Political Systems

The Igorot peoples are basically bound by strong kinship ties. Family and clan relationships permeate their social structure. Strong kinship ties serve as a factor for social order.

Village authority rests in the Council of Elders, known as *lallakay* or *papangat*. Decisions affecting the welfare of the village are forged through communal forms in the traditional village hall known as *ato* or *dap-ay*.<sup>3</sup> (NCCP-PACT, 1983:16) Villages relate with each other and maintain social harmony through a peace pact system called *bodong* or *vochong*.<sup>4</sup>

The *bodong* is integral to the socio-political system and serves as an instrument through which communities define inter-marriages, right of way, transaction of commerce, territories, properties and methods of mutual cooperation and protection. The *bodong* is the corporate charter of mutual aid and cooperation binding all tribal members, past and present. Encompassing the very way of life of the people, the *bodong* ensures the welfare, safety, honor and property of the individual tribal person for as long as he or she is within the limits of the tribal territory of the *ka-vochong* (tribe with whom peace pact ties exist), as well as all conceivable aspects of inter-tribal relationships from birth to death. (Cordillera Consultative Committee, 1984:46)

The provisions of the pact, called *kalon* or *pagta*, are agreed upon through a series of dialogues, meetings and feasts. Village representatives attending the meetings are the *lallakay* or *papangat*, the elders who are recognized as the village authority. Once sealed, the *pagta* is carried on from generation to generation.

A peace pact is broken when the provisions are violated by a member of either contracting village. Violations must be redressed, or a tribal war will ensue. For the war to end, new provisions must be contracted and corresponding punishment meted out to the erring parties.

In more recent times, the *bodong* has developed as an instrument for uniting several villages against a common problem. The multilateral *bodong*, as it is now described, is a customary practice that proves effective in the Igorots' defense of their rights to ancestral domain and their way of life. (See page 22.) The old Igorot culture, however, has not been impregnable to change.

Christian religious influence in combination with public and sectarian education has challenged traditional views and practices. Inevitable cultural interactions have been instrumental in transforming economic,

political and cultural structures. As a result of these interactions, there have occurred shifts from self-sufficient agriculture to cash crop production and daily wage labor; from barter to cash exchange; from small peasant production to feudal production relations; from animism to Christianity; and from village authority to civil government. These changes have taken place in the Cordillera, particularly in Benguet and the peripheries of Abra, Kalinga, Ifugao and Apayao. In other areas, particularly in the town centers, the traditional system has changed because of the influx of the "modern culture". (NCCP-PACT, 1983:17)

## Concept Of Land And Land Use

1. *The Ibaloi*. The Benguet Igorots, know as Ibaloi, view the land as a "total lifestyle". It is seen as something that cannot be owned, a resource which is to be shared reciprocally with the gods, one's ancestors and descendants.

Only the proceeds from the earth can be owned because of the efforts and time put into nourishing the soil. Thus, one is simply a "steward", not owner, of the land. One establishes this right by being the first to till, mine or pasture on it. (Tapang, 1982:79)

There is no single proprietor of the land. There is only stewardship of the land. And even stewardship is not strictly individual or exclusive. Ricefields for example, may be abandoned for various reasons, and new "owners" may be introduced to till the land.

The right to the land is not merely the right to the soil; it is also the right to the domain — the rivers, forests, watersheds, pasturelands — in addition to the abode and the agricultural lands. Moreover, these rights are not only for the living. The Ibaloi believe that the beings of the spirit world likewise have the right and responsibility to protect the natural world. Thus animals are offered as sacrifice in rituals and ceremonies called *cañao*, to seek the permission of *Balitok*, the god of gold, to mine the land. In the exploitation of the land, a reciprocal relationship exists between the living beings and the spirits.

The huge stretches of mountains, rivers, pasturelands, forests and hills are utilised and "owned" by kin and clan. Boundaries are not delineated by fences or markers, but are determined through agreements that are binding to the entire clan of respective villages.

2. *The Bontoc*. The Bontoc, the second largest ethnolinguistic group in the Cordillera, determine their own territoriality with well-defined concepts of land in relation to the socio-ecological system. This is embodied in their provisions of the *pechen* or peace pact. Principles governing territoriality are defined in the inter-village custom law as expressed in the Bontoc oral tradition.

There is a concept of communal property called the *lamoram*. "Property" may not be the precise term because village members do not really possess the river, the farms and the forests; they only have the right to use them. The *lamoram* guarantees free access to and the open, non-exclusive use of the rivers, forests and swidden farms by any village member. Everyone has an equal right to these communal properties.

The *tayan* or corporate property refers to land and farms used exclusively by a clan. The right to enjoy the proceeds from the *tayan* is handed down from generation to generation.

Individuals or families may have exclusive rights to *fukhod*, which refers to such properties as houselots and ricefields wherein intensive labour by the individual person or family is invested. Usufructory over a long period of time reinforces the right to the land of the individual, family or clan. Absenteeism neither allows nor warrants the right to the use of the land.

Failure of other clans or groups to respect these rights may lead to tribal wars.

3. *The Kalinga*. The heart of Kalinga life is the land. Central to the existence of the *ili* (village) is land. Land is life itself. Parpan (1983) classifies the Kalinga concept of land and land use into six sub-systems.

- a. The *phiphokoyoy* are the residential areas, the *pappatayan* the sacred shrine, and the *luluphphunan* the burial grounds. Again, like the Ibaloi and the Bontoc, the land bridges and establishes the affinity between the living and the dead.
- b. The *pappayaw* are the rice terraces consistently and laboriously farmed by a particular family or clan. It is the most solid expression of cooperative spirit and communal solidarity.
- c. The *uma* or the swidden farm is where special types of rice or root crops and some vegetables are grown.
- d. The *kakkaju* are the orchards where coffee and other fruit trees are cultivated.
- e. The *ginuphyat* refers to the forest together with the watersheds that protect and sustain the water needs of the people.
- f. The *piyeg* or *pulag* is the pasture or grazing area which serves as the source of protein.

The Kalinga treat all six aspects as interrelated parts of a system. The absence of any one would create a vacuum and would greatly disrupt their very life.

For the Kalinga people, the land is not only a material fact but also a social reality that binds them together as a people and as living beings in

harmony with their ancestors of the spirit world. Thus, people refer to their place not merely as *pita* or land, but as the *ili* or home, an abode and domain that embodies not only the material but also the social and spiritual elements of Kalinga life. This is viewed as timeless, and thus cannot be altered by law or decree. The people speak of the god Kafunian as the primary owner of the land and of themselves as mere usufructors and stewards.

In a meeting between Kalinga tribesmen and the state-run National Power Corporation (NPC), which had planned a huge dam project in the Cordillera, an elder said:

You ask us if we own the land. And mock. 'Where is your title?' When we query the meaning of your words you answer with taunting arrogance. 'Where are the documents to prove that you own the land?' Title. Documents. Proof [of ownership]. Such arrogance to speak of owning the land, when you shall be owned by it. How can you own that which will outlive you. Only the race owns the land because only the race lives forever.



As with the Ibaloi, the rights to certain areas were established through the Kalinga inter-village alliance.

(Cordillera Studies Program, 1984:28) There is no strict notion of ownership, but only the *right to the land*. And even this right carries with it the obligation to work, failure to do which would result in the forfeiture of this right.

4. *The Ifugao*. Among the Ifugao, family properties which consist of rice lands, forest lands and heirlooms, cannot be owned by any individual. Based on anthropological studies, Lambrecht (1964) observes that present holders of property possess only transient and fleeting occupations that are deemed insignificant in comparison with the decades and the centuries that have elapsed since the field came into the possession of the family. Lambrecht further notes that such possession is

based on trusteeship rather than ownership, i.e., a holding in trust for future generations.

In summary, the concept of land among these peoples is deeply rooted in the values they attach to it, namely:

- No individual can claim ownership over the land. It is not given to a single individual, but to the community which has the obligation to take care of it.
- Land is the source of existence. The spring of its bounty is the source of livelihood. Without it people will die.
- Land is where the ancestors lived and where they are now buried. Therefore land is sacred. As living spirits, the ancestors help take care of the land.
- In short, land is not a commodity. It is viewed as life itself.

Implicit in the Cordillera indigenous peoples' total concept of land and land use is a harmonious relationship of man with nature. Man is part of a biotic world, and the key instrument for sustaining the ecology. This concept is an accepted truth among indigenous peoples of the Gran Cordillera.

### **Emerging Trends: Marginalization with Modernization**

With the coming of the Spanish colonialists in the 16th century, the concept of private property was introduced to the Cordillera region. The Regalian doctrine that awarded all lands, resources and even occupants, man and beasts, to the king of Spain, radically altered the concept of land and land utilization among the indigenous peoples of the Cordillera. (Pawid, 1983:89) As the king conferred grants and privileges to a loyal few, lands were automatically expropriated from the indigenous peoples. In Benguet such a policy was disconcerting to the Ibaloi, to whom the notion of exclusive ownership was completely alien, and who could not accept the injustice of an exploitative system that allowed absentee ownership and authorized tax collectors to exact labour from them. (Pawid, 1984:92)

With the onset of this phenomenon, the Benguet Ibaloi were increasingly marginalized and pushed further into less economically productive areas or more interior parts of the province, in the process, losing their pasturelands and forests to the new self-proclaimed owners of the land. At present, large portions of the land have been taken over by corporate mining industries and private mining claims endorsed by the national government through a series of laws in 1953 and 1954.

Parts of Benguet were developed into a "vegetable belt" at the turn of the century during the American colonial rule. The cultivation of

temperate vegetables and fruits in Benguet was a deliberate policy of the American colonial government to widen the variety and volume of crops being produced in the Cordillera, to meet the food habits of the Americans in Baguio and Manila. In the vegetable belt, local and foreign capitalists now control the industry from production to marketing. They are also the current owners of huge tracts of land.

Benguet lands continue to be fragmented. These have been converted into a fast-growing, intensively used resource base, a haven for extractive industries including mining and logging, and export-processing zones.

During the immediate post-war period, a wild scramble took place for land claims along the accessible mountain trails because of the high commercial value of temperate vegetable products. Igorots and non-Igorots were encouraged by the government to undertake mass production of potato, cabbage, carrots and beans. In the 1950s, Chinese businessmen circumvented government laws, and by intermarrying with local inhabitants, were able to gain control over vast tracts of land along the mountain trails.

A few years later, 94% of the total vegetable land in La Trinidad and Halsema was operated by Chinese businessmen who hired Igorots as *oblangtes* or farm workers. Out of the 950 vegetable farmholders in the Halsema area, only 40 were actually legitimate Igorot landowners who controlled a mere 104 hectares of the total area of 2,000 hectares.

Vast tracts of Mount Data in Mountain Province were transformed into vegetable farms by Chinese entrepreneurs. Their monopoly of vegetable land eventually gained them control over money capital necessary for vegetable production.

The lack of energy sources needed by industries and utilities in Luzon compelled the government to explore and develop new sources of electric power. This became a government priority after World War II.

The Agno River, the largest in the whole of Luzon, was harnessed to meet the growing electricity requirements. The Agno River Basin Development Program called for the construction of six dams along the Agno River. The Ambuklao Dam, first of the six dams to be built, was originally intended for the American-owned mines in Benguet.

The efficient blending of hydropower projects, corporate mining claims, government and military reservations and the expanding cash-oriented vegetable industry resulted in the systematic divestment of the Igorots of their ancestral lands.

These exploitative trends persisted and spread over many other parts of the Cordillera. There was the highly controversial Chico River Dam Project in Kalinga and Mountain Province. There was the Magat Hydroelectric Project which by virtue of Presidential Decree 693, imposed

the displacement of Ifugao families. There was the Cellophil Resources Corporation, a pulp and paper enterprise, to which the government awarded 200,000 hectares of forestlands, pasturelands, ricelands and watersheds belonging to the Tinggians of Abra, and the Bontoc and Kalinga peoples.

State laws and policies, including the bias of many national development programmes, have reduced the Cordillera indigenous peoples into virtual squatters in their own land.

A growing though not yet dominant trend in the midland portions and town centers of the Cordillera, is the tenancy system that is common in the lowland areas of rural Philippines. High interest rates and unequal terms of sharecropping (60-40 or 70-30, in favor of the landowners) have imposed a heavy burden on tenant farmers. This feature of semi-feudalism is now evident in some areas of the Cordillera: Lamut in Ifugao; Tabuk, Rizal, Conner, Pudtol, Luna, Sta. Marcela and Flora in Kalinga-Apayao; and the plains of Abra.

In the most interior areas, people are still owner-tillers. However, private control of land and financial capital has expanded, especially in such cash crop ventures as coffee production.

### **People's Assertion of Ancestral Land Rights**

Ingrained in the Igorot consciousness is the belief that they belong to the land and that the land sustains them.

Modern-day legalists claim that lands must be titled as a way of determining ownership. Within the worldview of the Cordillera indigenous peoples, however, a land title is irrelevant and insignificant.

For a proud people who have lived and worked the land through an intricate and viable system that has withstood the test of time, the authority that governs ownership and use of the land in the Gran Cordillera can never be delegated to a national government or its agencies, which lack deep appreciation of their culture. Cultural tradition provides them with security, an assurance, though fragile, that the land will always belong to the race. Over time, the Cordillera Igorots have defended and asserted their rights to ancestral domain, in their own inimitable way.

In 1975, the Marcos government, with the financial support of the World Bank and technical assistance from a host of other transnational agencies, planned a series of hydroelectric dam projects along the Chico River of the Cordillera. The dams, which would generate nearly 1,000 megawatts of hydroelectric power when built, would dislocate 100,000 Kalinga and Bontoc people, and submerge 2,000 hectares of rice terraces

and 2,500 hectares of coffee and fruit plantations. A smaller diversion dam would be built to irrigate agricultural land in downstream areas.

Because of the strong cultural link of the Kalinga and Bontoc peoples to the land, they viewed the dam not only as a threat to their economic life, but also as a violation against their ancestors who dwell in the land. Loss of the land meant an irreversible loss of their sacred tradition.

The Kalinga and Bontoc united to staunchly defy the project. Letters of protest seeking the cancellation of the project were sent to Mr. Marcos and the National Power Corporation by both local government officials and the people who would be affected. Resistance was so strong that some groups expressed their willingness to ally themselves with the revolutionary New People's Army (NPA), if only to pressure the national government to drop the Chico Dam Project.

Furthermore, the movement against the project mustered a groundswell of support from the Christian churches, the non-Igorots in the country, as well as diverse quarters of the international community.

The Presidential Assistance for National Minorities (PANAMIN) and the Kalinga Special Development Region (KSDR) were designated by the Marcos government to launch socio-economic projects that would "enable minority groups to cope with the problems of the modern world while retaining their identity and human dignity". (*Tribal Forum*, 1987) These were obviously manipulative steps to co-opt the Cordillera peoples in favour of the dam construction.

To consolidate resistance against the dam, the Igorot peoples resorted to an indigenous political institution — the bodong. Through a multilateral bodong, involving traditional societies and advocates from various places of the Gran Cordillera, they resolved to unify their forces.

The multilateral bodong, a recent development from the traditional bilateral bodong system, enhanced cooperation among a wider group of inter-village peace pact holders. Such innovation came to fore upon recognition by the Cordillera tribes of a common problem besetting them. The multilateral bodong is furthermore extended by forging pacts between the Cordillera tribes and their overseas supporters, thus crossing not only tribal but also national boundaries. This multilateral dimension of the bodong was invoked specifically during the Kalinga and Bontoc peoples' resistance against the Chico River Basin Development Project, and the Tinggians' struggle against the Celophill Resources Corporation.

As the struggle ensued, some Igorot personalities were bribed, while others were offered opportunities for resettlement. But the Cordillera peoples remained firm in their united opposition to the dam. The government responded by militarizing the Chico Valley. More peace

pacts were forged among tribal leaders to demand the withdrawal of military units and engineering battalions from the area. When peaceful actions proved futile, the energy that used to be dissipated in tribal wars became a cohesive force of struggle.

It was in the context of this effort to assert their rights as a people and as indigenous communities, that leaders were molded and heroes made. Macli-ing Dulag, a Kalinga pangat, who led his people in opposing the dam construction, was murdered by military elements of the government. This brutal act inspired more people to acts of resistance and generated even wider support for the Cordillera peoples.

In the course of the struggle, the Cordillera peoples began to evolve new forms of people's organizations. In 1984, the Kalinga and Bontoc elders organized the Kalinga-Bontoc Peace Pact Holders Association (KBPPHA) which later changed its name to the Cordillera Bodong Association. The Association was formed to strengthen Igorot unity in the area and to respond to a host of problems besetting the communities.

Also in 1984, the Cordillera People's Alliance (CPA) was organized through a congress held among representatives of 27 communities and sectoral organizations. As a federation, the CPA sought to assert the right of the Cordillera peoples to self-determination, and to secure rights of ancestral domain. The CPA defines self-determination as the peoples' right to manage and control their natural resources, the right to manage and control their economic prosperity, and the right to cultural integrity.

The CPA today is a federation of approximately 180 organizations and 40,000 members. During the 1986 Constitutional Commission, created by then newly installed President Aquino to amend the Marcos Constitution, the CPA succeeded in campaigning for the creation of a Cordillera autonomous government. Unfortunately, the constitutional provisions which are meant to protect the rights of the Cordillera peoples to ancestral domain and which provide for the creation of an Autonomous Cordillera Region, contradict other constitutional provisions in favour of "national economy and patrimony". Article XII, Section 5 of the new Constitution, contends that the state shall protect the rights of ethnic minorities to their ancestral lands "*subject to the provision of this Constitution and national development policies and programs*" — thus presenting a legal loophole.

Based on past experiences, national development policies and goals are normally accorded primacy over the so-called policies and goals pertaining to indigenous peoples. What this means is that the indigenous peoples remain a population at risk subject to governmental interpretation of their rights.

As corporate business interests, transnational investments and the promotion of an export-oriented economy remain overriding priorities in the Philippine national development agenda, the indigenous peoples of

the Gran Cordillera have maintained their militant stance and are ever wary of prescribed solutions not of their own making. This awakening of Igorot political consciousness, one must always be reminded, is rooted in the people's fierce devotion to the sacred land that sustains them.

#### Footnotes

The author is grateful to Mr. Victor Jose Penaranda for his special assistance in finalizing the paper.

1. The Gran Cordillera comprises one-sixth of the Luzon island in the Philippines, and stretches across the entire length of Northern Luzon with the Ilocos Coast to the west and the Cagayan Valley to the east. The Gran Cordillera has a total land area of 1,829,368 hectares and includes the provinces of Abra, Benguet, Ifugao, Kalinga-Apayao and Mountain Province. This mountain chain rises up to altitudes of 7,000-8,000 feet, separating Kalinga-Apayao from Ilocos Norte. (Scott, 1974:1)
2. Smaller groups and sub-groups include the Bago in the western boundary of Benguet and Mountain Province; the Yapayao in the eastern boundary of Apayao; the Kalangoya in the eastern boundaries of Benguet and Ifugao; the Karao in Bokod, Benguet; the Mandek-ey in eastern Buguias; the Balangao in eastern Mountain Province; and the Agta Negrito in Northern Apayao.
3. The ato or dap-ay is a traditional place specially designated for a clan or a village to assemble and discuss all issues affecting the clan or village. The ato or dap-ay is also a place where the elders meet the young to share stories and educate them on the ways, traditions and customs of a village or a clan.
4. The system is known in Kalinga as vochong, in Mountain Province as pechen, in Apayao as badang, and in Abra as bodong.

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# Comments On The Presentation On The Cordillera Peoples

Clarence J. Dias

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These comments seek to extrapolate from the rich, detailed and finely textured Philippine case study presented, the problems and struggles confronting indigenous peoples in the third world; to help the discussions today, and the group discussions later, to work towards an agenda for action, support, research and networking on issues relating to indigenous peoples; and to attempt to relate the struggles of indigenous peoples in the third world to the rhetoric of law, rights and participation.

## Indigenous Peoples and Their Dominant Adversaries

Struggles of indigenous peoples in the third world (over land, forests, minerals or other resources) are a microcosm through which one can view the operations of four powerful and dominating actors and the roles of law and rights in such struggles. The four main adversaries are:

1. *Developed countries* who indulge in virtual theft to feed "hungers" for third world land, labour, resources and markets. These "hungers" are essential to maintaining the levels of affluence and lifestyles of conspicuous consumption prevalent in the developed countries. This causal relationship between need in the third world and greed in the first world was blatantly admitted as far back as 1948 by George Kennan (then head of U.S. State Department Planning Staff) who stated:

We have about 50% of the world's wealth, but only 6.3% of its population....In this situation we cannot fail to be the object of envy and resentment....Our real task...is to maintain this position of disparity without positive detriment to our national security....To do so we will have to dispense with all sentimentality and day-dreaming....We should cease talk about vague and unreal objectives such as human rights, the raising of living standards and democratization. The less we are then hampered by idealistic slogans, the better. (As quoted by Noam Chomsky, *The Managua Lectures*, Boston, 1987, p.15.)

2. *The transnational corporate sector* which, after having exhausted the resources of the relatively more accessible areas, has now turned to the lands of indigenous peoples for the satisfaction of their greed for resources and profits.

3. *International development agencies* like the World Bank whose development models and policies often reflect both witting and unwitting complicity with other actors in ensuring that "development" means self-aggrandizement and self-perpetuation of the few at the threat of survival of the many.

4. The nightmarish juggernaut of the *nation-state* in its relentless pursuit of development and of national integration. It is indeed a strange irony and profound contradiction that, in an increasingly interdependent and transnational world system, it is the nation-state that poses a serious threat to the survival of its own minority cultures.

All four of the above powerful actors have enormous resources to wage an effective war against indigenous peoples. After all, as Karl Von Clausewitz reminds us, "War is an act of violence whose goal is to force the adversary to do our will." It used to be that all the indigenous peoples had to contend with was benign neglect and paternalistic, moral do-gooders peddling morality blouses and brassieres. But today they have to deal with the malign concern of governments acting in collusion with international and transnational entities who resort to high-sounding rhetoric to justify mining, timbering, displacement and other exploitative activities in the ancestral lands of indigenous peoples. The latter have become the object of the wrath, the greed and the lust of dominant actors who are equally amoral in clearing ancestral lands for settlement, or in abetting the abduction and forced sale of "tribal" women. It is indeed time that NGOs concerned about the plight of indigenous peoples recognize that there has been a qualitative change – both nationally and internationally – in development policy towards indigenous peoples. Before, the struggle was focused on the allocation of more resources for indigenous peoples to develop themselves with. Now, indigenous peoples are fighting for survival against a war of attrition and extinction being waged against them by national governments with the support of transnational corporations and international agencies.

### **Indigenous Peoples and Their Struggles for Survival**

In most developing countries, indigenous peoples are waging struggles along five battlelines:

1. *Ethnocide*. This term, so appropriately coined by UNESCO, refers to the growing practice of genocide of ethnic communities. Indigenous peoples are increasingly being viewed by national governments either as a powerless and therefore vulnerable minority who are an expendable and

dispensable resource in the pursuit of development, modernization and national integration. Or else if they are a politicized, significant minority, indigenous peoples are viewed by their governments as posing a self-determination (secessionist) threat to the territorial integrity of the nation-state — a minority whose aspirations of continuity of cultural identity generate a conflict with national integration or, at least, with the ruling elite. Either way, national governments view indigenous peoples as a fit subject either for assimilation or worse, for annihilation.

2. *Marginalization and bondage.* The economic development policies of many third world governments require an assured source of cheap and exploitable labour — either to work on transnational agribusiness plantations, or as construction labour needed for large-scale infrastructure development projects, or as “sweat-labour” in industrial parks and export-processing zones. Thus it is more than happenstance that indigenous peoples are increasingly being marginalized and forced to take jobs outside their traditional areas. Once they come under that kind of employment they are forced into debt bondage which produces modern-day equivalents of slavery-like practices that endure for several generations with children inheriting the bondage of their parents' debts.

3. *Expropriation of survival resources.* Indigenous peoples are increasingly facing the expropriation of both material resources (e.g., land, forests, fuelwood, fodder, livelihood) as well as non-material resources (e.g., language, religion, culture, social and political institutions) essential to their continued existence. A new form of internal colonialism is being imposed on them. Two legal concepts are pertinent to this process of expropriation. First, is the process of erosion of the commons resulting in the compulsory acquisition by the state of community resources (e.g., ancestral land and community forests) without compensation and often for export-oriented (e.g., timber logging) economic activity. Second, is the concept of *eminent domain* whereby, in the so-called “public interest”, the state clears away ancestral lands (for settlement or for construction of highways) or else floods them (to construct large-scale energy and irrigation projects in Narmada in India or in Mahaveli in Sri Lanka), thereby causing massive forced resettlement of indigenous people. Either way, the progress of modern sectors of society is achieved by threatening the very survival of indigenous peoples, their cultures and their lifestyles.

4. *Systematic ecological degradation* is being carried out in many third world countries, both to feed export-oriented processes of development as well as to earn export revenue to service national debt. Often, when forests are cleared, land is mined, and streams and rivers polluted; what is happening is that the fragile ecosystems on which indigenous peoples depend for their survival are being relentlessly destroyed.

5. *Low-intensity, internal armed conflict* has become a fact of life in many regions of the third world, especially South and Southeast Asia and Central America. In such situations, either indigenous peoples are involved in armed struggles against a dominating national government (e.g., in the Cordillera and Mindanao regions of the Philippines) or else a military operation intrudes into the indigenous areas destroying the land and devastating the people (as in the case in much of Central America). Prodigal use of defoliants not only ruins ecology but creates serious human health problems.

In such a scenario, it seems bewildering to talk about the law and rights of ethnic minorities and indigenous peoples.

### **The Rhetoric of Rights and the Role of Law In the War Against Indigenous Peoples**

#### **A. THE CLASH OF LEGAL CULTURES: LAW FOR CULTURAL SURVIVAL**

The concepts of law and rights play a very central part in the oppression of indigenous peoples. Their customary law is increasingly being displaced by the modern law of the nation-state. Indigenous peoples have long had social and political institutions (like the pact) and their own dispute settlement institutions to deal with both internal and external relations. They have long had their own laws, customary land tenure systems and concepts of land and land use which were particularly suited to their practices of natural resource use and management. Thus, often it wasn't the land that belonged to the people but the people that belonged to the land. These customary laws and institutions have often been displaced by colonial masters who imposed their own modern system of law to facilitate objectives of resource extraction and exploitation and revenue collection. Thus, Western concepts of individual ownership of private property and land titling have been imposed on indigenous peoples by administrators and bureaucrats. Western-style legal systems based on adversarial rather than consensual dispute settlement and on individual rights rather than group duties and obligations have been imposed on indigenous peoples. Modern law has been pitted against customary law. But cultural survival demands that this trend be reversed and that respect for the laws and customs of indigenous peoples be seen as mandated by the Universal Declaration of Human Rights which enunciates and safeguards not only civil, political and economic rights, but social and cultural rights as well.

#### **B. CONQUEST AND THE LAW OF THE CONQUEROR**

As the historical experience in the United States, Canada, Australia, New Zealand (and much of Latin America) indicates, indigenous people originally led an independent life as sovereign nations. They were then

subjected to conquest or settlement through military might and political and economic pressures. This has led to a loss of independence and to incorporation into new state structures against their will and against their best interests. They become victims of unequal treaties which themselves are often violated. They are subjected to a disabling process and are reduced to the legal status of minors or other incapacitated persons (if they survived extermination during the heyday of colonial and capitalist expansion), as the experience of the U.S. Bureau of Indian Affairs so vividly demonstrates. Proud Indian nations were reduced to "domestic dependencies". Indigenous peoples are forced into occupying marginal lands and suffer a fresh onslaught because they possess minerals, water, forestry or soil resources coveted by governments, settlers, ambitious entrepreneurs and transnational corporations. They thus become victims of ruthless exploitation tolerated, and often officially sanctioned, by law.

#### C. INTEGRATIVE ASSIMILATION

There has been grudging but growing recognition of the barbaric injustices inflicted upon indigenous peoples all over the world. Hence, a UN strategy has been fashioned which has twin components. The first is external self-determination which is achieved, and exhausts itself when decolonization occurs. The second is protection of individual human rights through the enforcement of norms of nondiscrimination and equal treatment to all group members. Equality, as a political and civil right, means equality before the law and equal treatment under law. Equality, as an economic and social right, means equality of opportunities for all. Nondiscrimination means that no specific group is to be excluded from the enjoyment of *all* human rights. But this strategy remains largely aspirational and, in reality, some continue to be "more equal than others". Moreover, equality, when achieved, is usually achieved at the cost of sacrificing cultural identity. Hence, indigenous peoples are increasingly rejecting strategies of integrative assimilation.

#### D. THE GROUP RIGHTS APPROACH

Classical liberal paradigms of human rights do not exclude collectivities (e.g., children, refugees, pregnant women) from enjoying certain specified rights but they are rights of the individuals who belong to the group rather than rights of the group. Universal, individual human rights, even when fully effective do not ensure the full enjoyment of the rights of the group. Moreover, the promotion of individual human rights, in disregard of collective rights, may lead to the violation of the latter and vice versa. The idea of individual human rights rests on the concept of a direct, unmediated link between the individual and the state. Such a concept is inappropriate to indigenous peoples who have increasingly been pressing demands for a series of group rights for the collectivity.

#### E. INDIGENOUS PEOPLES' DEMANDS FOR GROUP RIGHTS

In a variety of international settings, indigenous peoples have articulated a reconceptualization of their rights. They have been demanding international recognition of several *group rights*:

*The Right to Land*: not only land but traditional and ancestral homeland. Not land just as an economic resource or a factor of production but land as territory, as habitat which has economic as well as cultural, social and historical significance. Land which is the *sine qua non* of the group's survival as a group.

*The Right of Internal Self-Determination*: which includes the right to customary laws and the rights to devolution, sharing of powers and resources, and the right of local self-government.

*Rights to Institutional Structures of Separateness*: social and political institutions including institutions of dispute resolution.

*Rights of Cultural Continuity*: including rights to language, education, culture and religion.

*Rights of Identity*: including the right of indigenous peoples to determine who is and who is not an indigenous person.

*The Right to Ethnodevelopment*: which refers to the human right to development as applied to indigenous peoples. Classical development models have failed to solve the problems of humankind such as poverty, unemployment and environment. People are taking a second look at so-called traditional cultures which provide answers regarding agricultural food production, traditional medicine, resource and environment management in rural areas, construction and irrigation techniques, social security and solidarity in times of crises. Ethnodevelopment means control over land, resources, social organization and culture *and* freedom to negotiate with the state what kind of relationship the group wishes to have. In the words of Rudolfo Stavenhagen, "Ethnodevelopment means looking inwards and finding in the groups' own culture the resources and creative force necessary to confront the challenges of the modern changing world. It does not mean autarchy or retreat into a museum of tradition." (Speech delivered at the 1988 Nobel Symposium in Oslo, Norway) The basic human right of isolation (rather than integration) must be recognized as the group-right counterpart of the individual right of privacy.

#### F. ACTION AGENDAS

NGOs need to play important roles of mediation between indigenous peoples and their governments and the intergovernmental UN system:

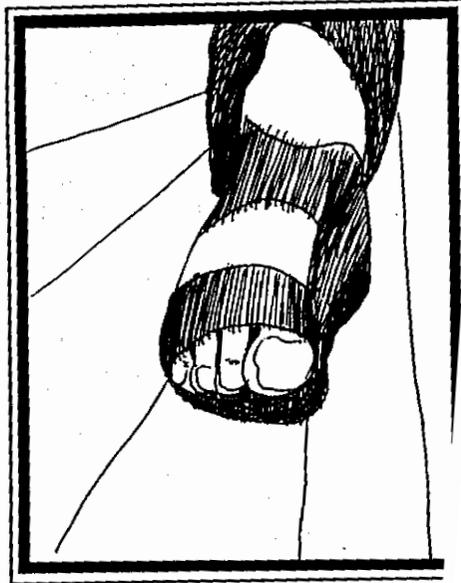
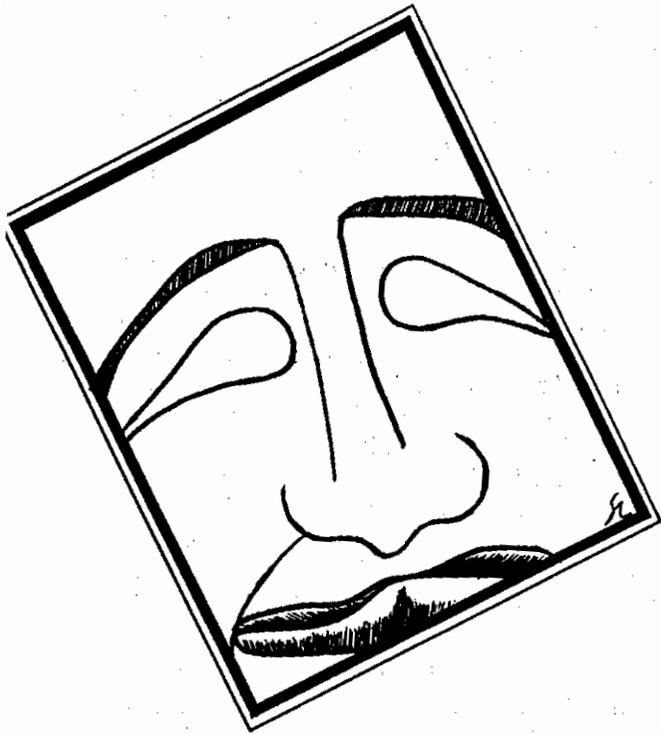
*Standard-Setting and Norm-Making.* A more sophisticated international approach is called for and several international initiatives are underway. These include the ILO Review of Convention 107 on indigenous tribal populations; the UN Sub-Commission Working Group on International Indigenous Populations; the UN Study on Indigenous Peoples; the Report on Indigenous Peoples of the Independent Commission on Humanitarian Issues; the World Bank Guidelines for the Protection of Indigenous Peoples within the framework of development projects; the Inter-American Commission on Human Rights which has been entertaining complaints of violations of the rights of indigenous people in several Latin American countries; and the Permanent Peoples Tribunal session on indigenous peoples. But the limitations of the UN system must be recognized and overcome. The UN relies on an international system of nation-states. An important number of its Member States fear that the claims of indigenous peoples might lead to dismemberment, partition or secession. Nevertheless, in the past, the UN has responded to stimulation by persistent appeals from activist groups seeking vindication of the right to self-determination in a colonial context. It is important, therefore, that organizations of indigenous peoples and NGOs working with them, press the UN to set and enforce international norms of group nondiscrimination.

*UN Mediation and Conciliation.* NGOs need to support initiatives by indigenous peoples to press the UN system to play a greater role in mediation and conciliation to facilitate settlement of disputes between indigenous peoples and their governments. Indigenous peoples stress the importance of this because, absent such mechanisms, the governments often use force to intimidate them.

*Support in Survival Struggles.* Similarly, NGOs have crucial roles in the survival struggles of indigenous peoples at the national level and in negotiating relationships with the state for mutually accommodated, plural political structures rather than forced absorption and integration.

### **From Conquest to Liberation**

Machiavelli, the noted analyst of warfare and power, once said, "Conquered states can be held by the conqueror in three different ways. The first is to ruin them. The second is for the conqueror to go and reside there in person. The third is to allow them to continue to live under their own laws, subject to a regular tribute and to create in them a government of a few who will keep the country friendly to the conqueror." (As quoted by Susan George in the 1988 Nobel Symposium in Oslo, Norway) What Machiavelli states is as true now – 475 years later, so far as the plight of indigenous peoples is concerned. They must be supported in their struggles to liberate themselves from all three types of conquered dominations.



# The “No MSG” Campaign In Hong Kong — An NGO’s Attempt Of Social Mobilization

*Simon S.C. Chau*

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As the society of Hong Kong is becoming more consumer-oriented, and the widespread use of various chemicals is posing a real threat, the Conservancy Association (CA) of Hong Kong<sup>1</sup> decided, in late 1986, that a large-scale campaign to educate the public on food additives should be launched. Since the early 1980s, CA also felt that with the transformation of Hong Kong into a modern industrialized and urbanized community, working on the protection of the external physical environment alone was far from sufficient. Also, it so happened that there were, in the leadership, people with expertise and interest in health, medicine and food safety. So it was decided that projects related to the *internal* environment, if only the physical aspect to begin with, should be attempted. It was understood that such a campaign would inevitably arouse attention in various professional sectors of the community, including the medical, educational, legal and scientific circles, and that their cooperation and support were vital for success.

In terms of strategy, it was obvious that it would be more effective to pick a single chemical and draw the attention of the public to its problems, than to publicize the dangers of food additives in general.

## **MSG — A Flavour with a Flaw**

The choice of monosodium glutamate (MSG) was hardly a difficult one. While other common food additives may be equally bad for health, if not worse (well-known cases being sodium nitrite-E250, preservative, and amaranth-E123, food colour), MSG had the following distinct characteristics that suited the purpose of a public campaign:

1. Unlike all other food additives, it is an identifiable commercial product which is advertised and bought by the citizen for direct use. No other food chemical has such a popular brand name.
2. It is universally used in restaurants, food stalls and in the food processing industry. Both in terms of occurrences and dosage, MSG is probably unrivaled as a food additive in Hong Kong.

3. It is a controversial product and has been so since 1968 when its safety was seriously questioned by scientists. Conflicting and discomfoting scientific reports and arguments abound, compounded by ingeniously engineered propaganda by MSG manufacturers.
4. Also, unlike other food additives, people often feel its effects first-hand after intake (both because of its unique taste in food and the subsequent MSG syndrome).<sup>2</sup>

In July 1986, 14 international NGOs, including the International Organization of Consumer Unions (IOCU), signed "The Bangkok Declaration on Action Against MSG", demanding that "governments take the necessary measures to counter the consumption of MSG and to restrict its marketing." (See boxed item.) Since then, campaigns against MSG have been launched by NGOs in various countries, particularly in Southeast Asia where its misuse has led to grave consequences.

In the local context, the unfortunate consequences of the use, over-use and misuse of MSG, as we understand it, include the following.

1. It disguises inferior ingredients and dresses them up to make them attractive and palatable. Thus restaurants can afford to use low quality ingredients with poor nutritional value. (For various reasons, Hong Kong citizens eat out very frequently, perhaps more than in any other place in the world.) Also, home-cooked meals suffer in nutritional value when, for example, noodles with meat and vegetables are constantly replaced by noodles with only MSG.
2. People get addicted to the flavour, and gradually reject any food without MSG. This leads to its over-consumption on the one hand, and malnutrition due to lack of variety of food on the other.
3. The skills of local or native cooking are destroyed, as the universal taste is leveled by a single product. This is perhaps most alarming in Hong Kong restaurants where MSG in a sense enables any Wong, Lam and Chan to become a professional cook overnight, with the obvious decline in cuisine quality.
4. Many people suffer from the "MSG syndrome", with hours of discomfort or agony after a meal. This can be detrimental to the local tourist trade, as visitors are scared by the indiscriminate use of the additive in restaurants.
5. It is clinically proven that MSG, being a sodium salt, aggravates high blood pressure, heart diseases and asthma, and is dangerous for infants and young children.<sup>3</sup>
6. Laboratory experiments and clinical experience show that MSG is associated with various types of physical injury, ranging from the brain, the eyes and even fertility and heredity malformation, as well as

## THE BANGKOK DECLARATION ON ACTION AGAINST MSG

BANGKOK, 6 JULY 1986

MSG (monosodium glutamate) is an unnecessary, wasteful and even hazardous substance. We believe its use is not good cooking practice nor does it lead to better nutrition. In fact, it can distort nutritional considerations by deviating consumption of healthy food. It can create economic dependency through manipulation by transnational corporations and cause displacement of local natural and traditional flavouring and loss to society through transfer of national wealth abroad or away from the poor and disadvantaged groups of society. Manufacturers often engage in misleading marketing, encouraging use and especially overuse of MSG, without any care for vulnerable groups such as infants, young children and women who are pregnant or are planning families.

We demand that governments take the necessary measures to counter the consumption of MSG and to restrict its marketing. We demand in particular:

- 1) A ban on the use of MSG in all foods meant for infants and young children.
- 2) Clear warnings on labels and packaging of MSG and products containing MSG, that it should not be used in food for infants and young children and for pregnant women, including those who are planning families, as well as adequate information to prevent its excessive use.
- 3) Restrictions on MSG advertising

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1. Vegetarian Group, Thailand 2. Foundation for Children's Development, Thailand 3. Voluntary Group for Consumers of Thailand 4. International Organization of Consumers Unions, Malaysia & Holland 5. The Chemistry Section, Science Society of Thailand 6. Citizen's Alliance for Consumer Protection of Korea 7. Food Group, Japan 8. Consumers Union of Japan 9. Federation of Malaysian Consumers Association 10. Harry Durance Foundation for Education in Thailand 11. Drug Study Group, Thailand 12. Yayasan Lembaga Konsumen, Indonesia 13. Coordinating Committee for Primary Health Care of Thai NGOs, Thailand. 14. Consumers Association of Penang, Malaysia.



and, in particular, prohibition of the use of children and women in advertising as well as misleading claims for the product, such as "natural", "safe", "healthy", "nutritious" etc.

Public awareness campaigns to inform consumers that MSG is unnecessary, wasteful, unsafe and socially and economically undesirable should be launched and intensified by all groups involved in working for better nutrition and health. There is no need for this flawed flavouring and only bad cooks use it on poor quality food.

The undersigned groups commit themselves to these goals and this programme of action. They will work individually and jointly in a global "NO MSG PLEASE" Action Network and will organise and take part in national and international actions. These will include information, education and legal means and, when appropriate, boycotts of products and companies engaged in unethical and irresponsible practices.

obesity and cancer.<sup>4</sup> While these are yet to be proven, the safety of the chemical, especially in large dosages, remains doubtful. The medical profession warned repeatedly that MSG should not be used in food prepared for young children.<sup>5</sup>

MSG is consumed in huge quantities in Hong Kong,<sup>6</sup> though its popularity and average amount of intake is considerably lower compared to Japan, mainland China and Taiwan.<sup>7</sup> According to surveys conducted by the Hong Kong Consumer Council, a typical Hong Kong citizen can easily exceed the daily recommended intake set by the World Health Organization or WHO (120 mg per kg body weight).<sup>8</sup> However, like other Asian countries, Hong Kong is consuming more and more MSG and the growth rate is alarming.<sup>9</sup>

While there are MSG manufacturers in Hong Kong, most of the additive consumed locally is imported from Japan, South Korea, mainland China, Taiwan and elsewhere. The Japanese product, Ajino-moto, is the most popular brand and enjoys a special status.<sup>10</sup>

### **Legal Environment**

It would be unfair and untrue to say that the law of Hong Kong is primitive and ineffective in the realm of public health protection. In the case of regulating food hygiene, there are numerous regulations, by-laws, etc., to prohibit the preparation and sale of food "unfit" for human consumption on the one hand, and to ensure that the consumer is informed of the composition of food on the other.<sup>11</sup>

Since 1987, companies engaged in the production and sale of pre-packed foods in Hong Kong are required by law to declare their ingredients on the label. However, there is no specific requirement for food (including sauces, etc.) containing naturally occurring or added MSG.<sup>12</sup> Thus most of them include in the list of ingredients "flavouring", or "flavour enhancer", and consumers are usually unaware that there is a considerable amount of MSG.

More importantly, it is almost impossible to prosecute manufacturers and caterers for the indiscriminate use of MSG as cases of acute injury are very rare. Without legal limits to the dosage of the chemical, one cannot prove that a certain food is "unfit for human consumption" or "injurious to health." In any case, the law provides no venue for prosecution of caterers on the ground of indiscriminate use of food additives against public interest. There is one provision that stipulates that the Governor of Hong Kong has the authority to ban certain substances in foods that are considered to be harmful to the public, but this law is rarely used unless there is a strong demand for it from the public.<sup>13</sup>

## **Campaign Strategy: Attack on Three Fronts**

Between December 1986 and March 1987, CA worked on three fronts, namely, publications, the "No MSG Restaurant" project and demands presented to the government.

*Publications:* A poster and an information card were designed and printed. These were distributed free to schools, social institutions (such as youth centres) and restaurants. They outlined the bad effects as well as suspicious health hazards of MSG, and cautioned the public to consume it in minimized quantities, especially in children's diets. The problem of MSG was also discussed in detail in newspaper columns written by CA members. Part of these materials were published in book form in April 1987 under the title *The MSG Controversy*.<sup>14</sup>

*The "No MSG Restaurant" Project:* All restaurants and foodstalls in Hong Kong were invited to register as "MSG-free" places. Each was to be awarded a certificate of guarantee and identifying stickers after being inspected by CA representatives, and CA planned to regularly publish a list of all MSG-free restaurants. In return, the restaurants were to promise not to add MSG directly in foods and drinks served in their premises (ingredients which arrive with MSG, such as sausages, and flavourings containing a "normal" concentration of MSG, such as oyster sauce, are permitted), and to pay a membership fee (ranging from HK\$500 to \$1500, depending on the floor area). The invitation was made through the media, by letters to the proprietors of selected restaurants with follow-up telephone calls.

*Demands To The Government:* Statements were issued in the form of press releases and interviews, urging the various government departments concerned to take action to reduce the use of MSG in the public sector. Specifically, they were pressed to assess the use of MSG in restaurants and the food industry, to educate and warn the public, to set an upper legal limit and to enforce such laws.

## **Campaign Results: Increased Concern But No Action**

Since the first day when the "Launching Ceremony" was held in December 1986, the campaign attracted a lot of media attention, to the point of saturation in some stages. This was well beyond the expectation of the organizers, who found themselves being interviewed and invited to radio and television programmes repeatedly for several weeks. Many TV programmes interviewed government officials, manufacturers and restaurant owners, as well as cooks, nutritionists, housewives, doctors, scientists, food specialists and lawyers. The Consumer Council made a

special study on the use of MSG in processed foods, and its findings were widely reported and discussed.

Initially, a few restaurants showed interest in the "MSG-free" restaurant project. In March 1987, when a press conference was held, two chain restaurants agreed verbally to join. However, only one turned up at the occasion before the TV cameras, and later it also changed its mind. Sadly, in the end none participated.

On the other hand, CA received dozens of requests from journalists and members of the public (a considerable proportion being European housewives) for the promised regular list of MSG-free restaurants; they were all disappointed.

The response from the manufacturers of MSG was reticent. At the initial stage, the top management of Ajino-moto Hong Kong, maker of the most well-known brand of MSG, invited a leading campaigner to its office to "exchange viewpoints". When the campaigner prepared the interview transcription for publication, he was strongly urged and earnestly coaxed to drop the idea, with the promise of a reward. The interview was published in an influential Chinese language newspaper as scheduled.<sup>15</sup>

Within weeks after the official launching of the campaign, a Taiwanese soy sauce maker advertised in Hong Kong that its product was declared MSG-free. (According to test findings of the local consumer council, published soon after, that particular brand in fact contained much more MSG than average brands.)<sup>16</sup> This action was followed by a leading local food factory which advertised that its oyster sauce contained no added MSG. (Oyster sauces are found to contain a high concentration of the chemical, part of which is formed naturally during the manufacturing process. The same goes with soy sauce and tomato sauce, though to a lesser degree. Many manufacturers, however, add a considerable amount of "artificial" MSG.) All of the new labels of the various types of oyster sauce coming from that factory carry a "No added MSG" slogan in bold characters. Later in the year, other brands of oyster sauce followed suit.<sup>17</sup> Also later in the year, a leading Japanese instant noodle manufacturer of the most popular brand in the local market, advertised the advent of its "MSG-free" version. However, this could have been nothing more than an image-building gimmick. The manufacturer did little subsequently to promote the new product.

During the period when the issue was hotly debated in the media and among the public, the various concerned government departments (the Urban Council, the District Boards and the Medical and Health Department) were obliged to discuss the alleged problems of MSG, and made statements in response to repeated questions raised by various quarters. The general "official" attitude was apparently that since MSG is a legally permitted commercial product, there is nothing the government

can do to limit its use or to educate the public to use it with caution, unless there is clinical evidence beyond reasonable doubt that its use is injurious to health. Should an international body (such as the WHO) issue clear warnings against the danger of overdosage, and if there is good evidence that citizens are suffering, it is possible to set a legal limit on its use in terms of dosage.<sup>18</sup>

Quite promptly, the Urban Council sent a letter to every one of the thousands of restaurants in Hong Kong, warning against the over-use of MSG and possible legal actions which would be taken against offenders. The staff of the Urban Council also dutifully investigated complaints of MSG syndrome from citizens.

Concern of the harmful consequences of using MSG spread to all corners of Hong Kong, and people in every sector talked about it during the campaign weeks. This was evident from the large number of calls related to the topic during the radio phone-in programmes, and the number of letters CA received asking for further information.

In response to the requests of students, the caterer of the Chung Chi College canteen at the Chinese University of Hong Kong stopped adding MSG to the food they were serving. This practice, however, ended after about one month, when some students began to complain that the food was "tasteless", and the canteen resumed its usage of MSG.

Despite the sudden increase of interest in the MSG issue, the sales record of the book *The MSG Controversy* fell short of expectations, with a sale of about 1,000 copies during the first year. The information cards and posters also failed to achieve their targeted publicity effects.

## **Critique of the Campaign**

Assessing the campaign one year after its climax, the following aspects deserve particular attention from future campaigners.

### **A. FAILURE OF THE RESTAURANT CAMPAIGN**

Perhaps the greatest surprise to all parties concerned was that not a single restaurant enrolled as "No-MSG" premises. One of the reasons was the skepticism of the restaurant owners. It is unrealistic to expect them to change their mode of operation on moral, ideological or social grounds. They would probably bow only to market or legal pressures. Since the government took no legislative action, and there was no clear indication that the public preferred no-MSG food and would vote for it with their feet and wallet, it is understandable that even the most enlightened and venturesome restaurateur would hesitate to stick his neck out.

In this respect, the promise of free publicity in the form of a CA endorsed MSG-free restaurant list turned out to be a deterrent rather than

an incentive. It is believed that a few respectable restaurants actually gave up the deliberate use of MSG, and a great majority of others used considerably less after the campaign (probably due to the Urban Council warning letter and the obvious public dislike and fear of the chemical), but none advertised such a change of practice. Restaurateurs feared that they would lose business if they declared themselves MSG-free, as patrons, many addicted to the taste, would turn away. The Chung Chi College canteen experiment confirms this conjecture.

Though the membership subscription was a small sum compared to the advertising budget of the restaurants, it is possible that restaurateurs were reluctant to pay for the publicity, which would perhaps be negative in their eyes, as explained above.

From published interviews and private consultations, it was also made clear that professional cooks were unsympathetic and gave no support to the movement. Not only did they remain unconvinced of the alleged hazards of MSG, but abandoning or limiting its use meant that production costs would rise (bad ingredients and cheap methods can no longer be easily disguised), more work would be required (no more short cut to palatability), and they would face a real test to cooking skills (bad cooking can no longer be disguised) which most local cooks would shy away from (many professional cooks have recently emigrated, leaving a lot of room for the less qualified and relatively inexperienced). A drastic change in the taste of the food offered was inevitably a big risk for the boss and a threat to the cooks.

To be aware of the hazards and to have the desire to avoid them is one thing, to take action to achieve this is another. Such disparity between advocacy and practice is particularly acute among the Chinese. This is obvious in the case of smoking. Faced with the grave consequences of passive smoking, the Hong Kong citizens remain apathetic to the legislative and administrative efforts to limit smoking in public places.

While many concerned individuals (many of whom are parents of young children) declared publicly that they would choose to dine in MSG-free restaurants, and some protested to the Urban Council that there was too much of the chemical in food served, there was a general lack of demonstration of this public preference. This could have been the most decisive factor leading to the failure of the MSG-free restaurant project.

#### B. LACK OF CONCRETE DEMANDS

At the height of the publicity, the campaigners were repeatedly asked by journalists what precise legislative measures they were requesting the government to take, and whether would they favour banning MSG altogether. They replied that it was certainly not their intention to campaign for its banning, but they would like the government

departments concerned to study and legalize upper limits (in terms of maximum dosage by percentage in weight) for all restaurants and processed foods. They also suggested that the current WHO recommendations for MSG intake be consulted in the legislation process. The CA campaigners advocated legislative measures to the effect that restaurant and processed foods with MSG exceeding a legal limit be penalized, and that it become a legal offence to serve food containing added MSG to very young children and infants (such as in baby food).

Regrettably, no concrete steps were taken beyond airing such views in radio interviews and in briefings to journalists. To bring about the changes they wished for, the campaigners should have at least done the following:

- Enlisted the support of nutritionists, doctors and researchers, collecting their opinions and inviting them to speak in forums;
- Planned joint ventures with television stations in producing programmes;
- Drafted legislative proposals and formally presented these to the government;
- Informed government officials and legislative councilors of the seriousness of the issue.

As explained in the beginning of this paper, MSG as a consumer product is objectionable due to its *social* consequences (the addiction, the manipulation and leveling of taste, malnutrition, decline in cooking skills, destruction of native cuisine, etc.) as well as its *clinical* consequences. It was unfortunate that the campaign eventually focused solely on the latter ("how *dangerous* it is") rather than the former ("how *harmful* it is").

To be fair to the campaigners, they were not blind to the long-term social consequences. However, right from the first day, the media was obsessed with the latter, based on their prevalent professional logic: "It is newsworthy only when the authorities declare that the product is alarmingly dangerous. If so, we will press for government action." Journalists, editors and programme comperes consistently refused to pay attention to the social consequences. Most of what was said repeatedly about them were unreported.

Thus, the campaigners were obliged involuntarily to use "scare tactics" – MSG causes such and such, etc., and very little else of their arguments reached the general public. As always, there were the inevitable sensationalisms and over-simplifications, especially with the electronic media. On one occasion, for example, one CA representative was requested to explain why MSG is potentially harmful to people in 75 seconds before the TV camera, as he was to argue against, and share the

five-minute programme with, a veteran cook, a government official and a chemistry professor.

Such unwise focusing played into the hands of the MSG manufacturers who, with their multi-million dollar advertising budget and international public relations team, coolly and conveniently denied all allegations of clinical hazards on the grounds that there is, as yet, no conclusive scientific proof of them. Both the authorities and the media found this denial convincing, especially when the campaigners failed to produce a specific example of an illness caused by MSG.

In the end, when they received news of the WHO decision to withdraw its daily recommended intake five months after the launching of the campaign, the campaigners were caught unprepared and found themselves in a most awkward situation of apparently being discredited by *the* authority, WHO. It was at that point that the government and the public found relief and gladly forgot about the whole thing.

#### C. PREPARATION, THE KEY TO SUCCESS

Considering the scale of the campaign and its eventual social impact (which was well beyond the campaigners' expectations), it is obvious, again with hindsight, that the preparation work was far from adequate. Instead of marshaling a wealth of ammunition in terms of data, money, professional and international support, the campaigners tried to collect them along the way, and failed in many respects.

On the financial front, the campaign started with an extremely small sum which came from the current expenses of the CA. This was spent on printing posters, information cards, identification stickers and certificates of guarantee. The posters and cards were given a cold reception, probably due to their poor design and distribution (no restaurants cooperated to display them), and the stickers and certificates were never put to use as they were meant only for member MSG-free restaurants and there were none. According to the plan, money was to arrive through two channels: member restaurants' subscriptions and sponsorship. Such calculations were off the mark as no restaurants enlisted, and no institutions or firms were prepared to support a campaign against a commercial product.

One of the greatest lessons that was learned from this campaign was that much more preparation in terms of resources was required to make a campaign of this nature and scale successful, particularly in the following areas:

- **Money** – A reasonably large sum should be ready before the launching. For a campaign of this scale, something in the region of HK\$25,000 to \$50,000 ought to be targeted. Most of it is to be spent on publicity materials.

- *Staff* – It is essential that personnel be appointed to manage and clerically support the campaign. This may prove to be a problem with some NGOs (as in the case of CA). When every campaigner has his/her own job and commitments, details are overlooked and actions are delayed, and worse still, the overall planning suffers.
- *Public relations experts* – In complicated and sophisticated societies like Hong Kong, public campaigns have to be professionally conducted to be effective. Image building, literature and logo designs, press conferences, lobbying, mass activities, etc., have to be engineered by PR experts to achieve a maximum impact. There is little room for amateurish experiments.
- *Professional authorities* – In a society of authority worshipers, statements are only credible when they come out of the right mouth. If the campaign had involved nutritionists, professors and legislators and had enabled them to speak with one voice, as well as enlisted the support of overseas bodies (such as the IOCU), it would have been more credible and could have made a greater impact on society.
- *Literature* – The appropriate materials have to be available before the launching of the campaign. They have to be readable, graphically attractive, as well as authoritative in the eyes of the public.

In terms of campaign strategy, the original idea was to make use of a particularly well known case to highlight the dangers of modern food additives, thereby educating the public about food safety and their rights as consumers. To attract the media and thereby generate public interest, the “MSG-free restaurant” project was devised and executed. The unexpected failure of this project badly affected the progress of the whole campaign.

The scenario would have been very different if, instead of pinning hopes on the restaurateurs (especially on their willingness to participate), the emphasis was put on the activation of the general public. Some concrete and practicable actions with demonstrable results could have been advocated. For example, after a period of publicizing the social consequences of such indiscriminate use of MSG, every citizen in Hong Kong would be urged to stay away from MSG during an “MSG-free fortnight” when he/she makes efforts to first stop buying MSG, second, stop using MSG in the kitchen, third, read the label carefully before buying processed foods, and finally, tell the waiter positively that he/she would not accept MSG when placing orders in a restaurant.

In terms of publicity, the campaign could have enlisted a number of celebrities, including councilors, doctors, academics, pop stars, TV personalities and entrepreneurs to speak for the cause. Even more importantly, the CA, instead of conducting the campaign alone, could have organized it jointly with other local bodies, such as medical

associations, nutritionists' organizations, student groups, church groups, social groups (like the Rotary Club), women's groups, youth centres and consumer groups. The campaigners should also have coordinated with international bodies like WHO and IOCU.

### **Concluding Remarks**

A review of a campaign like this one inevitably leads to a host of complicated ideological, socio-economic and even political problems. One of the difficulties in convincing the general public of the potential hazards and social consequences of MSG is, as the campaigners discovered, the notion of "modernization". In a society which worships science, a product which appears to be so pure, so clean, so quality-guaranteed, so effective and scientifically-endorsed, is simply irresistible. (The same goes for powdered milk for babies.) It needs a spectacular disaster of the scale of a mass poisoning to persuade the addicted to change their attitude and habit. Also, the public will listen only to the high priests of our era, the scientists. Unfortunately, very few of them are prepared to condemn MSG on social and ethical grounds. The cause of the campaigners was hindered by the commercial promotion of the product on the part of the Japanese manufacturers, and the blessings MSG receives from the authorities in the People's Republic of China, who have claimed repeatedly that it is harmless and have even said that it has some good effects on health.

Another crucial factor for the success of a campaign like this one is the consciousness of the public. In the case of the Hong Kong people, the gap between its modernized social structure and the backwardness of the consciousness of the general public is pathetic. While the awareness of consumer rights has been steadily increasing, the people remain victims of a blind faith in the government's protection and commercial advertisements, condemned by their own ignorance. The non-interventionist government, and with it the semi-official Hong Kong Consumer Council, plays down every issue concerning public safety so as to avoid unnecessary alarm and panic, and will not act until demonstrable harm is proven beyond doubt to be related to a product. In this way, very little was, is and can be done.

This campaign revealed the inadequacy of a semi-official consumer protection body. Right from the start, the Hong Kong Consumer Council refused the CA's suggestion of any cooperative measures or actions. Apart from confirming that it was completing a test on MSG in local foodstuffs, it released no further information, and the CA campaigners were kept in the dark like everybody else. While this is certainly a practice executed according to the rules, the consequences are far from satisfactory. Indeed it is the very nature of the Council which governs the way it works that is questionable. The Council gains authority and

credibility by being semi-governmental and therefore "value-free". This was highlighted in the present case when the Council was satisfied with informing the public about how much MSG was found in some foods and the reporting of how dangerous the chemical was said to be, not without extreme caution and considerable understatement. This is in sharp contrast to the IOCU which emphasized how socially harmful MSG was.<sup>18</sup> In this sense, semi-governmental bodies can be a hindrance to social transformation. Hong Kong needs a consumer rights organization which is ideologically free.

A closer link between international bodies could have made things very different. When news that WHO had withdrawn its recommended daily intake of MSG, the CA campaigners wrote to the "No-MSG-Please Action Network" for clarification and recommendation, and received no reply. Then later in the year, CA received a call from the Network to start a "No-MSG-Please Day" campaign on October 16. The letter and package arrived just 20 days before the action day, and CA just could not mobilize in time. It was understood that the Network had written to WHO for clarification, and had received no reply.<sup>19</sup>

The image of NGOs is another crucial factor. The Chinese have a tradition of trusting government officials and experts, while social activists have a bad reputation for creating storms in tea cups and rocking the boat. So whenever there is a difference of opinion between an NGO statement and the authorities, the NGO usually loses in terms of credibility. "Pressure group" and "lobbying" are dirty words in the eyes of both the government and the public. It is undoubtedly a long battle on the part of CA and other local NGOs to win respectability, convincing the public that they are neither trouble-makers nor idealists, but caring individuals working for the transformation of society for the well-being of everyone. It takes time for the public to realize that dissenting voices can be beneficial to the society.

In this sense, the gains of the campaign could be far beyond the boundaries of education in food safety and consumer rights.<sup>20</sup> The support from the public CA received alone was worth the effort.<sup>21</sup>

It is unrealistic to devise a yardstick to measure the success of a campaign like this one, as its consequences are neither immediate nor quantifiable. Nevertheless, the following achievements were real and encouraging. While reliable statistics have yet to arrive (or, more likely, may never be available), it is generally known (and felt) that MSG is used in considerably smaller quantities since the campaign. This is probably the result of the restaurants' restraint because they fear that overdosage could lead to complaints and prosecution, and housewives buying less of the product because they want to play it safe in feeding the family. It is fair to note that people in Hong Kong are generally not convinced that MSG is definitely harmful, nor do they understand the social consequences of its

misuse, but their attitude towards MSG has changed. Instead of being a harmless ingredient to be taken for granted, people appear to now feel that though it is a cheap way to palatability, it can be hazardous to the health, and so stay away from it when they can. As mentioned earlier, because of the wide publicity, CA became a household name overnight (19 years after it was founded), and gradually shook off its pressure group image to become a caring, constructive and respectable organization in the eyes of the public and the press.<sup>22</sup>

Perhaps the most positive after-effect of the campaign was that the public in Hong Kong was shaken out of its complacency with the myth of protection provided by the government and science. They are now educated to doubt a familiar product which everyone literally takes in, every day, without ever considering its effects. For many, this could be an invaluable first step on the long journey towards a Green life, through which values and the social order are drastically transformed. It is in this context that a campaign like this is meaningful and beneficial to society in the long run.

#### Footnotes

Author's Note: This is an insider's reflection of a public campaign engineered by a non-governmental organization (NGO). Though inevitably coloured by subjective interpretations and personal biases because of first-hand experience, it is hoped that the examination of the campaign, with its successes and failures, can help colleagues in similar situations to think and obtain insights into the role of NGOs in developing societies and the possibilities of their achievements in the endeavor to improve the quality of life of their fellow countrymen.

1. The Conservancy Association of Hong Kong (CA), founded in 1968, is one of the most active grassroots environmental protection organizations in the territory. It is entirely run by volunteers and survives financially on membership fees, project earnings (such as extramural courses and newspaper columns) and the occasional donation. Most of its large-scale functions are sponsored jointly with other big NGOs (such as Christian church groups like the Caritas Hong Kong and the Methodist Centre). With its meagre budget (around HK\$8,000 a month in 1988, and much less during the campaign under examination), the CA only manages to employ a part-time worker on a semi-voluntary basis.
2. Formerly called the "Chinese Restaurant Syndrome", the reaction usually appears 15 minutes after an intake of MSG, and disappears in two hours or so. Some people may, however, suffer hours on end, resulting in a sleepless night. Typically, the discomfort includes heart palpitations, headaches, dizziness, muscle tightening, nausea, weakness of the upper arms, pains in the neck, migraine, burning sensations, coughing, stomach upset, and sleeplessness. According to surveys in the USA the syndrome may affect 20% of the population.
3. Tests on human beings show MSG can cause asthma attacks in susceptible adults which can be life-threatening if proper medical facilities are not available.
4. Several studies demonstrated that oral doses of MSG destroyed neurons in young rats, mice, guinea pigs and monkeys. Young animals treated with glutamate developed brain lesions, grew up to be obese, suffered reproductive failures, hormonal abnormalities and other problems. MSG injected into young rodents and chickens caused severe retinal damage. There are also studies which suggest that large amounts of glutamate can overwhelm the placental barrier. As for human beings, "very little is known about the capacity of immature humans to metabolize MSG", writes John Olney, M.D. of the Washington University School of Medicine in St. Louis. "When the integrity of the human nervous system is at stake, I respectfully submit that it is much better to be safe than sorry."

5. The Joint Food and Agriculture Organization and the World Health Organization Expert Committee on Food Additives (JECFA) recommend that infants below 12 weeks of age should not be given any additives and that includes MSG. Laboratory tests repeatedly showed that young animals are particularly in danger when exposed to MSG.
6. Six thousand tons per year, according to the Ajino-moto spokesman in late 1986. CA estimates that the true figure should be in the region of ten thousand tons, which means that every citizen in Hong Kong spends HK\$60 on MSG each year.
7. In many parts of mainland China, MSG is served in a dish on restaurant tables to be sprinkled onto food freely (like pepper and salt). Both in mainland China and Taiwan, soup with MSG costs considerably more in foodstalls and restaurants than that without, as listed in menus. In some parts of Taiwan, MSG is used as a respectable wedding gift. None of the above happens in Hong Kong.
8. CA estimates that a typical dish of food served in a Hong Kong Chinese-style restaurant contains two to four grams of MSG, which is already about half of the recommended daily maximum for an adult. In a UN-sponsored survey in South Korea in 1986, some restaurant food show levels as high as nine grams per dish.
9. According to surveys in South Korea, each adult consumed an average of 1.9 gm/day in 1974, 3.5 gm/day in 1986. The average adult in the U.S. consumed 0.3 to 1 gm/day in 1986. While there are no comparable Hong Kong figures available, there is no doubt that the growth pattern is similar to South Korea, as people eat outside more and buy more processed food over the years.
10. The owner of a famous Chinese restaurant chain in Hong Kong, himself a veteran cook, told the author when asked if they used MSG: "No, we don't. We only use Ajino-moto." "What do you mean?" "It is not MSG, it is much superior."
11. For example, under "Public Health and Municipal Services" of Laws of Hong Kong, Chapter 132, it is stated in Section 54 that subject to the provisions of this section, any person who (a) sells or offers or exposes for sale, or has in his possession for the purpose of sale or preparation for sale; or (b) deposits with, or consigns to any person for the purpose of sale or of preparation for sale, any food intended for, but unfit for, human consumption, or any drug intended for use by man but unfit for that purpose, shall be guilty of an offence.  
Another section specifically deals with food additives: "No person shall add any substance to food, use any substance as an ingredient in the preparation of food, abstract any constituent from food, or subject food to any other process or treatments, so as (in any such case) to render the food injurious to health, with intent that the food shall be sold for human consumption in that state." (Section 50, (1))
12. MSG exists naturally in many foods such as milk, beans and tomatoes, and it is chemically indistinguishable from the added artificial versions, though it is possible to set up a criterion for each processed food to determine whether extra MSG has been added in.
13. The Governor in Council may, so far as appears to him to be necessary to intervene in the interest of public health, or otherwise for the protection of the public, make regulations for any of the following purposes: requiring, prohibiting or regulating the addition or extraction of any specified substance, or any substance of any specified class, to food intended for sale for human consumption ... (Section 55, (1)) Nevertheless, under the present "climate", it is inconceivable that such a law will ever be used against MSG, when there is no consensus of opinion on its clinical hazards, and the public is not aware of its harmful qualities.
14. Published by the Sunbeam Publishers (enquiry: Conservancy Association, GPO Box 167, Hong Kong). The newspaper column ran daily for two months and attracted a lot of attention.
15. The Ajino-moto spokesman in Hong Kong expressed regret and dissatisfaction privately over the phone, and that was the end of contact between the campaigner and the company.
16. Choice, No. 123.
17. The author was informed that the motive for such a move could be pressure from North American markets rather than local protests. As Chinese restaurants all over the world consume a large amount of soy sauce, they are sensitive to its MSG contents as Western patrons suffer frequently from MSG syndrome.
18. It was regrettable, in this respect, that the IOCU failed to take a lead and recommend a figure.

19. The IOCU emphasized that MSG "is a big issue in the Third World from a variety of perspectives": it is a poverty and nutrition issue, it is a children's and women's issue, it is also an issue with cultural, environmental, economic and business ethics dimensions.
20. According to the No-MSG-Please Network, the JECFA decision was indeed a surprise to the citizens' groups working on this issue. Despite every effort it has not been possible to obtain the study on which the decision was based. The reluctance to make such documentation available for public scrutiny and the involvement (or the lack of it) by experts from the third world where MSG is widely consumed are disturbing.
21. Besides this, the campaigners learned a lot. The 1988 campaign for "Use Less Plastic Bags" was very well received, with a better use of the media and a closer link with experts and manufacturers.
22. CA membership doubled within one year after this campaign.

## Some Considerations On Ecological Struggles In India

*Harsh Sethi*

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Conflicts over the ownership, control, and mode of utilisation of natural resources are hardly new. As populations grow, new communities are born, markets expand, and new and more productive technologies come into play. Alterations take place in both man-nature and man-man relationships, and conflicts arise between livelihood patterns and lifestyles. An early record struggle of this kind in India is mentioned in the epic, Mahabharata, where the clash between the Aryas, pastoralists and agriculturists, and the *Nishads*, the forest dwellers, resulted in the burning down of the Khandava-vana, the site of modern-day Delhi.

The advent of new technology that accompanied the heralding of the modern age in India through the colonial encounter and the conquest by the British, made possible the establishment of modern industry, and consequently, a different framework for the utilisation of natural resources. Prior to that, "the indigenous modes of natural resources utilisation were (relatively more) sensitive to the limits to which these resources could be used".<sup>1</sup> The demands of the industrial revolution in Britain imposed new conditions in India, which led to the emergence of new conflicts that induced new forms of poverty and deprivation.

In many ways the independent nation-state, which pursued economic development based on modern industry and agriculture, led to a further widening and deepening of these conflicts. Accompanying this policy of accelerated economic growth was another significant transformation – that of the downgrading and decay of social cohesions, modes of living and beliefs which had so far helped mediate the man-nature relationship. The introduction of alienable property not only led to the breakdown of earlier systems of use and maintenance of resources, but also tended to increasingly restrict access to the commons. The detrimental effect of this is evidenced by recent research, which indicates that a major factor behind India's rural poverty is the decay and destruction of community-held resources: grazing lands, forests, water sources, irrigation systems, etc.<sup>2</sup>

At one level the country is facing a rapid rate of depletion of forest cover. Not only is the land mass covered by forests now as low as 10%-11%, but much of what is classified as forest land is only shrub cover. Equally dangerous is the replacement of multi-specie forests by monospecie plantations. Similarly, the popularisation of chemical input-based, high water intensity agriculture through deep-bore tube wells and canals, has led to thousands of hectares of good arable land being lost every year to water-logging and salinity, desertification, and a drastic lowering of natural soil productivity. Additionally, India is suffering the consequences of a decline of gene diversity, propagation of monoculture, giving up of older crop rotation practices, and consequently, the emergence of new crop diseases. The situation regarding the water resources is equally disturbing, with pollution affecting almost all surface water systems, and ground water levels dipping low as deep-bore tube wells are pressed into the service of cities, industrial centers and modern agriculture. The coastal regions face a rapid depletion of marine resources as trawling vehicles indulge in reckless over-fishing. And now, with the "infamous" Bhopal gas leak, there is fresh reason to be aware of the dangers of mindless industrialisation.<sup>3</sup>

The reason behind the near breakdown in man-community-nature relationships cannot be entirely traced to dramatic and large interventions. There is the silent, but all-pervasive degradation of natural resources caused by an increase in the intensity of resource use beyond the carrying capacity of nature and culture. This is not just due to a demographic explosion, as many conservative and neo-Malthusian experts point out with tiresome regularity, but because forces of political economy have forced communities and peoples onto poorer resource areas, where they have little choice but to over-exploit what they have.

The sources of conflict, as we have indicated, are many and widespread. What this paper attempts is a preliminary mapping and typologising of the struggles, at least the more overt ones, and a drawing of some tentative conclusions about the future of these struggles as well as the different visions of state, society and development encoded in these conflicts. But before proceeding, some distinctions need to be drawn between struggles and movements on the one hand, and between conflicts with ecological ramifications and ecological struggles on the other.

The specificity of ecological struggles is marked by a combination of both political and moral economy considerations, i.e., an ecological perspective involves a worldview about nature and the positioning of the community in this perspective. The fact that tribals, peasants or workers in a forest plantation are involved in a struggle does not necessarily make it an ecological one, though it is easily conceivable that shifts in

capital-labour relations may well lead to techno-organisational changes that have an impact upon nature. Similarly, demands for a ban on logging, the setting up of more green belts in urban areas or stricter pollution controls, are at best a reflection of environmental concerns. When, however, there emerges resistance to, say, the conversion of a multi-specie natural forest into a monospecie plantation – a process which will undoubtedly alter the food-fodder-fuelwood chain, and subsequently, the relationship of the communities which depend upon this common resource – such a struggle both seeks to alter the rules governing the rights of use to the forest, and involves a different notion of the forest itself. For it to be classified as a movement, the struggle should not only meet the criteria of scale, intensity, temporality and impact, but should also signify a narrowing of the distance between the actor-participants and the interlocutors. In other words, it is the quality of the sharing of self-consciousness about the means and ends of the struggle that contributes to the making of a movement.

### **Dimensions of Ecological Struggles**

In a manner of speaking, it was the 1972 Conference on Environment and Development at Stockholm that set the stage for the entry of the concepts of environment and ecology in the mainstream Indian discourse on both development and social movements. While the Western representatives highlighted the issues of pollution and the depletion of nonrenewable natural resources, the official Indian position taken was that "poverty is the greatest pollutant". One concern that the 1972 debate did bring to centre stage, related to the differential rates of consumption of natural resources by the West and countries such as India, i.e., issues of global political economy. While in itself a correct reflection of the stranglehold that the Western countries have over global resources, within the country this line of reasoning had three implications:

- First, that the environmental problem was seen essentially as a western one, arising only in the context of advanced industrial societies;
- Second, that too great a focus on such issues in our context reflected an anti-development bias. More precisely, it was argued that environmentalists were anti-national and anti-people agents of western imperialism, intent on blocking the necessary development of industry; and
- Third, that the miraculous powers of science and technology and the use of better techno-managerial techniques could keep in check the negative externalities caused by developmental intervention.<sup>4</sup>

At the time that environmental experts were debating their viewpoints in Stockholm and similar forums, another movement, now famous in

developmental literature as *Chipko*, started making its impact in the country. Drawing upon earlier struggles of forest and hill-based people in the lower regions of the Himalayas, the current phase of Chipko began as a movement to save the local forest resources from commercial exploitation by outside contractors. The initial demands were mainly for local control of local resources. Since the hill regions are highly underdeveloped, most adult males have to migrate to the plains for employment. By demanding a stop to the timber contracts given to outside businessmen, the nationalisation of forests, and a provision of contracts to local cooperatives for the use of forest produce, it was hoped that male outmigration could be substantially reduced. This struggle, while partially successful, could not address itself to the question of alarming depletion of the forest cover, leading to landslides and soil erosion, the drying up of local streams and other water sources, as well as of fuel and fodder for domestic consumption. These issues posed most sharply by hill women, led finally to a major ecological tendency among the hill-folk. The new demands were for a complete ban on the felling of green trees (a demand conceded to in 1973), a substantial step-up in afforestation efforts based on tree species that were environmentally suitable and locally useful, and the control by local village communities of local forests.<sup>5</sup>

The Chipko movement, a classic example of non-violent resistance and struggle by thousands of ordinary hill-folk without the guidance and control of any centralised apparatus, recognised leadership or full-time cadre, has in the last decade and a half not only spread across the Himalayas, but has also inspired similar struggles in other parts of the country. While other fall-outs of this unique movement will be discussed later, one crucial ideological shift that it brought about in the popular discourse on these issues, was in focusing attention on the centrality of renewable resources (soil, air, water and trees) in the livelihoods and lives of people in our country. Chipko as a voice from the margins of Indian civil society thus managed to demonstrate that the crucial environmental conflicts are not just city based (pollution) or related to the depletion of non-renewable resources useful for industry, but directly arise from the philosophical premises embedded in the modern Western and capitalist vision that seeks to subjugate and colonise nature via technology.

What follows is a quick reconnaissance of the different types of struggles generated in the last two decades by conflicts over the control and use of natural resources. In each domain of productive activity, one can discern three types of responses/struggles. At the most primary level, the struggle operates in the domain of political economy, that of a redefinition of *rights* of different strata and communities to the resources in question. Such a response does not involve any substantive questioning of either the development model or a redefinition of the man-nature relationship. At the second level we can see an *environmental*

response, one that seeks remedies through legal and policy-based shifts in the patterns of resource utilisation. This is normally accompanied by a heightened sensitivity towards depletion/destruction of natural resources, both renewable and non-renewable, and thus gives rise to an anti-pollution and conservationist consciousness. Here, too, there is no rejection of the philosophic premises underlying resource use within the dominant development model. Finally, the struggle may take on an *ecological* dimension, one that rejects the dominant development paradigm and seeks to alter the very classification of both man and nature on which notions of progress are based. No struggle is ever a pure one, nor is the trajectory one of a unidirectional movement from a struggle over rights to ecological redefinitions. The actual sparking off could be on any point of this notional scale, its actual trajectory being shaped by the concrete circumstances within which it is found.

In themselves, these struggles (of all three types) could either be clustered around different natural resources – land, water, forest, air, sea, or the symbols around which different struggles coalesce. In what follows, the empirical material has been presented around the resource/activity domains.

#### A. FOREST BASED STRUGGLES<sup>6</sup>

Both as a result of increased state/elite sensitivity to declining forest cover with all its attendant implications, and the growing immiserisation and pauperisation of forest based communities and people as a result of growing encroachment by industry (both state and private) on these dwindling resources, small and large struggles have broken out and commanded attention all over the country. Each of these struggles has in different phases thrown up different demands. The most common have been struggles to regularise the rights of access to and use of resources for local communities dependent upon them. At a second level they may take the form of legal struggles to either regularise the traditional relationships of forest-based communities to the forest or for the reclassification of forests and wastelands. At a third level they may be fighting for an improvement in the ecological balance to permit a more sustained resource use – as afforestation, bans on tree felling, for a modification in the tree species being planted, etc.

Most crucially these scattered and diverse struggles have focussed attention on the need for modification in the Forest Policy. The all-India resistance to the proposed Forest Bill of 1982 which sought to give greater control of these resources to the industry, highlighted as never before the need to pass on control of forest resources to local communities, unarguably in the best position to determine their pattern of utilisation. The scale of involvement also made apparent that if afforestation programmes vitally needed to restore the ecological balance have to be

successful, local communities and groups have to be made the centerpiece of the strategy.

The anti-Forest Policy agitation marked a crucial watershed in ecological politics in the country. For the first time many diverse and scattered groups were forced to network at local, regional and national levels. This networking exercise also forged class/support structure organisations. Another significant contribution of the 1982 agitation was the confluence of ecological issues with those of human rights. Since the primary victims of the proposed legislation would have been the tribal communities, State response and policy towards them became a matter of furious debate.

These struggles also led to a shift in the discourse on forests, that the equation of forest to timber (an extractable resource for industry) is what had contributed in the previous two-and-a-half centuries to a decline in forest cover, that the "allegation" that it was the local communities in search for fuel and building material which were responsible for deforestation was fundamentally fallacious. This shift is best epitomised by the slogans that the different struggles threw up. In Chipko the cry was "What do the forests bear? Soil, water and pure air!" as against the dominant notion, "What do forests bear? Profit on resin and timber!".

#### B. STRUGGLES OVER LAND USE

Conventionally most land based struggles have come up in the context of ownership and control, i.e., in the form of movements of landless and poor peasants for tenancy modifications and equitable distribution of this most vital resource. Not surprisingly, land reforms, at least till the end of the decade of the sixties, had been high on the agenda of political parties. While such struggles have suffered a secular decline, smaller struggles continue to break out by marginal agrarian classes, as also a lesser degree to change ownership laws to facilitate women to own and operate farm land.

What is somewhat new is the recent focus on the impact of both on and off farm activities on the quality of the land itself, its rapid degradation. This realisation and its impact are now giving rise to demands and struggles with an environmental/ecological dimension alongside the "traditional" concerns of a political economy kind.

Struggles, mainly localised, have broken out against indiscriminate popularisation of chemical inputs which negatively affect soil productivity; against new hybrid seeds that are both more dependent upon a controlled and sustained supply of inputs as also are more susceptible to new diseases; against monocropping practices; against liberal granting of permission for deep-bore tube wells which lead to a decline in water tables; against faulty irrigation schemes, particularly

canals that lead to waterlogging and salinity; against farm forestry schemes that affect both the soil and water, etc. While in a few cases, this has led to major agitations, as in the Tawa Command Area of Madhya Pradesh where waterlogging in a black cotton area led to a loss of thousands of acres of good soil,<sup>7</sup> most of these struggles are efforts to come to terms with industrialised agriculture.

A second recent focus on land based struggles has been in the area of mining. Exploitation of mineral resources, in particular, the opencast mining in the sensitive watersheds of the Himalayas, Western Ghats and central India has done a great deal of environmental damage. Notwithstanding the fact that hundreds of local people got employment in these mines, slowly the adverse ecological impacts, particularly on local water sources and land, led to thousands of peasants to agitate against quarrying activities.<sup>8</sup> What is slowly sinking in is the longer run environmental and ecological destruction brought in the wake of these activities.

A third focus of land based struggles is directed against the recently promulgated Wastelands Development Policy. The basic thrust of this new policy is to classify village commons – used particularly by poorer people for fuel, fodder, housing materials, etc. – as wasteland for the State to appropriate, and then put under plantations of fast growing tree species both to meet environmental objectives (increasing tree cover) and the needs of industry. This issue has come up most sharply in the state of Karnataka where nearly 75,000 acres of common land were appropriated and put under eucalyptus plantation. The Manu Rakshna Koota (Save the Soil) agitation has challenged both these premises – the selection of tree species and the reclassification of land. The peasant participants in the struggle link the degradation of the soil and decline in water tables to the eucalyptus plantation as also resent their common resources being taken away to serve, in this case, a polyfibre factory which extracts rayon from eucalyptus.<sup>9</sup>

These struggles within farming – against injudicious land use policy, against classification of commons as wastelands, highlight the need for an environmental sensitivity sorely missing in the current policy mix. As with forest based struggles, here too one can discern the seeds of a thoroughgoing critique of the land use patterns. Though still weak and fragmented, they have widened the base of the questioning of the industrialised vision of society and progress.

### C. STRUGGLES AGAINST BIG DAMS<sup>10</sup>

What were once classified by Jawaharlal Nehru as the “temples of modern India”, large multi-purpose dams and river valley schemes have today become the focus of widespread agitations. These schemes have raised issues of location, design, destruction of natural resources,

displacement of local people in the catchment areas, inadequate compensation to and rehabilitation of the oustees, as also whether these schemes actually deliver what they promise – increased irrigation in the command areas, better flood control and generation of electric power. Equally in question has been the policy of linkage with foreign donors – both governments and multilateral agencies such as the World Bank – for both capital and technology/skill inputs.

An early successful struggle against a proposed dam project was that of Silent Valley. The Kerala government had in the early 70s proposed the building of a dam on the Kuntipuzha river, ostensibly with the objective of generating electricity to facilitate industrialisation in the region, but which would inundate Silent Valley, one of the last surviving tropical natural forests in the country. The ensuing agitation, spearheaded by the Kerala Shastra Sahitya Parishad (KSSP), a local people's science movement, succeeded in arguing that not only would the scheme have adverse environmental impact in the destruction of a rare ecosystem rich in biological and genetic diversity, but that the required power generation could as easily take place through setting up thermal power units in other locations and improving the efficiency of the transmission system. After years of furious debates, campaigns, lobbying through the press, parliament and expert committees, the idea of a dam in Silent Valley was finally shelved, and the region was declared a national biosphere.

The "success" in Silent Valley thus set the stage for an intense questioning of all such schemes. At one level most of the older river-valley projects had turned out to be relative failures. They had been unable to control floods, in fact often contributed to them because high siltation levels in dam sites due to deforestation in catchment areas led to a raising of river bed levels. High siltation also implied that the projected life span of the dam was cut short by many years. A few of the dams, notably Morvi in Gujarat, had burst under the pressure of heavy rains. Others proved susceptible to seismic pressures. In none was the proposed expansion in irrigation ever achieved because of faulty planning of the canal system. Some like the Tawa project mentioned earlier led to waterlogging and salinity in the command area, creating not only production losses but also giving rise to a greater incidence of water borne diseases. And all created serious problems of oustees, who years after the completion of the project, were still awaiting compensation and rehabilitation.

More recently the Narmada Valley Project, a gigantic scheme consisting of more than 3,000 major and minor dams and involving an outlay of over 25,000 crores (more than 250 billion rupees), has generated serious controversy in the country. Struggles have broken out at all levels – at the grassroots, provincial and national levels, and the global level. On one side are ranged the officials and experts of the Union and concerned state governments (Gujarat, Maharashtra, Madhya

Pradesh), the rich peasantry in the region which sees possibilities in the scheme of a major boost to irrigation and power supply, construction firms which would reap a bonanza, even many ordinary citizens who believe that the combined benefits of the scheme would lead to an all-round growth in the prosperity (through flood control, increased drinking water supply, new jobs through a spurt in industry and allied activities). On the other are the potential oustees (it is estimated that on completion the project will displace nearly one million people), voluntary social action groups working with the affected people, environmentalists concerned about the destruction of flora and fauna (nearly 350,000 hectares of forest land and 200,000 hectares of cultivated land will be submerged), other experts who feel that the benefit-cost figures released by the project authority are misleading. Since this scheme is being co-financed by the World Bank, it has also drawn in sections of the international development community. Northern NGOs have launched major campaigns in their own countries against finances to such projects. The latest entrant in the country is the recently formed "National Campaign Against Big Dams", a coalition of nearly 100 groups from across the country, which has generated a heated debate around the policy.

The controversy around dams has also given fillip to a wide spectrum of creative activity in the search for alternatives for both water and energy. The necessity of augmenting sources for irrigation and drinking water has renewed interest in tanks, ponds, dug wells, small bunds, etc. We can see today a fascinating array of both struggles viz., Pani Chetna in Rajasthan and efforts like the Pani Panchayat in Maharashtra. While the former raises issues related to water scarcity in the arid and semi-arid regions of the state, in the process highlighting the importance of afforestation, water conservation techniques and water collection modes, the latter has demonstrated the possibility of new cooperative management structures for water harvesting and distribution. The emphasis on flood control has generated efforts at micro-watershed management. The search for alternative sources of energy has spawned new research in micro-hydel schemes, windmills, solar energy and the like. And the issues of displacement, rehabilitation and compensation have focussed attention on the need for new policies and laws to ensure justice. Equally critical is the recognition of communities *qua* communities – that where displacement does become unavoidable, people need to be settled not as individuals with mere cash compensation, but as organic communities, without which they rapidly slide into destitution.

#### D. STRUGGLES AGAINST POLLUTION

Struggles against pollution *per se* have not been too popular in the country. Mostly they have been confined to the better-off sections in our cities complaining about the quality of air and water they consume,

resulting in some state action of both a regulatory and a provisional kind. (The living environment of the poorer city-dwellers, however, gets much lower consideration.)

Somewhat more important is the relatively recent realisation that all our sources of surface water supply – rivers, ponds, wells – are dangerously toxic, posing not only health hazards to those who consume this water, but to all forms of life that it sustains. Industries which pass dangerous effluents in the rivers are now seen as the major culprits, as are the waste disposal systems in all our towns and cities. Rising toxicity levels in our rivers has in the last decade or so given rise to many struggles, the most notable of which are the Ganga Mukti Andolan in Bihar, and the struggle against the Harihar Polyfibre factory in Karnataka. These agitations raise questions which, though beginning from the destruction of the livelihood base of river based communities – mainly fisherfolk, also relate to issues of dangers to health through water borne diseases.

Recently reports have started trickling in of how rural farmers, too, have started protesting about the pollution caused by agro-based industry and allied chemical factories. In Maharashtra, a new organisation, the GPJS, has been spearheading the demand for a stricter implementation of the various pollution control acts as also writing off loans of pollution affected farmers.<sup>11</sup>

The real spurt to all such struggles however came from the mega disaster in Bhopal, where the leakage of M.I.C. from a pesticide plant of the Union Carbide Corporation led to the immediate death of nearly 2,500 people, and innumerable complications and slow death of thousands of others. Bhopal has triggered off groups of concerned citizens and environmentalists in all cities and industrial locations who are questioning the entire gamut of policies from location of industry, choice of technology and product, machinery to deal with such man made disasters, policies related to medical treatment and rehabilitation, and laws to fix culpability and damages. The furious debate and action that Bhopal has given rise to has shaken, as never before, the near blind faith that many had in the beneficial impacts of modern industry, science and technology.<sup>12</sup>

Another impact, currently minor though with potential of Bhopal, has been a fresh questioning of the poisoning of our lands, and the products that we consume. There is today a growing consciousness about the chemicalisation of edible products which may lead to a new genre of medical problems. While we cannot speak of a consumer movement for natural edibles, the awareness about chemicals in our foods is undoubtedly higher. This consciousness has also led to campaigns against the production and use of harmful and non-essential drugs – in turn increasing the critical opposition to the country's drug policy.

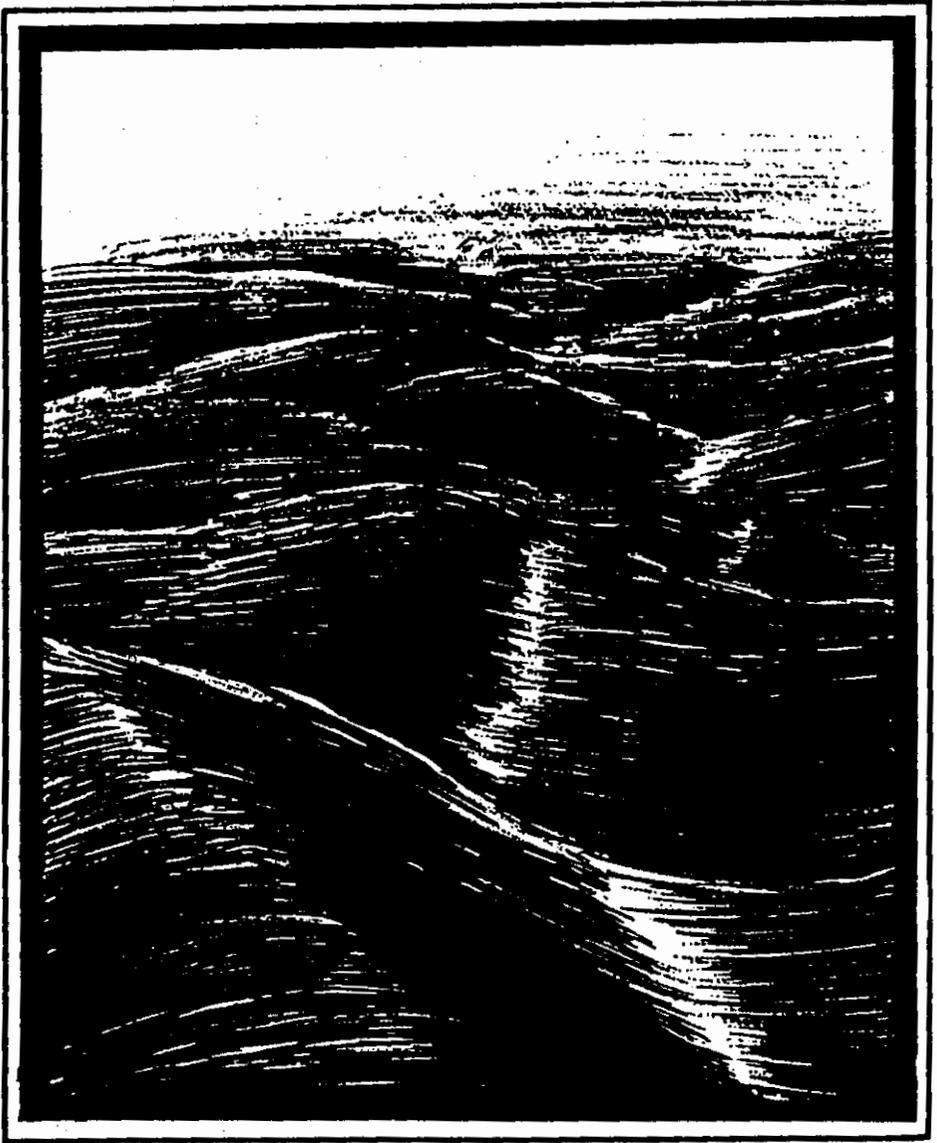
Finally, one should also mention the currently weak but growing opposition to the establishment of nuclear energy stations in the country. Particularly post-Three Mile Island and Chernobyl, the claims made by our nuclear estate about the utter infallibility of our safeguards in our nuclear stations is not taken seriously. Thus at all reactor locations, local struggles have broken out objecting to the project. Joined by those working within a "peace" framework, political economists and energy experts who argue that the costs of generating nuclear energy are prohibitive, and environmentalists who critique the safety mechanisms and point to the disastrous consequences of any leak – the anti-nuclear groups are slowly coming into their own. And this in a country reminded daily of hostile neighbours with nuclear capability or intentions, and where information regarding the nuclear stations is shrouded under the Official Secrets Act, is no mean achievement.

#### E. AGAINST OVER-EXPLOITATION OF MARINE RESOURCES<sup>13</sup>

India has a large coastline. For millennia, millions of traditional fisherfolk have subsisted on their catches. A large household based industry and trade, too, subsists around marine fishing. For the last decade or so, a powerful movement has grown, particularly on the western coast, against opening out the traditional fishing spaces of small fisherfolk to mechanized trawling. A mode of fishing which should have remained confined to the deep seas has now started poaching in shallow waters, primarily in search of prawns, leading to a widespread and intense conflict between the trawler industry and traditional fisherfolk. For the latter, the issue is not simply one of unequal competition, or of destruction of the resources on which their livelihood depends. What is even more scary is that reckless overfishing is leading to a decimation of young fish and breeding and spawning zones. At this rate, there may well be no fish left to be harvested.

The fishermen's agitation while currently focussing on the immediate demand for a ban on trawling has in its complex and troubled trajectory raised issues of both technology and social organisation and control. The agitation encompasses work related to forming cooperatives of fisherfolk, ensuring easier credit and market access, for literacy, against alcoholism, for generation of appropriate technologies that while being ecologically benign would raise the catches, etc.

In a manner of speaking this struggle is one of two visions. For the modern fishing industry the crucial concern is to maximise the rate of return on capital. For traditional fisherfolk the concern is to ensure a continuation in perpetuity of this resource. Like the forest dwellers, they see the seas, the fish and themselves as part of a cosmological unity in which their role as nurturers of young fish is as important as the income that their catches yield to them.



In addition to these major struggles around land, water, forests, marine resources, etc., the country is racked by dozens of smaller conflicts that arise out of the utilisation and mode of appropriation of natural renewable resources. Each of these struggles, irrespective of the specific issue that sparks it off slowly, develops a complex response – from fighting against destruction and for preservation, struggling over the distribution of the rewards from these activities, and developing and demanding alternatives in technology and resource use. While discrete and diverse, together they offer a powerful critique of the dominant conception of development and social organisation that through an enforced process of homogenisation seems well set to destroy livelihoods, lifestyles and life at the margins.

### **Actors, Modes of Intervention, Issues and Impact**

What marks out the recent struggles generated by the conflicts over natural renewable resources as both new and different is the mix of actors, modes of intervention, issues raised and their eventual impact in terms of redressal, policy shifts and consciousness.

1. *The Actors.* Unlike earlier and other struggles where the burden of mobilisation and agitation is primarily borne by those directly affected, viz., wage struggles involve primarily the labourers and their leaders, ecological struggles by their very nature tend to draw in a widely disparate and sometimes conflicting actors. At the base, of course, are those most affected by the changes/shifts coming about in the environment – the women who have to work extra hours for fuel and water collection, the tribals who suffer as a result of losing access to forest produce, the fishermen who suffer from excess trawling, etc. But since many of these conflicts arise in far away and marginal areas, to acquire a hearing space they require allies. The first level of mediation comes through the organisations – voluntary and political – that happen to be working with the affected people or in those locales. Another set of actors active in such struggles are those related to the media – journalists, film makers, etc. – who are involved in reporting about and communicating the messages to the world outside. Given the nature of the issues, there is a strong need to involve middle-class professionals – scientists and researchers, doctors, engineers and technologists, lawyers to both examine the laws governing the resource use and argue the case in courts, civil and human rights groups which come in as clashes become inevitable and severe. Many of these struggles have also managed to draw in “sympathetic and concerned” policy makers and bureaucrats. We can, in each struggle, trace a chain of actors, each with their own functional role and removed from the actual struggle to different degrees.

As an example let us look at even a very small, though successful struggle, against limestone quarrying in the Garhwal region. While at the

base of the agitation were the peasant communities and Chipko activists, the struggles acquired a salience only when the elite residents of Dehradun town started getting worried about the rising pollution levels from limestone crushers and cement factories, the ugly scars caused by mining in the surrounding hills, the increases in temperature caused by deforestation and mining activity, the decline in water availability as local streams started drying up, etc. This led to a three pronged strategy – of lobbying through the press and related institutions with the policy makers and political representatives, litigation in the Indian Supreme Court for an immediate ban on such activity, and an involvement of scientists to provide both the research based knowledge and the credibility to the critique as also to suggest alternatives. Vital, though not as important as the ground level struggle, was the report on "Environmental Impact of Mining on the Doon-Valley Eco-System" prepared by a group of committed scientists which provided the major evidence in the litigation. Doon Valley was "saved" only because these diverse actors – though from differing perspectives – were able to discover a common objective and minimally coordinate their actions. Similar struggles in the hills of Pithoragarh and Nainital were unable to achieve the same success because they were unable to break out of the constrained localised setting within which the opposing forces were too powerful for them to vanquish.

What holds for the struggle against harmful mining in Doon-Valley, is even more true for more complex and widespread struggles such as the one against the big dams, or against the propagation of eucalyptus. As the nature of issues becomes more complex and non-localised, objectives can be achieved only through a successful coalition of actors and strategies.

For instance, the struggle against the Narmada Valley Project has also drawn in groups and agencies located outside the country. Since the project is being co-financed by the World Bank, help was sought from non-Indian groups to lobby globally against the policies of international donor agencies which support projects with potentially destructive implications. The forging of such a coalition raises serious questions of not only political ethics, since extra-national actors are being invited to play a role in what are at one level national issues, but has serious implications on the manner in which issues and strategies are articulated. Similarly the struggle against eucalyptus plantations, particularly in tropical zones, has a strong international involvement. This is not only at the level of struggle against international donor agencies, or multinational corporations (MNCs) but in the scientific "expertise" that such movements have to rely on.

The very nature and complexity of ecological struggles, which not only rapidly become non-local, but demand a level of information and

expertise often not available to those directly affected in socio-economic terms, give rise to a different mix of strategies. It is to this that we now turn.

*2. Modes Of Intervention.* As has been argued above both the nature of ecological conflicts as also the array of actors demands the use of a complex of strategies. The struggles that we have briefly reviewed in the previous section have operated across all terrains. Locally, the need is to successfully organise for resistance and protest. A vital concomitant for this is not only the evolving of organisational forms and strategies that will increase the cohesion amongst those negatively affected, but to "disarm and dissuade" those who are likely to benefit from the intervention/activity being opposed. In the Doon-Valley agitation, it was vital that the poor and the landless peasants forced to seek employment in the mines which were destroying the ecosystem not turn hostile. Otherwise, the movement may well have taken an elitist turn.

Since ecological struggles often arise in protest against proposed "developmental intervention" they are very prone to being classified as Luddite, backward looking, against progress, against science and technology. They also conjure up visions of extreme localism, that only the "sons-of-the-soil" have rights over local resources. Consequently, they can also easily end up being painted as anti-national. Such allegations can be met only through systematic examination of the conflicts involved, and a propagation of a more rational view about resource utilisation. It is here that middle-class, professional actors have a role to play. Be it through research, the media, or the courts – and each of these modes has been explored – those not directly affected are required to build up a coalition with the direct victims. Networks primarily for "nationalizing the issue" and building pressure are thus most useful.

Given the anti-developmental label that accompanies most ecological struggles, the real battle often becomes one of influencing the mindset through engendering shifts in the public consciousness. We must, after all, not forget that conflicts labelled as environmental/ecological acquire a hearing space only after the problem had been "legitimised" through events like the Stockholm Conference. Consequently, as much as on the ground, ecological struggles tend to be fought out through the media. And here the tools are both cognitive and cultural.

The different strategies so far employed however display some major weaknesses. The first relates to the relationship between the directly affected communities and their organisers, and the "removed" middle class professionals. In taking the issue out of the local environs, it is the latter who become more crucial in the struggle. This shift raises vital questions not only of the ethics of the struggle, but can lead to a move away from the central question i.e., of power. Whose rights are primary in such conflicts? Almost invariably, in any coalition between the affected people and their middle-class spokespersons – with the shift in power

locus — issues tend to get clouded. At one level while the journalists look for good copy, lawyers for the vital legal points that they will argue in court, film-makers for their audience, etc., we can easily forget that a grim battle for survival is taking place at the ground. A related problem is that knowledge about ecosystems and how they respond to different interventions is currently inadequate. For instance, technical opinion on the impact of eucalyptus plantations on soil, water table, undergrowth, etc., is divided. Should such struggles then wait till incontrovertible research evidence is available?

Another problem is often created by ecological researchers, particularly those who are theoretically inclined. Answers to concerns such as why destructive development continues to take place in spite of massive evidence now available as to the negative effects, are provided through arguments that trace all current ills to the hegemonic position of modern science. It is argued that the Cartesian worldview leads to a desecration of nature; converts it into a commodity for use; legitimises suffering, pain and finally triage — all as a necessary concomitant of the growth of scientific knowledge and progress through it. In this painting of the world on a continuous downward spiral since the 17th century, there is a tendency towards overdetermination and an underplaying of the role of the "subject" in history. It is this non-recognition of the specificity of the victim, the preference for abstract and generalisable arguments that leaves the activist world somewhat uncomfortable.

Secondly, any media-based strategy (and here we are including the entire spectrum of interventions designed to relate to non-local audiences) tend to emphasize the sensational. Not only does this create distortions, but unfortunately some activities which are best carried out by the outsiders — such as more detailed research into the actual working of the ecosystem, the search for alternatives — since these are seen as slow, tedious and non-glamorous — tend to get neglected. It is thus not surprising that the discourse on such conflicts and struggles often even abounds in factual inaccuracies, and primarily a trading of idiosyncratic viewpoints.

Thirdly, all such struggles face a peculiar paradox. At one level they need to become non-localised. For this the urban expert becomes crucial. This involvement/coalition, other than the shifts in power that it implies, suffers from a cognitive handicap in that the worldviews of communities rooted in nature are at variance with the middle class collaborators. In the process there is both a distortion and a downgrading of traditional wisdom and folk and empirical knowledge. Even where folk wisdom is sought to be resurrected, it comes across often in romantic, ahistorical and idealistic terms instead of recognising the materially rooted nature of earlier practices.

3. *Issues.* In a manner of speaking natural resource conflicts around the questions of survival raise two sets of issues: those that concern the specific struggle in question, and those related to the nature of the discourse that they give rise to. The struggles themselves are either structured around reformist considerations related to the environmental cost calculus i.e., either working out the tolerance limits of environmental degradation or working out the modes of participation that can best facilitate techno-managerial solutions, and in rare cases, to alternative paradigmatic considerations. In practice, since each of these struggle types merges into the other, the general issues that they give rise to, as also the consequent discourse, tend to be fairly jumbled – often confusing more than illuminating. The Indian debate has so far focussed primarily on questions of a cost-benefit kind. These relate to both techno-managerial and political economy considerations. The former focuses more on ways to reduce negative externalities, while the latter highlights class and distributional questions. Submerged however in this otherwise rich and fascinating debate are questions related to lifestyles and life. Why is it that it is activities and communities located at the margins of the urban industrial complex that are invariably at the receiving end? Is this brutal dislocation, even decimation of such activities and people, a historically foregone conclusion? Is it desirable? In this mad race for development and progress defined in particularly narrow western ethnocentric terms, are we not only reducing necessary diversities – both social and biological – but may well be setting the stage for the very destruction of life?

These issues when seen in conjunction with the set of actors and the modalities of the struggle have also, probably for the first time raised interesting issues of inter-connection – particularly of ecology and feminism, and ecology and human rights. In many of the conflicts, it is the mundane, even hidden issues incorporated within daily routines, for instance related to the decline in water, fuel and fodder availability, which have sparked off the struggle. Not surprisingly these were raised most vociferously by women. Why did this happen? Could not the men notice these declines? Can it lead us to argue, as some feminist theorists have, that this difference in perception arises from the different relationships that men and women have to nature. While men have a relationship to nature that seeks to dominate and control, women have a sustenance-nurturing relationship to nature. That is why, it is argued, women are most active in afforestation efforts and in opposing the conversion of mixed natural forests to monospecies plantations.

In a recent book, *Staying Alive*, Vandana Shiva has powerfully argued that modern western science and the theory of economic organisation is not only inherently anti-ecological and reductionist, it is patriarchal, and downgrades the feminine principle both in nature and in humanity. More specifically by refusing to consider the activities that peasant and tribal

women have been involved in, the dominant view tends to look upon nature (forests, soil, water) only as a resource for profit. The resultant implication is a deep violence – to women as workers and bearers of knowledge, and to nature – creating thereby a crisis of survival.

Similarly, these struggles have raised difficult questions in the area of human rights. Essentially, these relate to the conversion of free community resources into commodities whose use is to be governed by either plan or market criteria. Declaring, for instance, a forest as a reserved forest, a national resource, takes away the traditional right of local communities to the use of forest produce. Earlier, many of the resources provided by nature, did not belong to anyone. There was only a system to regulate the fruits of these resources. Similarly, incidents such as Bhopal, or the decline in gene diversity as a result of modern agricultural practices, the hazards posed by both the nuclear industry or the research on genetics, raise questions about the rights of generations still unborn.

More sharply, these struggles have brought to surface the contradictions between three Indias and three economies – those revolving around the market, the household and nature. The last in particular becomes crucial in tropical zones, where not accounting for the replenishment of resources by nature without the involvement of the labour process, implies missing out a large chunk of both resources and people dependent on them.

In addition to the many questions regarding the tactics and strategy of successful organisation and coalition building these struggles also raise important questions regarding the understanding of the notion of national. This is both because ecological issues do not respect national boundaries – viz., overfishing in the Indian marine zones affects the neighbouring Sri Lankan fisherfolk, too; and because the logic of the nation state which tends to monopolise the use of resources for ostensibly national purposes can and does cause a lot of local devastation. Strategically, in say, responding to development interventions initiated by agencies such as the World Bank, what is the terrain or terrains on which the struggles ought to be carried out. Can we, as for instance has been done in the struggles against the Narmada River Valley scheme, appeal to groups, agencies and governments outside of the country? Even admitting that the issue has an international dimension – can we be justified in choosing allies that may otherwise be hostile to legitimate national interests?

This issue, in a sense, needs amplification. Those opposing the Narmada Valley Project, whether on environmental grounds or on the resettlement-rehabilitation grid, scored their first victory when they managed to convince the World Bank (the co-financing agency) to issue fresh guidelines for the protection of both the oustees and nature. The

guidelines were then used to put pressure on Central and concerned state governments. While in itself representing a major advance since the concerned governments had till then paid no heed to the demands of the victims, this move tended to legitimise the view that the World Bank was the appropriate forum for adjudication. Further it increased the importance of individuals/groups who had a better access to international forums. Such a shift, common in the environmental domain, slowly saw the very different actors caught in international politics, where now they willy-nilly became pawns in the justification of new conditionalities, whether fiscal or environmental, on third world states by various international agencies. Other than the worrying cognitive shift encoded in the "primary villain status" moving away from first world governments (undeniably the greatest destroyer of natural resources) to third world states, it has also trapped local groups into articulating positions defined by western agencies, both official and non-governmental. An earlier tactical victory has possibly over time led to a strategic defeat!

This distinction between *globalisation* and *internationalisation* is rarely properly understood. We have argued earlier that to be successful ecological struggles need to break out of localism. Unless the concern and the issue move from the margins to centerstage it is unlikely to be heard, much less responded to. This process of globalisation requires the building up of networks and coalitions. Internationalisation however implies the shifting of the locus of concern and decision-making from the primary victims and their immediate allies to the different actors and agencies removed from the scene. Premature internationalisation, particularly beyond national boundaries, can then lead to a serious undermining of the credibility of the activist groups.

Possibly the most significant issue raised by these struggles relates to the realm of the theory of knowledge. In trying to unravel the reasons/causes leading to an ecologically destructive notion of development, researchers linked to these struggles have started challenging the myth of universal, objective and value free science. What was for decades accepted as true knowledge with the resultant downgrading if not decimation of alternative knowledge systems, modes of knowing and cognition, involving different actor-participants and experts, is now under attack. Science today is seen as ethnocentric (Western), patriarchal (in its conscious exclusion of women and the activities that they are involved in) and reductionist. Many go so far as to argue that modern western science is demonic, since it encodes a high degree of violence to both marginal communities (particularly women), and nature. The ecological response to science stresses not only the previously missing and unassimilated elements in a truer system of knowledge, it focusses on life-supporting and regenerative values. Similar debates have sprung up around the previously relatively uncontested notions of surplus, progress, development, etc.

An ecological view of science and society poses a strong challenge to the conventionally received wisdom on the theory of state and nation building. Once we grant the move from plurality and diversity in nature to that in society and reject the process of universal homogenisation, ethnicity becomes a cardinal principle for the construction of alternative utopias. A rearticulation of the primacy of the commons implies a critique of existing property relations and from there on emerges the need to revitalise organic communities based on endogenous principles. The real challenge before those seeking to resurrect ecology is to build a mode of praxis and discourse which, while recognising and respecting the autonomy and dignity of different entities, seeks to help them dialogue and influence each other without seeking to hierarchically order them. At this level we can trace most, if not all, problems of the modern age to the near total victory of an anti-ecological vision.

These sets of questions are not only problematic but may well take a purely philosophical turn. Ontological questions can rarely be answered by struggle responses, which are often fated to remain primarily in the terrain of political economy. Nevertheless, many of these conflicts/movements, particularly Chipko and Bhopal, have led to a lively and ongoing debate about the epistemological categories that are employed when talking about science, progress and history. It is to the credit of these struggles that the development debate in the country has also incorporated considerations of moral-economy.

*4. Impact.* What impact have these diverse and scattered struggles and movements had? As discrete struggles they display an uneven, primarily pessimistic history. The Silent-Valley agitation may have succeeded, but the work on other, and much larger schemes continues unabated. The struggles in the Doon-Valley may have been partially successful, but that is not so in other places, particularly where the potential for destruction is greater. Bhopal may have directed attention to a wide scatter of issues — but hazardous products and processes continue to multiply in the country. At the grossest level, we have nearly 200,000 people displaced every year as a result of large development projects.

On the other hand, never before has the concern about environment and ecology been as high and intense. This is reflected not only in the increased coverage given to such issues in the media, or of a multiplication of institutes and university departments having come up to study the environment, but also in state policy. From 1972 onwards, the "official enthusiasm" about the environment seems staggering. Not only do we have a plethora of policies giving us guidelines about forests, wastelands, water and the like, we have a full fledged Ministry of Environment whose clearance has to be sought before embarking upon any large project. Some of the states have even included a system of public hearing before such clearances are provided.

While the gains in consciousness are indeed immense, and should not be dismissed lightly or cynically, what cannot be denied is

- a. a deep divide between concern and actual action, particularly on the part of the State; and
- b. a greater leaning towards environmental rather than ecological concerns. The former embodies certain assumptions regarding nature, other cultures and technology – that nature is primarily a commodity or resource which needs to be preserved for reasons of trade, tourism or leisure; that the violence through technological obsolescence can be humanised; and that other cultures can be preserved through museumisation. An ecological view, running counter to this statist, depoliticised outlook, would argue for the preservation of livelihood, lifestyles and nature – not as museum pieces, but as live organic entities reflecting a plurality of cultures and worldviews.
- c. Finally, even though stricter regulation is now sought to be enforced in the context of large projects, dispersed destruction, particularly in the field of agriculture, still goes unnoticed.

Equally surprising is that while the intensity and spread of such conflicts have grown, and the knowledge and concern about these issues have become more widespread, none of the political parties in the country, or their affiliated trade unions and *kisan sabhas* (peasant fronts) has so far raised any of these questions. While for the more right-wing parties the concern about these issues, so long as they do not impact upon their direct constituencies, may well be low, to explain the silence or sometimes the hostility of the left-parties/groups to these questions is more difficult. Probably it is because the “party-left” in our country, as elsewhere, is still struggling with distributional issues within the earlier framework of progress through industrialisation. It thus tends to see ecological issues and struggles as essentially reactionary, as efforts by the erstwhile elite to block the necessary industrialisation in the country.

There is probably an associated political reason why the “left and progressive” elements in the country do not take very kindly to the different ecological critiques, particularly those basing themselves on deconstructing the language of modern western science. Many of the groups who see themselves as “ecological” fall within one of two camps. The first, epitomised well by the Patriotic and People-Oriented Science and Technology Foundation (PPST), seeks to discover the Indian roots of science as distinguished from a universalist notion of science. While the PPST has undeniably done path breaking work in demonstrating that alternative growth paths based on indigenous skills and technologies were available in the colonial and pre-colonial periods and how they were systematically sought to be destroyed, these exercises simultaneously

tend to glorify all that was "Indian". With some of its leading ideologues relying on ancient scriptures, and seeing all post-Vedic incursions into Indian society as essentially negative, at the practical political level, the PPST views were seen as colluding with and strengthening religio-fundamentalist groups with disturbing social implications. A certain lack of sensitivity and finesse on their part led to some excellent research being appropriated by socially undesirable forces. The second set of ecology groups falls within the purview of what the Marxists would dub as "foreign funded groups" who operate on the ideas and strategies derived from western experience and thus blunt the edge of the nationalistic urge against neo-colonialism. More centrally, since both groups view the modern nation-state as the central actor in the crisis of survival, their role in international political economy struggles becomes suspect.

Given the diversity of actors and the ideological presuppositions that govern the different modes of intervention, in a domain like ecology which is highly "internationalised", the real danger lies in the mismatch between what develops as resistance and protest on the ground and the somewhat stratospheric debates that seek to influence policy and consciousness. With environment and ecology having become a popular global concern, the avenues available for the para-professional middle-class experts and agencies, too, have multiplied manifold. Thus, as in any domain characterised by a mix of high rewards and intense competition, the debates tend to become sharp and polemical with more of an eye on approval from where it matters. Had these debates been contained only at a talk-shop level such a sight/process may have been disgusting but not disturbing. Unfortunately, polarised and cacophonous discourse affects not only directions of thought but also policy as helps compound the fragmentation on the ground. The current debates about big dams is an excellent example of a situation where the ground level protest (albeit limited) has been hijacked, subtly distorted, and fed into different circles, many abroad. The feedback loops have now resulted in social-activist groups spending as much time condemning each other as struggling against badly conceived dams or for the rights of the "oustees" to a life with dignity.

In an arena like ecology where "scientific knowledge" particularly for tropical and semi-tropical climes is very inadequate, even the debates between ostensible experts is plagued with a high degree of uncertainty about the validity of different positions. Given the great divide that exists between the experts and the people, issues of survival tend to get structured within a depoliticised and technicist discourse. This combined with the fact that often it is victim groups themselves that seek out allies to carve out a hearing space, increases the danger of their ending up as manipulable pawns in the fights between different expert groupings.

It is in this sense that in the long journey (both in the structures of thought and action) from political economy to political ecology that we face the tragic reality of struggles that are not only fragmented but amenable to cooptation and distortion by government and other interest groups. At the political economy/rights end of the spectrum the issues appear better defined and understood, and permit better aggregation of victim groups, while the modes of struggle are time-tested and attract most stable organisations including political parties. They also do not permit easy internationalisation. At the other end of the scale, the issues are not only less understood, they often generate only scattered protest and adjustment-based resistance, and attract primarily voluntary and non-party groups and movements. Such a mix rarely adds up to a potent combination for radical and paradigmatic changes.

It is thus not surprising that both the perception/understanding of natural resource conflicts and the consequent action remains located dominantly in the framework of rights and justice, with of course somewhat greater sensitivity to environmental concerns. However with the discourse, no matter how confused, garbled and fragmented, now finding greater space in mainstream concern, the possibility of overcoming the mismatch between debate and gains on the ground has undoubtedly increased.

## **Conclusion**

How then do we see the future of these struggles and issues in the country. Natural resource conflicts, as we have tried to argue, occupy a peculiarly ambiguous and contradictory terrain in both our discourse and praxis. At the level of discourse, since the issues raised run counter to the dominant views on development and progress, on science and technology, and on state and nation-building, expectedly they get admitted primarily in the form of reformist statements, which too have to meet the criteria of conjunctural viability. That is, even if the destruction being caused by an injudicious use of resources is admitted to be serious, the responses are reduced to the techno-managerial. Alongside is the tendency to push even the proposed techno-managerial solutions into the indefinite future.

The controversies related to the strategy of big dams, or say of the selection and location of industrial products and processes, are always met with responses such as, "Is there an alternative? What will be its costs? Who pushes for it? What will we do in the transitional period? ", etc. And since the prospects of radically reworking the productive processes and related social institutions appear daunting, current policy makers and managers leave them for the next generation to sort out. At one level this raises serious questions related to the notion of *urgency*. Our descriptions of the impending crisis, particularly as faced by the marginal

sections, are increasingly being painted in more and more horrific terms. Our abilities to do anything about these conflicts are increasingly being shown up as inadequate. Such a mismatch can and does lead to both an inertia and amnesia. Secondly, we face serious problems related to the notions of *irreversibility*. This comes up most sharply when dealing with questions related to gene diversity, nuclear energy and a poisoning of our soils and waters. Once the damage is done, can it actually be undone? What is true at the level of natural systems, is equally true at the level of communities, social systems and systems of thought. The debates on the inevitability of destruction in "progress" capture this well.

At the level of praxis too, the varied, fragmented and contradictory character of the different ecological struggles leave behind a lot of confusion. Given the fact that the sections of the population which get most brutally affected are today, and for a long time to come will not be central to the political process in the country, and the richer sections can still afford to pass on the costs to others, the chances of a cohesive movement based on an ecological worldview appear bleak. In fact, as the struggle for life chances becomes sharper, the chances are that such issues will get more mystified and the conflicts that will grow in intensity are between different strata of the have-nots, rather than between the haves and the have-nots. This is true both nationally and globally. How else do we explain that the struggles against a poisoning of rivers by industry is often opposed even by trade unions and the workers belonging to the industry. This, even when they themselves suffer as a result of the polluted water. Or that demands to shut down hazardous mining are resisted by mine workers. For them the choice is often reduced to a real survival today against a potential survival tomorrow. Similarly, at the level of nations, the structures of global political economy dictate an anti-ecological wisdom. Why else do we barter away our valuable natural resources for foreign exchange, say through IMF conditionalities.

Nevertheless, what is interesting is how even standard issues of political economy — of rights and distributive justice — are slowly being redefined within a broad environmental/ecological perspective. The growing realisation that unless the natural resource base on which our culture and civilisation has developed is handled more judiciously, the crisis of survival which today affects the marginalised sections will inevitably envelop us all, is what provides a basis for hope. One is informed that unlike the American Indians who give as much importance to the future as to the past, the dominant Hindu consciousness is more directed to the past. One just hopes that we do not have to wait for an era of acid rains, dead forests and soil, polluted water and air before realising the folly of our chosen mode of development.

## Footnotes

I am grateful to Professor D.L. Sheth, Dr. Shiv Visvanathan and Mr. Achyut Yagnik for helpful comments. The errors remain mine.

1. Vandana Shiva and Jayanta Bandopadhyaya, "Political Economy of Ecology Movements", Economic and Political Weekly, 11 June 1988.
2. There is now rich literature regarding the decline of the commons. In particular see, Chattarpati Singh, Common Property and Common Poverty, Oxford University Press, 1986; N.S. Jodha, Market Forces and Erosion of Common Property Resources, ICRISAT (mimeo.), 1986. Many novels too illustrate this trend viz., Bhairappa, Godhuli (Hindi), Shabdkar, Delhi, 1986.
3. The State of India's Environment, Center for Science and Environment, 1985.
4. For a good summary of this debate, see Darryl D'Monte, Temples or Tombs, Center for Science and Environment, 1985. Also see B. Glaeser and S. Suri, "Environmental Goals and Development Needs of the Third World", in B. Glaeser (ed.), Ecodevelopment: Concepts, Projects, Strategies, Pergamon Press, 1984.

The settling of the debates was at a level of an uneasy consensus, which while accommodating the demands of the conservationist lobbies — for the protection of wildlife, for setting up reserved forests and national parks, building up green belts in the cities, putting restrictions on the location of industry (particularly polluting industry) in urban concentrations, etc., reflected its faith in the dominant views on economic progress based on the use of modern technology. At that stage the only partly dissenting view within the dominant paradigm was of the Marxists, who sought to extend the distributional logic of the use of resources and the benefits from that use from the global to the national terrain.

None of this is to argue that alternative views on the man-nature relationship were not part of the Indian discourse. The most prominent of course was the Gandhian view, which from the early years of this century had consistently pleaded for a model of state and society based upon the village as the primary unit, and the farmer/peasant as the key productive agent. In the Hind Swaraj, published in 1908, Gandhi had formulated both a well-worked out critique of the modern industrial vision and an alternative to it. Both Gandhi and Tagore, drawing upon the traditional wisdom in the country, looked upon nature not as something dead but as the living source of light and air, food and water. The diversity in life and nature was sought to be enshrined as the dominant principle in society, that of decentralised, democratic pluralism. Intrinsic to such a viewpoint was a respect for different traditions, cultures, and modes of livelihood — arranged not in a hierarchy, but in an interrelationship that respected the autonomy.

For a quick synopsis of the pre-independence debates on environment and ecology, see Shiv Visvanathan, "On Ancestors and Epigones", Seminar, February 1987. Also see Ramachandra Guha, "Ideological Plurality is Good for the Movement", The Times of India, 31 May 1988; Harsh Sethi, Refocussing Praxis, UNU South Asia Perspectives Project Report, 1987.

5. The literature on Chipko is both vast and confusing. Partly this is due to the fact that the trajectory of the movement is different in different regional locations but greater confusion possibly stems from the sectarian positions taken by different "ideologues" of the different tendencies that together constitute the movement. Chipko, particularly since it became a cause celebre in the development world, has given rise to a vast number of experts, each with their own heroes and history. What has been sketched here is a brief outline. For a useful summary see J. Bandopadhyaya and V. Shiva, "The Chipko Movement", Seminar, February 1987; R. Guha, "Communications", Seminar, June 1987; Bandopadhyaya and Shiva, Reply, August 1987.
6. W. Fernandes and S. Kulkarni (eds.), The Forest Policy: A People's Response, Indian Social Institute, 1983.
7. Anupam Mishra, Mitti Bachao Andolan, Gandhi Peace Foundation (undated), pamphlet. (in Hindi)
8. J. Bandopadhyaya and V. Shiva, "The Chipko Movement Against Limestone Quarrying in Doon Valley", Lokayan Bulletin, Issue 5:3, 1987.
9. Reports in the Lokayan Bulletin, Issue 4:3/4, 1986 and Issue 5:1, 1987.
10. The literature on the politico-economic and socio-ecological impacts of large dams is indeed immense, going back to debates in the early years of the century. The debates continue to be furious and unsettled.

Whatever cannot be denied is that many more people, including scientists and planners are today more sceptical about the claims made by the protagonists of big dams. For a quick reading see E. Goldsmith and N. Hildyard (eds.), The Social and Environmental Effects of Large Dams, Vol. 2, Wadebridge Ecological Center, 1984; Claude Alvares and Ramesh Billorey, Damming the Narmada, Third World Network, 1988; also, The Narmada Valley Project: A Critique, Kalpavriksha, April 1988. In particular see the accompanying bibliography. For Silent Valley, see Darryl D'Monte, op. cit.

11. Report in Economic and Political Weekly, August 1988.
12. For Bhopal, see Special Issue, Lokayan Bulletin, 6:1/2, 1988 and the accompanying bibliography.
13. Thomas Kocherry, "Troubled Waters: Mechanisation and Kerala's Fisherfolk", in The Fight for Survival, Center for Science and Environment, 1988; Koshy Mathews (ed.), Voices of the Storm, National Fishermen's Forum, 1988.

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## The Politics Of Nuclear Power — The Case Of The Daya Bay Nuclear Plant

*Ip Po-Keung*

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A HK\$28.8 billion joint venture to build a nuclear power plant at Daya bay was set in motion on 18 January 1985 with the signing of a contract between China and a private utility company in Hong Kong. The nuclear plant, consisting of two 900-megawatt pressurized water reactors, will be sited at Daya Bay of China's southern Guangdong Province, about 50 km. northeast of Hong Kong. The parties involved in the deal are Hong Kong's China Light and Power Company (CLP) and China's Guangdong Power Company, both of which jointly set up a firm called the Guangdong Nuclear Power Joint Venture Co., Ltd. (GNPJVC). Two French companies, Framatome and Electricite de France, would supply the two reactors and overall engineering services, while a British firm, GEC Turbine Generators, would build the turbine generator.

The \$28.8 billion project is the largest joint venture Hong Kong has ever had with China. According to the Chairman of CLP, Lord Kadoorie, in terms of the money involved, the deal was almost four times the total of all Hong Kong-China joint ventures. (*South China Morning Post* [SCMP], 19 January 1985) Under the agreement, China would repay the foreign loans for building the plant by exporting 70% of the electricity output to Hong Kong. The deal was expected to last for 20 years, well beyond 1997, when China would regain sovereignty over Hong Kong from the British government. The Bank of China would be borrowing loans from foreign banks on behalf of the joint company. It was estimated at that time that 90% of the total amount of the funds for the project would come from syndicated loans. The loans were expected to be paid back within 10 to 15 years after the commissioning of the plant.

It is important to stress that the Hong Kong government's decision to participate in the Daya Bay project was kept secret from the public. From the time the Executive Council (ExeCo, which is tantamount to the Cabinet in western polity) endorsed the project in late 1983 to the signing of the contracts in 1986, the public was consistently prevented from obtaining essential information related to the project, repeated popular demand for such documents notwithstanding. These included a five-volume Feasibility Study on the Daya Bay Project commissioned by CLP, and the

government's Lazard Report, both of which were classified as "sensitive secrets" (portions of the Feasibility Study were released after the signing of the contracts, but the part on safety was never disclosed). In this way, the people of Hong Kong have clearly been denied the right to information so vital for them to make an informed decision on the Daya Bay issue which certainly would have a profound impact on their lives as well as those of their future generations. In addition to the denial of the public's legitimate right to information, the nuclear option was simply imposed on the people of Hong Kong without their informed consent. Therefore, the moral legitimacy of the government's decision on the nuclear option is highly suspect.

Political considerations, critics charge, were the determining factor in Hong Kong's participation in the project. China's interests and needs in such a project are obvious. The prospective plant can provide the badly needed electricity to the newly established special economic zone in Shenzhen. The project is also in line with China's national nuclear development programme of providing 10,000 megawatts of nuclear electricity in the economic eastern China by the year 2000.

From the British-Hong Kong side, the joint venture project is often interpreted as corollary to the Sino-British talks on the future of Hong Kong, which took place at the time of the negotiation of the joint venture. It was widely believed at that time that the success or failure of the 1997 talks would have a direct bearing on the Daya Bay project. It was well known that China needed the cash which Hong Kong could provide in exchange for the nuclear-generated electricity. It would then be very much in China's interest to maintain stability in Hong Kong. Also, Beijing had every reason to maintain the convertibility of the Hong Kong dollar beyond 1997 in order to repay the loans.

The reason why the British GEC had won the contract to supply the turbine generator was also seen to be political. France is the undisputed leader in the nuclear power industry and had 40 reactors in operation in 1985. Framatome manufactured most of them. However, GEC apparently has no experience in supplying the particular type of turbine generators required in the Daya Bay plant, although it has constructed smaller and slower models. Therefore, it seems that the acceptance of GEC's participation in the project was based more on political considerations than on its technical knowhow.

Even in terms of economics, future electricity demand, and environmental and safety factors, the wisdom of Hong Kong's participation in the project cannot go unchallenged. With regard to the future cost of nuclear electricity, critics charge the claim of the GNPJVC that the future price of electricity from the plant is cheaper than conventional electricity as being an empty promise. In view of the worldwide uncertainty of the real cost of nuclear power, there is no reason

why the price of the Daya Bay output will in any way differ from that of others, notwithstanding GNPJVC's repeated guarantees.

Other factors affecting the decision are the environmental and safety conditions of the power plant. As the plant will be situated 50 km. from the densely populated areas of Hong Kong, it will impose a potential high risk to the local population. Should a major accident occur, the difficulty of evacuating this densely packed population is daunting. This is because geographically Hong Kong is only a 1,000 sq. km. parcel of land composed mainly of several islands and a peninsula to the north which directly links to Daya Bay. In other words, in the event of a major accident, there is no way for the people of Hong Kong to escape except by the sea.

When CLP's involvement in the joint project was publicly announced in 1982-83, three pressure groups began campaigning on the issue. These groups were the Joint Organization for the Concern of Nuclear Energy, the Joint Committee for the Monitoring of Public Utilities and the Hong Kong Friends of the Earth. The major concern of these groups was the project's economic viability and safety of the plant. In spite of the groups' efforts to publicise the issue, the campaign seemed weak and lacked social support.

The Chernobyl accident in April 1986, however, changed everything. When news of the Russian Chernobyl nuclear accident appeared in the headlines of the newspapers in late April 1986, people began to worry about the nearby Daya Bay nuclear plant. "Would there be another Chernobyl accident at my backyard?" presumably was the question uppermost in people's minds.

Within a short period of time, the campaign to oppose the Daya Bay project began to spread and grow rapidly in the community. Emotions were high and people began to publicly voice their opinions and concern. A united front called the Council for Shelving the Daya Bay Nuclear Plant, with a constituency of over 100 organizations and pressure groups, was formed in late May. The major objective of the Council was to stop the building of the Daya Bay nuclear plant by petitioning both the Hong Kong and Chinese governments. Indeed, with the formation of the Council, the campaign literally developed into some kind of social movement of major significance.

The campaign against the Daya Bay project came to a climax when the Council through its massive and effective social mobilization effort, successfully launched a community-wide signature campaign against the Daya Bay plant in July. Towards the end of August, the Council had collected over one million signatures with identity card numbers attached. The Council then formed a delegation which brought boxloads of signatures to Beijing in an attempt to convey the views and wishes of the

Hong Kong people to the Chinese authorities – which nevertheless gave a cold reception to the delegation.

Despite the failure of the Council's effort to convince the Beijing authorities to scrap the project, the Council did help to heighten public consciousness on nuclear power. Through its member organizations' support and participation, the campaign succeeded in establishing itself with a broader social base than before. By holding seminars, launching mass rallies and petitioning the government, as well as issuing regular public statements to the press, the Council was effective in making known the issue to the public and in keeping the issue alive during this period.

The Daya Bay issue literally dominated both the electronic and print media. No single issue on technology has attracted so much media attention as this one, thanks both to the Chernobyl incident and the efforts of the Council. Also, never before in the history of the Colony has there been a social campaign on technology as massive and controversial as this one.

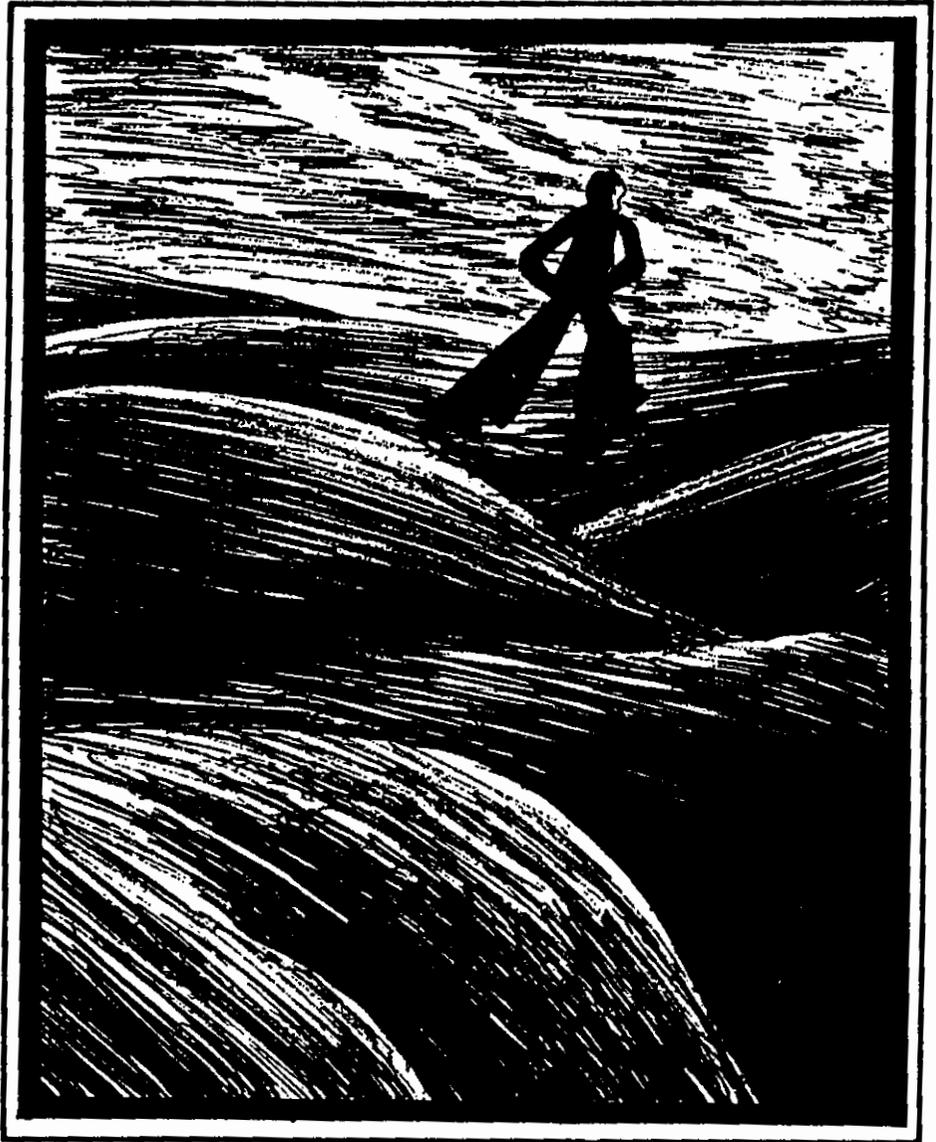
What lessons can be drawn from the above discussion? What we have here is indeed a standard case of technological decision making which falls short of rational institutional and political-moral requirements. First, the Daya Bay project was handled by the economic branch of the government simply as an economic matter and subsequently decided on politically. The classification of nuclear power and its provision as an economic matter itself reflected a deep-seated institutional bias towards nuclear power and also a lack of understanding of its genuine nature. Admittedly, there is an economic dimension to nuclear power, but it surely is not only an economic entity. Nuclear power and the technology that produces it are indeed highly complex systems which require corresponding complex institutions to understand and manage them. Important questions to be asked in this connection are: What risks are involved? How serious are they? How probable are they? Are they socially acceptable? Do we have other alternatives? Admittedly, these are difficult questions. Any adequate energy decision making institution should be capable of recognizing these questions and effectively responding to them.

Apart from the cognitive requirement of such an institution, it also has to conform to some moral-political principles to warrant the legitimacy of its decisions. One such moral-political principle is the principle of informed consent. The informed consent principle, in its simplest form, maintains that any morally acceptable government policy which affects the lives of its citizens must have their voluntary and informed consent. Consent is said to be voluntary when it is made freely and not under coercion or threat of any form. On the other hand, consent is said to be informed when it is made only after full and unbiased information about the risks and benefits of a given policy and how that policy may affect one's interests and well-being, is provided to the person from whom the consent is being solicited. In other words, the government should observe

and honour the people's right to information. This in turn entails the policy of disclosing fully and accurately the information pertinent to any technological decision. It also requires that government should take a positive effort to solicit the people's views and opinions through consultations or public hearings and to take them seriously in making decisions. Through these processes of information disclosure and consultation, the people can participate in a meaningful way by expressing their informed views, as well as their feelings, wishes and fears about a certain technology that will affect their lives. This form of social interaction can be seen as an effective social learning process within which people can communicate with each other and learn from each other. As a result, this will help to produce an enlightened citizenry with regard to technological choices which a rational society needs. In this way, this valuable social learning process should not be taken lightly. Indeed, the lack of an enlightened citizenry in technological choices will surely bring in its place a narrowly confined bureaucratic-cum-expert choice which is inimical to the principle of democracy and participation that we value so much. Such undemocratic style of technological decision making will inevitably breed social alienation, apathy, resentment and probably revolt which will finally prove fatal to the well-being of society.

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# The Campaign Of The International Coalition For Justice In Bhopal

*Clarence J. Dias*

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The International Coalition for Justice in Bhopal (ICJIB) was set up by seven international NGOs working outside India (in Hong Kong, Japan, Malaysia, the Netherlands, the United Kingdom and the United States) on the second anniversary of the Bhopal tragedy in December 1986. It was formed at a time when local NGOs working in Bhopal were facing tremendous repression by the local government. ICJIB set for itself the function of trying to arouse awareness and concern outside India about the Bhopal victims' struggle for justice. ICJIB's objectives were:

1. to protect the interests of the victims by supporting their efforts to seek quick and adequate relief, redress and compensation;
2. to strengthen linkages between NGOs working at the international level on Bhopal and related issues;
3. to facilitate the release and dissemination of suppressed information crucial to the Bhopal victims' pursuit of justice; and
4. to hold publicly accountable the principal parties responsible for causing the Bhopal tragedy.

At the time of ICJIB's formation we were struck by the paucity of crucial information regarding Bhopal in the developed world. We were also concerned that Union Carbide was expending substantial financial resources on a public relations campaign to contain the damage to itself of the Bhopal tragedy. We felt that Carbide was waging and winning a "war of words" on Bhopal by spreading misinformation about the tragedy through a multi-million dollar public relations campaign.

ICJIB's campaign concentrated on information and misinformation during its first phase. In this phase we wrote letters to the Chief Executive Officer of Union Carbide in the U.S. and to the Indian Prime Minister, demanding the release of information focused on five separate issues. These letters were backed up by mass signature campaigns launched by

NGOs all over the world. We also conducted our own independent investigations on the five issues involved and released an ICJIB Report.

ICJIB's demands for information seemed unusual since the information we were seeking ought to have been freely available. First, we asked for "the entirety of information regarding medical treatment and detoxification" of the Bhopal victims. Carbide replied that "little information was available of the results of an acute, highly concentrated exposure such as occurred in Bhopal". In other words, Union Carbide conceded that while it had conducted considerable research about the toxic effects of MIC, it had failed to give priority to research on detoxification.

Secondly, we were worried that Union Carbide, like most multinational corporations, would attempt to defraud its victims by reducing its net assets and going through corporate restructuring to place its assets beyond reach of such judgment as the victims might obtain in a court of law. ICJIB demanded from Carbide details of their corporate reorganization program which would show whether they retained the capacity to meet a judgment in the amount of \$400 million, \$1 billion and \$4 billion respectively. Carbide's response was that it had given an undertaking to the Court to keep \$3.17 billion worth of assets unencumbered. But Carbide refused to offer proof that it had the capacity to keep such promise.

Third, we were concerned about the cause of the accident and about Union Carbide's repeated assertion that the accident had been caused by sabotage. We asked Carbide to disclose what factual basis Carbide had for such assertion and we also asked them to disclose the amount of money it had spent on its public relations effort to propound the sabotage theory. Carbide declined to respond to this demand.

Fourth, we were concerned both about the ability of Carbide to co-opt legal professionals in India, and about the financial arrangements involved. We asked Carbide to release the names of the lawyers it had retained in India and the financial arrangements involved. Carbide offered no response but at an annual corporate meeting in early 1987, announced that litigation costs regarding Bhopal had amounted to \$14 million. We were also concerned about the medical experts Carbide had hired to downplay the health effects of the Bhopal tragedy. So we asked Carbide to release the medical studies of the Bhopal victims which Carbide had commissioned. Carbide's reply in declining to do so was that "the medical consultants that we have engaged would be of no use or benefit to your analysis"!

Finally, we sought from the Indian government clarifications regarding allegations of misuse of public funds on the relief effort in Bhopal. The government declined to reply.

The lessons we learned from the first phase of the ICJIB campaign were clear. Multinational corporations, in their relentless pursuit of profits, recklessly endanger the lives of workers and communities. Their global nature enables them to evade accountability and defraud the legitimate claims of their victims. Their ability to co-opt legal, medical and other professionals was clearly revealed and so too their ability to expend enormous financial and human resources on public relations activities to ensure corporate survival in a crisis. The Bhopal tragedy also revealed bureaucratic apathy and lack of accountability in programs of relief for the Bhopal victims.

From these lessons we entered into the second phase of our campaign during which we attempted to monitor, as closely as possible, the activities of the multinational Union Carbide. In doing so we got wind of Carbide's efforts to reach a collusive settlement with the Indian government for a sum of \$600 million to be paid out over a twenty year period. From the scanty information available in the U.S. press we reconstructed details about the proposed settlement. We attempted to disaggregate the proposed sum of \$600 million and estimate what amounts of compensation individuals victims would obtain under the terms of the proposed settlement. We came to the conclusion that Bhopal victims suffering from permanent disabilities would receive the princely sum of \$18 per month for a ten year period. After the ten years, the payments would stop even though the disabilities would continue. ICJIB sought to provide "early warning" against the manifestly unjust settlement proposal by preparing and releasing an ICJIB document analyzing the proposed settlement. The ICJIB document helped catalyze efforts by Indian NGOs, the Indian press and public to successfully block the settlement in October 1987.

In its present phase ICJIB is focusing on efforts to secure accountability of multinational corporations. In particular, we seek to expose the three types of blackmail they indulge in. The first of these is *job blackmail* of workers who, for fear of losing their jobs, are forced to conceal unsafe work situations and practices. The second is *victim blackmail* where the corporate approach is to wage a war of attrition by adopting delaying tactics. Thereby victims are forced into accepting settlements for sums which constitute a grotesque pittance of their legitimate claims. The Bhopal District Court and the Madhya Pradesh State High Court have sought to prevent such victim blackmail by ordering immediate interim relief to the Bhopal victims. But Carbide is refusing to comply with such orders and is seeking to foil these orders by whatever means possible. Thirdly, there is *community blackmail* which results from the powerlessness of communities to intervene against dangerous industrial projects which are being brought into their community backyard. Here, ICJIB is working with community groups not

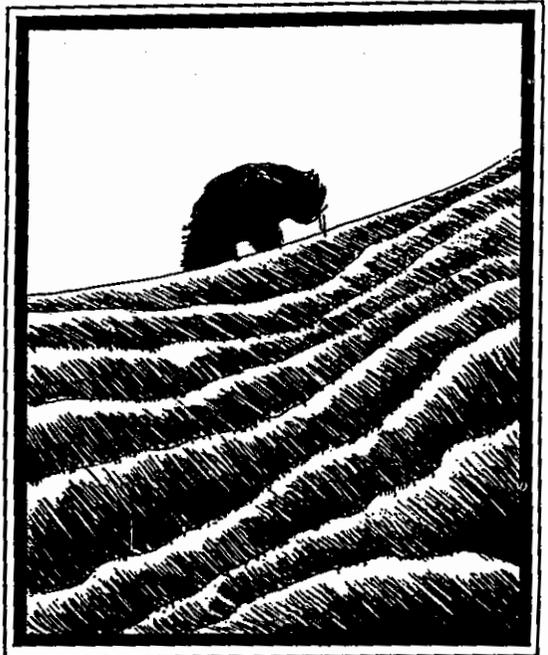
only to help develop an effective community "right to know" but also effective "power to act" within the community, based on such knowledge.

### **Postscript**

In late 1988 ICJIB heard rumours of a Carbide plan to work through the Indian Supreme Court in imposing a settlement on the Bhopal victims in the amount of \$470 million. Despite ICJIB campaigning against such a move, in February 1989 the Indian Supreme Court, acting as a lackey of Union Carbide, imposed such a settlement on the Bhopal victims. This has provoked a storm of criticism from diverse quarters in India and, most importantly, from the Bhopal victims themselves. Several challenges of the Supreme Court orders are currently underway and the Bhopal victims are struggling hard to resist such a manifestly unjust settlement.

At this stage, ICJIB's campaign efforts are focusing on three objectives:

- supporting the victims in their efforts to overturn the unjust settlement;
- building up international support for holding Carbide accountable by insisting that criminal charges against them be brought to trial; and
- helping develop an international "victim solidarity network". A modest first step in this effort has been an ICJIB sponsored visit by three Bhopal victims and representatives from two local support groups to the U.S., the U.K., Ireland and the Netherlands. During this victim tour, the Bhopal victims have met and sought to build solidarity links with other communities who have become victims of wanton corporate recklessness.



# Division And Democratization In Korea

*Chung Hyun-Back*

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Towards the end of the first World War, the Korean Peninsula was serving the role of a frontier military base for the Japanese colonialists. When liberation from Japanese colonial rule came on 15th August 1945, the northern part of Korea was occupied by Soviet troops while the South in turn was occupied by the Americans. Then followed the three-year long Korean War which hardened the division between North and South. Since the beginning of the Korean war on 25th June 1950, South Korea has been spending 38% of its national budget on defense. At present 42,000 American troops are stationed in South Korea. Furthermore, the Overall Commanding Rights belong not to the Koreans but to the American military.

Circumstances such as those mentioned above have been the core causes of many of Korea's inter- and intra-national problems. Internationally, the division has resulted in Korea's continued dependency on the U.S. and the consequent submission of its fate to the U.S., Japan and the Soviet Union. Within the country, the promotion of the anti-communist ideology has worsened all kinds of conflicts and has been the justification for growing militarization of society.

This paper will focus on Korea's division and militarization – how these came about, how they have affected social and economic development, what impact they have had on the political and cultural consciousness of the people, with the purpose and hope of finding a total solution to Korea's division and social conflicts.

## **Korea's Division and The Intensification of Militarization**

A new chapter in the politics of Korea has been opened in the eighties, with many important changes that can be expected to bring about even greater change. The political meteorology of Northeast Asia at this point is comparable to a typhoon. The following changes can be viewed as factors that potentially threaten the security of Korea:

- First, unrestricted military competition is being emphasized, regardless of how economically capable Korea is for such expansion. The policy of military enforcement and military competition that then President Reagan had announced to the world at large, has forced Korea to take part in a global competition that only wastes more of its resources. Such a policy serves U.S. interests more than it meets Korea's needs, and drastically raises the risk of Korea's becoming the scapegoat in a U.S.-Soviet confrontation.
- Second, Japan has recently been re-surfacing as a "Great Military Country", and the stage seems to be set for the military alliance of the U.S., Japan and Korea. The U.S., which enjoys separate security treaties with Japan and Korea, provides the link for this alliance. Recent developments show, however, that the U.S., which makes all strategic military plans for Korea, seems more and more inclined to turn over some of the power it holds over Korean security, to the Japanese military. This can be interpreted as an attempt to transform the indirect linkage between Japan and Korea into a direct one.
- Third, the probability of getting pulled into a nuclear war is growing, because of the above developments and the fact that Korea serves as a base for U.S. nuclear weapons. To a certain extent, the Nonproliferation Treaty of the sixties and the Strategic Arms Limitation Talks (SALT) in the seventies have succeeded in avoiding a nuclear confrontation. However, when viewed from a different perspective, these efforts seem no more than Pax Russo-American exercises to prevent nuclear war from taking place on each other's soil and annihilating each other's people. For example, while limits on the number of intercontinental missiles have been mutually set through SALT, no such limits have been placed on middle-range nuclear missiles – which are located in the frontier zones and nuclear installations of their respective allies. The talks have also not touched on any qualitative restriction over their intercontinental missiles, thus allowing the U.S. and the Soviet Union to continue playing the nuclear deterrent game on the technological level.

The situation of Korea is vastly different from that of the 15 NATO countries. The latter are shielded by the "Nuclear-Proof Umbrella" of the U.S. Due to the pressure from the anti-nuclear lobby, agreements are being negotiated in which the U.S. will have to obtain prior consent from a five-member Nuclear Consultative Committee before nuclear weapons on their soil can be employed. The anti-nuclear movements have also succeeded to a certain extent in lobbying for the removal of U.S. nuclear installations from their countries, which are prime targets under the first-strike tactic should a nuclear war erupt. With these concessions, NATO countries exercise a certain degree of restraint over the U.S.

In the case of Korea, such scenarios do not exist. From the very start, the people of South Korea have been denied any part in deciding on nuclear-related matters. Discussions and decisions over such matters are kept secret. Nuclear weapons can be deployed on the mere consent of the Presidents of Korea and the U.S.

According to Edward Myer, the U.S. Army Chief of Staff, the basic strategic plan of the Reagan Administration in a war situation is to deploy strategic nuclear weapons when conventional tactics are ineffective and only result in a war that drags on for a long period of time. This concept applies to Korea. The Director of the American Strategical Institute, Admiral La Roche, has also been quoted as saying that 600 nuclear missiles are stationed in U.S. bases in Korea.

Taking into account the Soviet reaction to U.S. nuclear bases in East Asia, and also the fact that the Soviet Union has stationed SS-20 nuclear missiles in Siberia, the potential for a nuclear war occurring in Korea is becoming increasingly high.

### **Socio-Economic Development And Internal Conflicts**

South Korea has now reached the point where the militarization of the Korean Peninsula has negatively affected its intra-national development. As widely known, Korea is one of the newly industrializing countries (NICs) whose dynamic growth is fueled by capitalist forces. From 1962 to 1983, South Korea's gross national product (GNP) increased 5.6 times. Recently, despite the large external debt, imports have been lower than exports. But according to critical academics and professionals, South Korea is still plagued with basic problems, namely, its subjugation to foreign powers and the division of the nation, and the growing internal conflict among social classes. The former acts a major factor in combining and deepening conflicts within society. In short, Korea's dependency fuels internal conflicts.

The strategic location of Korea has made it a prime target of the Great Powers ever since the end of the nineteenth century. Never has Korea achieved an independent status, whether it was during the days of Japanese annexation or after the liberation. Consequently, Korea has been structured to suit the needs of world capitalism. Such tendencies contribute to the instability of Korea and also to the imbalanced structure of the economy and society.

This imbalance is first of all indicated by comparing growth figures of the agricultural and industrial sectors. From 1962 to 1983, agricultural production increased 2.3 times, while industrial production soared 21 times. Furthermore, Korea's industrial sector is highly dependent on imported inputs, and at the same time geared towards items that are

irrelevant to the needs of society. Recently the heavy chemical industry has grown conspicuously large compared to light industry. The heavy chemical industry is associated with consumer goods (oil, domestic electronic products, cars, shipping products, etc.) and is formed through monopolized conglomerates.

The industrial imbalance has created deep repercussions on the agricultural sector, and has led to an imbalance between the city and the countryside. Seoul has taken up most of the economic, educational, cultural and political activities of the nation, with its population of almost ten million. There is also the imbalance between conglomerates and small- and medium-scale enterprises. The latter have been transformed into subcontracting enterprises of the former. The imbalance between the formal sectors and informal sectors has also been intensified; people in the informal sector now make up 30% of all those employed.

Capitalism in Korea has brought about changes in productive relations. The industrial working class, having to work incredibly long hours for a shockingly low pay, has been structurally set in society, and a new middle class, representing 11% of the population, acts out the role of technocrats. Along with this has come the formation of monopolized conglomerates. On the other hand, the class of agricultural producers has diminished from 70.6% of the population in 1955 to 23.9% in 1985. Over the same period, the industrial working class has grown from 9.2% of the population to 41.5%. (Of this group, 26% are direct producing laborers and the rest are low white collar workers.)

When the per capita GNP exceeded US\$2,000 in 1985, manufacturing laborers were earning an average pay of US\$1.33 per hour. In 1983, manufacturing establishments were carrying out unheard of working hours: 11 hours per day, or 54.3 hours per week, resulting in massive industrial accidents. Furthermore, women workers get merely half the wages of their male counterparts.

The government's massive expenditure on defense, the economy's heavy dependence on global economic powers and the consequent trade imbalance have all worked against the working class. Farmers, too, are no exception to this process of victimization. The conglomerates' monopolization of such agricultural inputs as pesticides, fertilizers and other basic necessities has made it difficult for farmers to eke out a decent livelihood; many of them are migrating to the cities for the low paying jobs.

To reiterate, despite the remarkable economic growth of Korea, the majority of the people have not been benefited from such growth. Instead, it has worsened the polarization of the haves and the have-nots. To control the growing daily protests and to internalize the division of the country, military authoritarianism is being promoted, and along with this,

the continued suppression of human rights. The only way out of this limbo is to overcome the dependency on foreign powers, the division of our nation and militarization.

### **Division Consciousness As Ideology of Militarization**

After liberation, the world plunged into a Cold War which made itself known in Korea with the division of the peninsula. Militarization brought about the internalization of a "red complex" in the consciousness of the people. This was promoted as a way of stabilizing the political situation; overtime such tendencies intensified. Especially after 1972, a mechanism with which to create and reproduce this "red complex" was actualized.

This mechanism involved, among others, the following strategies. For one, negative social concepts towards the labor movement became widespread and the working class began to possess a false consciousness of belonging to the "middle class". As a result, a pejorative snobbishness emerged from among the workers themselves, and the labor movement became internally oppressed. This resulted in a weakening of the relationship between labor activists and the mass laborers in general.

Negative concepts towards all kinds of movements grew stronger and so contributed to the narrowing of even lawful space for social movement. This trend worked to stabilize the powers of the governing class. The middle class came to possess a political attitude that had a basically floating characteristic, even when the economy was at a bad stage resulting in much stress on their own situation. The middle class has shown a preference for the stable, conventional way of life. This has resulted in a weakening of the political will for democracy in Korea, as also an intensification of regional conflicts.

All these help to hinder the realization of democracy, although the forces of resistance among the people are incredibly high and their consciousness has been raised. Meanwhile, the political authority has become grossly opulent with the dominance of the authoritarian system in society. In all of this, the importance of human rights was continuously ignored.

### **Reunification: Overcoming Conflicts and Division**

The strategic location of Korea raises the probability of a war of big powers being fought on its soil. A common response to this threat has been "the only way is to strengthen the military", and such thinking is being intensified to some extent. However, it would be naive to assume that nuclear weapons will contribute to the security of the Korean peninsula. A U.S. Army chief of staff has been noted as saying that the possibility of the deployment of nuclear weapons in Korea was higher

than in any other country in the world. The bilateral consent needed for the use of nuclear weapons and the assumption by the U.S. of supreme commanding rights will compel the Soviet Union to prepare itself more keenly to meet such tendencies. It is high time for Koreans to acknowledge why South Korea has been put under this unique circumstance and endeavor to find a solution.

In this and the coming decades, an active and subjective search must be undertaken for the means to overcome our precarious position. This means that we must find ways to overcome our divided circumstance, as well as ways to achieve the reunification of the peninsula.

The perspective of reunification differs from that of the North Koreans, but through a democratic dialogue, differences can be resolved and a compromise reached. It is crucial that we do this as the fate of our country does not lie in the hands of the Great Powers but in the hands of the people of this country.

To carry this out successfully, democracy in both countries first has to be established. The matter of reunification is not to be decided by a few professional politicians, bureaucrats or military officers, but from a comprehensive policy which is determined by and takes into account the needs and wants of all people in the peninsula.

The realization of democracy in Korea is not unrelated to all the other conflicts in Korean society. The unrestricted military arms policy of the U.S. compels other countries to do exactly the same. (This, of course, has much to do with the arms industry of America.) If the cost of defense expenditure in Korea were saved, the people of Korea would be able to live more decently, the working class would have a more comfortable way of existence and so the gap between the rich and the poor would be considerably reduced.

In conclusion, independence from the foreign forces, political democracy, economic equality and reunification are all factors that cannot be resolved separately and distinctly; each must be viewed in relation to the other. Thus in order to accomplish democracy in Korea, these issues have to be confronted and organically solved. Without understanding the linkage between oppression by the foreign forces and authoritarian rule, the situation of division will continue as will the inevitable violation of human rights.

# Peace, Human Rights And Militarization

*Santasilan Kadirgamar*

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The Universal Declaration of Human Rights, adopted by the United Nations (U.N.) in 1948, "did not purport to be more than a manifesto, defining in detail a large number of human rights ... so as to provide in a solemn form a generally acceptable catalogue of the most essentially inalienable rights of human beings.... [I]t was intended as a first stage, to be followed by a second stage of binding human rights covenants, and later by the final stage of methods and machinery for implementation." (Kamenka et al., 1978; p. 122)

The second stage was attempted in 1966 with the adoption of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Twenty years later, over 80 states were parties to the above covenants, but only 38 to its Optional Protocol which provided the necessary processes for citizens of these countries to seek redress. These processes themselves were cumbersome and did not provide the required framework within which to initiate action. In 1984, the U.N. General Assembly adopted the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. By 1986, only 14 countries had ratified the Convention.

The world community of nations has been moving very slowly to the second and third stages in enacting and acceding to binding human rights covenants. Most important, however, is the evolution of methods and machinery for implementation, which are hardly in sight. Despite that, the fundamental values and conceptions of rights and justice have been laid down in these declarations and covenants, providing concerned groups the basis on which to launch campaigns and to struggle for these rights.

## **Growth of State Terrorism in Asia**

Several human rights groups such as the Amnesty International (AI), the International Commission of Jurists (ICJ) and others have done remarkable work in raising the consciousness and awareness of people, particularly those living in the first world. There are small but highly committed groups concerned with human rights and peace issues in other parts of the world, but it appears that all this work has not improved the situation in Asia. The number of human rights violations and the level

of internal conflicts have consistently risen since the process of decolonization began in 1947. The situation has deteriorated in the 1980s, reaching intensely brutal proportions, and it seems that this will be further aggravated in the decade to come.

This is a sad and dismal reflection of our times. One recalls the 1950s and 1960s when the vast continent of Africa was in turmoil – the atrocities committed in the Congo, the brutal assassination of Patrice Lumumba, and military coups, one after the other, both in Africa and in Latin America. Similar events are now taking place in South and Southeast Asia. The murder of Vijaya Kumaranatunga in Sri Lanka and the killings by right-wing vigilantes in the Philippines are indications of a growing tendency to subvert democracy.

The 1960s and 1970s, far from being the development decades that many had hoped them to be, instead became periods when many third world countries were transformed into military dictatorships while democratic and human rights were thrown to the winds. Attempts made by the people of East Nigeria to create an independent state of Biafra ended in tragic disaster. Now in Sri Lanka, we have the projected state of Tamil Eelam in ruins. The people of South Asia, in spite of Pakistan's drift towards a military dictatorship, sat back in comfort for decades, confident that this could not happen in their own countries. In Southeast Asia, the fall of Sukarno in Indonesia, the entrenchment of Marcos' authoritarianism in the Philippines, and the setting up of Singapore and Malaysia's authoritarian structures were largely ignored. Those of us from neighbouring Asia were still free to travel to these states and so we were complacent enough to think that democratic and human rights would somehow survive.

In this scenario, India and Sri Lanka headed into the 1980s with brief interludes of emergencies and "isolated" incidents of authoritarianism. In 1979 when a state of emergency was declared, Sri Lanka fell rapidly and tortuously into a murky situation that prevails today. The democratic systems in India and Japan appear to have survived, but for how long one does not know. The tensions are beginning to surface in Japan. In India, the political fabric has weathered the numerous internal conflicts, its federal structure based on linguistic states acting as a brake on tendencies towards authoritarianism at the centre. But the tensions that led to partition and the subsequent creation of Bangladesh have been at work, destabilising the whole region.

The political scenario in the region is depressing. Obviously, the political decline is partially rooted in the economic situation. But this paper attempts to stress the urgent need to place politics in command. "Restore democratic processes" and "defend human rights" should be the dominant cry at this juncture in our history. There is not one state in which there are signs of a return to the democratic ideals of the pre-independence days. In saying this we ignore with contempt the "peace"

and "democracy" rhetoric that is commonly indulged in on independence days and other ceremonial occasions. What we see and hear is an exercise in hypocrisy and cunning by men and women who are third world liberals abroad and conservatives, reactionaries and oppressors at home.

The denial of freedom to engage in human rights activities is evident when one goes through the list of 44 countries in which sections of the AI function. In Asia there are only four such countries – India, Sri Lanka, Japan and Hong Kong. In addition, local AI groups without a full fledged section have been established in Bangladesh, South Korea, Nepal, the Philippines and Thailand. Human rights activists in the region function at considerable risk to themselves and their families. Initially, they were targets of the state security forces. Today, they are also the targets of chauvinist and extremist groups. The right to dissent is no longer respected by the state and armed neo-fascist and fanatic groups.

The whole process was set in motion by the state. Governments have given tacit approval to extra-judicial killings and have also undermined or destroyed national institutions that could investigate and redress such executions and human rights violations. In other cases, they go through such investigation, but the result is covered up. They have also impeded independent investigations in various ways:

1. Emasculating the judiciary through purges – doing away with the security of tenure for judges, reducing the legal authority of the judiciary or transferring jurisdiction to military courts, or delaying or refusing requests for information by the judiciary;
2. Ending safeguards such as habeas corpus, the right to immediate access to counsel or immediate delivery to courts or judicial officers;
3. Threatening, assaulting or filing criminal charges against lawyers, witnesses and families of victims of extra-judicial executions;
4. Granting amnesty or immunity from criminal prosecution or civil suit to suspected perpetrators of extra-judicial executions;
5. Destroying the independence of the prosecuting authority;
6. Eliminating investigation by the legislature; and
7. Creating special police or security forces which are not subject to normal supervision.

(Amnesty International, *Political Killings by Governments*, 1983, p. 102)

The pattern of governmental actions is fundamentally the same. Several actions and institutional changes in a country signal the existence of preconditions for the violation of human rights. Some such indicators are: the imposition of a state of emergency or martial law; incidences of irregular arrest and detention, disappearances and torture; the existence

of secret places of detention; the identification of certain groups as "enemies"; the creation of irregular or paramilitary groups for action against opposition movements; claims of "encounters" with armed groups resulting in deaths; claims of death resulting from escape attempts; and the appearance of unmarked graves in cemeteries. (Ibid, pp. 103-104)

### The Case of Sri Lanka

I can speak with intimate knowledge of the happenings in Sri Lanka. Beginning with the enactment of the Prevention of Terrorism Act in 1979, we see the whole process take shape as listed above. In her report on Sri Lanka for the ICJ, Professor Virginia Leary made an in-depth study of the Prevention of Terrorism Act. She said, "A number of the objectionable features of the Sri Lankan Act are similar to provisions of the widely criticized 1967 Terrorism Act of South Africa." The South African Act defines a "terrorist", *inter alia*, as a person who has committed or attempted to commit any act which could "cause, encourage or further feelings of hostility between the White and other inhabitants of the Republic." This provision has been criticized as unduly vague since speeches or writings which criticize the apartheid system, for example, could be considered terrorist activities under this definition. A section of the Sri Lankan Act (Section 2(1)(h)) states that "Any person who ... by words either spoken or intended to be read ... causes or intends to cause ... religious, racial or communal disharmony or feelings of ill-will or hostility between different communities or racial and religious groups shall be guilty of an offence under this Act."

The ICJ report called upon the Government of Sri Lanka to conform to international norms. The Government of Sri Lanka had ratified in 1980 the two international covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. The rights of arrested and detained persons are referred to in Articles 7, 9, 10, 14 and 15 of the International Covenant on Civil and Political Rights. Provisions of the Prevention of Terrorism Act are contrary to the following articles of the Covenant:

- "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or release." (Article 9(3))

The Terrorism Act permits detention on administrative order for a period of up to 18 eighteen months.

- "No one shall be guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law, at the time when it was committed." (Article 15(1))

The Terrorism Act contains provisions for retroactive application.

In addition, it appears that in the application of the Terrorism Act, the following provisions have been contravened:

- "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." (Article 7)
- "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." (Article 10(1))
- "Anyone who is arrested shall be informed, at the time of his arrest, of the reason for his arrest and shall be promptly informed of any charges against him." (Article 9(2))

In 1979, the problems posed by very small groups of armed Tamil youths, though no doubt based on widespread grievances of the Tamil people, were manageable within the processes of democracy. Instead, the government opted for, or if one were to be charitable, drifted to, state terrorism. The whole situation has now become unmanageable. The authority of the state has collapsed, creating a vacuum into which India has been sucked in.

Now, every party to the conflict has gotten stuck in a veritable quagmire. In Sri Lanka, just as in India, democratic and judicial institutions had evolved gradually over a century and a half. This was one of the more benign legacies of colonial rule. At one time, it was believed that commitments to democratic and judicial processes had taken root. The structure is to some extent intact, but the processes that operated the system have collapsed.

## **Militarization**

Together with the growth of state terrorism and its consequent counter-violence, a dominant trend in the region is militarization. Global military expenditures have now exceeded one trillion U.S. dollars. Though the major portion of this expenditure belongs to the two superpowers and the North Atlantic Treaty Organization (NATO) and Warsaw Pact countries, expenditures in third world countries have been consistently increasing. When compared against their gross national product (GNP) and government expenditures, the figures are startling. Sale of arms to third world countries has become a flourishing trade for a new group of third world business interests, whose profits depend on the continued inhibition and sabotage of any attempts to restore peace and democracy.

It has been estimated that one hour's worth of global military expenditure is more than enough to immunize the 3.5 million children destined to die annually from preventable infectious disease. James Grant, Director of UNICEF, has posed the question in this manner, "whether the world would tolerate a Hiroshima-like catastrophe every

three days. This, in fact, is now happening, for every three days 120,000 children die unnecessarily – the very toll of casualties following the atomic bombing of Hiroshima. Indeed the children of the world are already living in the rubble of World War III.” Ruth Sivard (1986) estimates that from 1960 to 1985, the money spent on defense globally adds up to 14 trillion US dollars (US\$14,000,000,000,000) – equivalent to 23 years of current income for the poorer half of the world population. This massive expenditure on the arms race has led to the neglect of social needs in the pursuit of military power and has left one person in five living in grinding poverty. The global population suffering from illiteracy, ill-health and chronic hunger is steadily growing.

The Second World War officially ended in 1945, but fighting has continued in many parts of the world, and without a break in Asia. At least 22 wars, between and within countries have been reported in 1987. There have been 43 major wars and conflict situations resulting in the death of over 83 million people. This may be contrasted with the 14 major wars in the nineteenth century resulting in nearly 6,000,000 deaths. The twentieth century has been aptly described as the century of total war.

Arms sales to the third world have become big business. Highly destructive and sophisticated weapons are now being used in the poorest and remotest parts of the world. In the last two decades it has been estimated that third world countries spent US\$200 billion on purchasing weapons. The U.S., the U.S.S.R. and their respective allies in Europe accounted for 85% of these sales. All the wars since 1945, with the exception of Hungary, have been fought in the third world. These wars were fought with conventional weapons, and have involved the direct or indirect participation of the two superpowers and other European powers.

Militarization in South and Southeast Asia in the 1980s takes place primarily to sustain authoritarian regimes, and is in that sense directly linked to the gradual erosion of democratic and human rights. By and large the “enemy” is perceived to be within the country. This period has witnessed the emergence and consolidation of the national security state. “National Security Ministries” or “Internal Security Ministries” have proliferated. “Internal Security Acts” and “Prevention of Terrorism Acts” have widened the scope of duties and responsibilities of the police and armed forces. These in turn have escalated defense expenditures.

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## NICs As A Development Model For Thailand: Economic Miracle Or Debacle?

Wiwatchai Atthakor

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Four Asian countries – South Korea, Taiwan, Hong Kong and Singapore – are called NICs or newly industrializing countries, and have been dubbed Asia's "Four Tigers" because of their vigorous economic growth. These Asian NICs are often cited as "economic miracles" whose success is based on an export-led, outward-looking development strategy. The Thai government and technocratic elite, as well as business leaders, have argued that Thailand should adopt this strategy. Turning Thailand into a NIC has actually been set as the government's major development goal for the next decade.

To become a NIC requires structural changes in the economy, that would give greater weight to industrial production. While not yet fully qualified to be called a NIC, Thailand seems on the way to such a change. As shown in Table 1, the share of manufacturing value added to gross domestic product (GDP) rose significantly from 13% in 1960 to 17% in 1972, and further to 21% in 1986. On the other hand, the output share of the agricultural sector declined from 40% in 1960 to 22% in 1986. However, agriculture remains the mainstay of the economy, accounting for almost two-thirds of total employment in 1986. In contrast, the manufacturing sector employed only 4% of the labor force that same year. The share of manufactured exports to total exports increased from 1.4% in 1960 to 10.1% in 1972, and further to 54.2% in 1986 (Table 2).

There are optimistic views that the prospects of the Thai economy at the turn of the 21st century are bright. It is expected that Thailand's national income will double by the year 2000, and per capita national income will almost reach the present level of the NICs. (*The Nation*, 24 May 1988; p.20) A leading Thai banker, Dr. Amnuay Veerawan, has said that Thailand was likely to become Asia's "Fifth Tiger". Some forecasts on the Thai economy in the year 2000 predict drastic changes in the export and industrial structures, that would give birth to an economy of an entirely new dimension and depth. (*Ibid*) By the year 2000 and thereafter, Thailand is expected to become a NIC.

<b>Table 1.</b>	<b>Basic Data On The Thai Economy, 1960-1986</b>			
	<b>1960</b>	<b>1972</b>	<b>1982</b>	<b>1986<sup>P</sup></b>
Population (million persons)	27.1	37.4	48.8	52.9
annual growth rate (%)	3.0	2.6	1.9	2.1
GNP per capita (Baht, current price)	2,056	4,257	16,906	20,873
GNP growth rate (1972 price, % per year)	—	7.1	4.1	3.8
agricultural output	—	-0.8	1.3	-0.2
manufacturing output	—	10.8	4.4	5.0
Gross domestic investment (as % of GDP)	15.2	20.5	21.0	19.8
Gross domestic savings (as % of GDP)	15.0	19.8	18.4	20.0
Value added (as % of GDP)				
agriculture	40.0	30.3	24.2	22.4
manufacturing	13.0	17.0	20.8	21.1
Manufacturing employment (as % of population)	—	—	4.1	4.4
Agricultural employment (as % of population)	—	—	33.3	32.2
Open unemployment (as % of labor force)	—	8.4	1.8	3.0
Minimum wages (Baht/day)				
Bangkok	—	—	64	70
Outside Bangkok	—	—	52	59
p: preliminary				
Sources: Athakor (1982), pp. 132, 138 and 145; Khanthachai et al. (1987), p. 3; Bank of Thailand (1987).				

Thai elites often boast of the impressive performance of the economy. Standard economic indicators, however, show that the economy has had its ups and downs. The NIC model may bring about more ups than downs in Thailand, but it cannot guarantee that such rapid growth will lead to equal development. In fact, it is a model that could lead to a development crisis, if the benefits of growth are unequally shared.

### **The Export-Oriented Model: Thailand's Development Experience**

Since the early 1970s, the official industrialization policy has emphasized the promotion of exports, foreign investment and tourism. Four merits are supposedly derived from such a model:

- generation of foreign exchange and improvement in the balance of trade;
- employment generation;
- technology transfer and advances in technology; and
- integrated national development.

However, in the context of Thailand's development experience, export-led growth scores badly on all of these aspects. In the first place, the trade deficit

has worsened rather than improved, and has reached a crisis level. Trade deficits have persistently occurred between 1962 and 1986, and have ballooned from 956 million baht in 1962 to 18.3 billion baht in 1986. (Table 2)

Over the past two decades, manufactured exports have increasingly taken a bigger share of total exports. By 1986, they made up over half of all merchandise exports, from a share of only 1.4% in 1962. (Table 2) The bulk of manufactured exports is in such products as textiles, electronics and garments, the non-traditional, high-growth industries of Thailand. But this change in export composition has not alleviated Thailand's trade balance problems because the manufactured export industries are highly dependent on imported raw materials, electronic components, technology and technical consultants. The foreign exchange earned by these industries' exports would be needed to pay for their imports. The earnings are further reduced in the case of transnational corporations, which normally overprice imports purchased from affiliates, and underprice exports sold to the same.

The national value-added and net foreign exchange earnings of these industries thus consist of the value added to it by labor. But in fact, wages are low (Table 1), given the large industrial reserve army which is continuously supplied by rural outmigration. This plus state subsidies for local infrastructure, itself involving imports, can only lead to low levels of national value added and net foreign exchange earnings. These low levels are further depressed by TNC practices of transfer pricing, by tied aid and loans.

This structure of trade dependency, coupled with dependency on foreign investments and foreign technology, has brought Thailand into a situation of heavy external borrowing and indebtedness. As evidenced in Table 3, the total outstanding external debt has increased from US\$194 million in 1960 to US\$14.1 billion in 1986, accounting for 7.3% and 36.8% of GDP, respectively. Over the same period, debt service payments have jumped from 5.6% to 20.3% of exports.

While export-led growth does generate employment, it also creates unemployment because it weakens domestic market-oriented industries as well as agriculture, and draws into the cities more labor than the jobs that it creates. Furthermore, some of the investments are in capital-intensive industries which employ less labor per unit invested; in some cases, a shift to capital-intensive manufacturing takes place, resulting in the loss of jobs for some workers. This structurally generated unemployment is increasingly evident in Thailand. Furthermore, the employment generated by export-led growth tends to be unsteady and dependent on world market fluctuations.

Official statistics estimate the unemployed force in Thailand, consisting of persons both openly and voluntarily unemployed, at 1.9 million in 1986, an increase of 15.9% from the 1985 figure. In 1986, open unemployment was equivalent to 3% of the total labor force. (Table 1)

Table 2.	Thailand's International Trade and Payments, 1960-1986			
	1960	1972	1982	1986 <sup>P</sup>
Imports: annual growth rate (%)	n.a.	15.2	-9.3	-1.6
Exports: annual growth rate (%)	n.a.	30.2	4.4	19.6
Imports (as % of GDP)	17.2	18.8	23.2	21.9
Exports (as % of GDP)	15.4	13.7	18.9	20.3
Manufactured imports (as % of total imports)	74.6	73.5	58.4	n.a.
Manufactured exports (as % of total exports)	1.4	10.1	39.6	54.2
Trade balance <sup>a</sup> (million Baht)	-956	-8,885	-36,137	-18,314
Current account balance <sup>b</sup> (million Baht)	-72	-1,063	-23,138	2,489
International reserves (million US\$)	53	696	2,652	3,776
as months of imports	9.1	7.8	3.8	4.8
<p>p: preliminary  n.a.: Not Available  a: defined as merchandise exports minus merchandise imports  b: includes net inflows (outflows) from non-merchandise trade  Source: Atthakor (1982), pp. 171, 172; Khanthachai, et al. (1987), p.3; Bank of Thailand, 1987.</p>				

This low rate does not adequately reflect Thailand's unemployment problem. In fact, inadequate employment (including underemployed, underpaid and under-utilized workers) in the traditional rural and informal urban sectors seems to be more critical and complex than open unemployment, as demonstrated by the extensive exploitation of children and women in various service and production activities throughout Thailand.

Thirdly, technological development is uncertain. The Thai industrialization process has resulted in mostly assembly line operations, which function as appendages to a worldwide system of production. With regard to technology transfer, empirical evidence suggests that this has not been significant, particularly in foreign-invested firms. (Khanthachai 1987, pp. 13-16) Santikarn (1978) attests that technology buyers in Thailand are constrained by several requirements and prohibitions. Transfer, adaptation and development of technology are important issues in promoting the industrialization and technological self-reliance of Thailand. However, the Thai government has paid little attention to these issues.

Finally, it is doubtful how a development strategy that is outward-looking, urban-biased and growth-oriented rather than redistributive, can be considered an integrated one. Little emphasis has been given to meeting the basic needs of the rural people and urban poor. Following the unbalanced development strategy, resources have been concentrated in certain spatial units (particularly Bangkok) and economic sectors (such as the industrial sector). Such a strategy has

brought about a multi-faceted structural dependency, involving such aspects of Thai society and economy as trade, aid and debts, investments, technology and culture. (Prasartset, 1984) Notwithstanding the remarkable economic growth, the problems of poverty, unemployment and uneven distribution of income remain.

### **Impact and Implications for the Future**

The NIC model has recently emerged as a new hope for Thailand's future development. It is almost always referred to in a positive light by government agencies, business circles and the press, as well as in seminar discussions in Thailand. In the early 1960s, there was much excitement about "development"; many were stricken with the so-called "development fever". Today this has turned into a "NICs fever". It would be useful at this point to examine the model's limitations, impact and implications.

#### **A. AUTHORITARIANISM AS POLITICAL PREREQUISITE**

The experience of most Asian NICs reveals that high rates of economic growth could be achieved only under authoritarian rule. Under this system of governance, the labor movement is suppressed in order to maintain low wage rates. It is believed that a dictatorial or any other non-democratic form of government, including Thailand's "para-democracy", offers the political stability, law and order needed for industrialization. "Stability" would create a favorable investment climate that would guarantee the security of private foreign and local capital in third world countries.

This theory seems to be borne by recent experiences in Thailand. In the 1960s, under the Sarit and Thanom dictatorial regimes, when there was no minimum wage law and labor organizing was forbidden, the growth rate ranged from 8% to 10%. During the brief democratic period between 1973 and 1976, with numerous strikes by labor and actions taken by farmers movements, there occurred a substantial decline in foreign investments, which was partially responsible for the fall of the growth rate to below 6%.

A big trade-off between economic growth and political liberty and social equity is thus likely under the NIC model. It has also been observed that the impressive economic performance of the NICs is often accompanied by violations of human rights and neglect of the welfare and political rights of the people.

#### **B. PROTECTIONIST PRESSURES IN WORLD TRADE**

The recent export-led growth of the NICs is taking place within a new structure of the global economy. To reduce costs of production and to make room for technological development in the more advanced

Table 3.	Thailand's External Debt, 1960-1986			
	1960	1972	1982	1986
<b>Public Debt</b>				
Outstanding (disbursed only, million US\$)	111	407	6,021	10,954
Service payments (million US\$)	17	45	813	1,275 <sup>e</sup>
Debt service ratio (% of exports*)	4.8	2.9	8.9	10.8
<b>Private Debt</b>				
Outstanding (million US\$)	83	505	3,765	3,117
Outstanding as Percent of GDP (%)	3.1	6.3	11.1	11.5
Service payments (million US\$)	3	140	792	1,122
Debt service ratio (% of exports*)	0.8	9.1	8.6	9.5
<b>Total External Debt</b>				
Outstanding (million US\$)	194	912	9,786	14,071
Annual growth rate (%)	n.a.	15.0	15.1	10.2
Outstanding as Percent of GDP (%)	7.3	11.5	27.5	36.8
Debt service ratio (% of exports*)	5.6	12.0	17.5	20.3
n.a.: data not available				
e: Estimated				
*: Goods and non-factor services				
Sources: Atthakor (1982), pp. 270, 274, 349, 350 and 352; Bank of Thailand (1987).				

countries, transnational corporations are relocating a large part of their labor-intensive, and some of the capital-intensive, processes of production from the developed countries to the NICs. Thailand has also been a relocation site, given the government's policy of welcoming foreign investments. However, this process is far from trouble-free because it generates protectionist pressures in the former host country, both from the workers who are displaced by the relocation, and by the industries that would be threatened by "foreign" competition. It also exacerbates trade and financial imbalances and is threatened by the possible breakdown of the world trade and financial system. More NICs doing more of the same would only aggravate the problem.

### C. DEBT DEPENDENCY

Dependence on external loans only tends to make the national development structure more outward-looking. This is because the third world debtor nations have invariably had to adopt the export-oriented outward looking policies prescribed by the World Bank and the International Monetary Fund, in order to obtain loans from international creditors. Nor have these policies – investment liberalization and deflationary measures including wage suppression and currency devaluation, to name a few – benefited the people. For example, devaluation, a prescription of the IMF, results in higher prices of imported goods, which lead to further inflation. Consequently the purchasing

power of wages is eroded, and workers experience a lowering of real incomes and living standard.

The development strategy advocated by the World Bank and adopted by Thailand, has led the latter to invest in more infrastructure projects than the economy can absorb. In 1983, over two-thirds of the outstanding public external debt was allocated for this purpose. Such expenditure is regarded as necessary to attract investments in large-scale industrial projects, and thus hasten the process of turning Thailand into a NIC.

In addition to borrowing for infrastructure investment, military loans, IMF loans and private sector external borrowing have intensified Thailand's foreign debt. An increasing external debt burden will put more pressure on external instability. This has led Thailand to rely more on IMF loans which are subject to more clauses of conditionality and other restrictions. As a result, Thailand may have been drawn into a vicious debt trap.

#### D. TECHNOLOGICAL DEVELOPMENT

A high degree of dependence on foreign technology and technological inputs has brought Thailand into a situation of heavy debt burden and trade imbalance. As Thailand sets its sights on becoming Asia's next NIC, more large capital-intensive projects will be promoted. But the NIC model of development tends to ignore or even destroy indigenous knowledge and local technology, in favor of imported technology. In consequence, the rural communities' indigenous knowledge is eliminated from the development process. This prevents them from being self-reliant and limits their power to survive, thus destroying their potential for development. In the coming decades, developed countries will advance into the information age using highly advanced technology, and it will not be easy for Thailand to get out of another vicious circle of "technological dependency".

#### E. RURAL POVERTY, UNDERDEVELOPMENT AND UNEVEN DISTRIBUTION OF INCOME

The success of export-led growth policy relies on the availability of cheap labor, raw materials and other resources from the rural areas. With rural outmigration becoming increasingly evident in recent years, open unemployment and inadequate employment in the urban areas will remain acute problems in the years to come. But the real loser will be the rural areas, since export-led growth would have serious adverse effects on rural development in Thailand. The expansion of the modern marketing systems, consumerism, roads and electricity in the rural areas has been accompanied by growing indebtedness of the rural population, due to the unequal exchange between urban and rural sectors.

## F. THE ROLE OF EDUCATION

For the past two to three years, the Thai government's education policy and administration have been heavily criticized for having directed education, over the past three decades, to promote growth and modernization that serves the urban-industrial sector instead of the rural-agricultural sector. The NIC model requires the Thai educational system to produce human resources in the same direction as before, but more intensively towards some specializations needed by the export-oriented industries. In order to make the Thai economy competitive in the world market, the major task of the educational system, as perceived by the government, is to promote technological development (i.e., to change machines for large-scale production), innovation (i.e., to improve techniques of production), and work efficiency (i.e., to raise the standard of management). This being the case, education for the poor and for rural development will be further neglected.

### **People As the Aim of Development**

By following the development path of the NICs, Thailand is expected to be highly dependent and fully integrated into the world market after the year 2000. In this situation, it will be increasingly more difficult for the Thai economy to attain autonomy. In fact, it may lead Thailand into a vicious cycle of foreign debt. Moreover, it will undermine further Thailand's ability to meet the needs of the people.

Industrialization is good for society as far as it leads to human dignity, equality, freedom, independence and peace. Undoubtedly, the NIC model as the mainstream approach to development will have a great influence on the development consciousness of third world technocratic elites. If all or most third world nations would follow the same export-led growth strategy, to whom would they export? In fact, Thailand and other third world countries should take their own alternative path, based on a balanced development strategy and more importantly, that would enhance social welfare, human rights and environmental sustainability. Otherwise, the people, the very aim of development, will be sacrificed and society will collapse.

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## Closing Remarks

This meeting has been a very interesting experience, and it would probably have been even more interesting for other United Nations University (UNU) people who had no opportunity to participate in the meetings of ARENA or other meetings organized under the UNU's Asian Perspectives Project. Although the UNU is supposed to be a community of scholars, we have tended to associate ourselves more with established scholars and established institutions in our work. This kind of meeting gives us an opportunity to enlarge our scope of contacts and, therefore, to redefine the community of scholars itself.

The UNU should endeavour more to include as many scholars and activists as possible, particularly in the third world, not only in Asia but also in Africa and Latin America. For those are the people who have less chances and opportunities to attend regional or international meetings to air out their own experiences and feelings. Such a broad reach characterizes the UNU when compared with another United Nations organization, UNESCO, where I worked for more than 10 years. It would have been impossible to include some of the participants here if UNESCO would have organized this meeting. The same could have been true with the Asian Perspectives Project that the UNU has sponsored for the past four to five years. It is because UNESCO procedure requires prior consultation with governments when it intends to invite the nationals of its member states. The procedure is not mandatory but some of the main countries require such consultation, which may make it impossible for UNESCO to approach some of the participants to this Workshop.

As I said, this meeting has been a valuable learning process for myself, and I believe, for most of you. A number of issues were discussed. We always kept in mind the role of NGOs and the social movements. It was not a very abstract discussion; when the questions of human rights, women or environment were discussed, it was always in relation to our own roles particularly in monitoring these situations.

I feel that the communications gap that was mentioned yesterday, was not too much at work. At least we had certain common objectives which provide a framework and willingness to understand each other. We spoke

much on the same wavelength and communicated much better. I feel I participated in the discussion to a certain degree with the same mind.

The major lesson that I learnt here is the relationship, the very tense relationship that many NGOs have with the State. Political space, potentials and limitations of NGOs have reminded us of the tension that prevails between the state and the civil society where NGOs find themselves. The relationship between the state and society will vary of course, and some countries enjoy more freedom in action than others.

Another point I wish to raise concerns the international environment in which NGOs operate. The purpose of this meeting was, among others, to share our experiences to develop a better strategy to cope with the problems that are common across the different countries. If I may refer to the UN system again here, it is much more accommodating to the needs you expressed.

A number of NGO movements have access to and have used the UN system in their own favour, in their own work, rather than shying away from the potential opportunities. I know that there are a number of constraints on both sides and that the conditions cannot be met by some of the NGOs.

As for the United Nations University, it shares the same concerns with the many NGOs working in the region. My only suggestion is that the UNU might be able to collaborate more when you are conducting research, solid field research. In the final analysis, your work has to be supported by rigorous research. Without solid scientific backing, we cannot make much headway. The UNU would be helpful in that kind of research undertaking; I hope that I could serve in my limited capacity as a link between this group and the UN system, through the UNU.

*Dr. Uchida Takeo*  
*United Nations University*

## Workshop Proceedings

### Theme 1: Women's Question and Cultural Oppression



New trends are emerging that have a direct impact on women in Asia. While the discussions focussed specifically on Thai women, on Asian brides and other female migrants in Japan, and on women and the Islamic law in Pakistan, the observed trends were generally seen to reflect a common pattern in most Asian societies.

For example, rather than a loosening of traditional values that tend to oppress and exploit women, there seems to be a reinforcement of these values, although such reinforcement is often in the guise of "liberating" women from their burdens at home. In Thailand, for instance, there has generally been a high rate of participation of women in the labour force. But this has only meant that their work quantum has gone up because they have to take on out-of-family burdens, in addition to their household responsibilities. Despite the heavier workload, their incomes remain inadequate, especially because more work is seldom converted into more pay. Low wages have in fact forced many Thai women into the flesh trade as breadwinners for their families. It is quite evident that capital does discriminate according to gender. Moreover, paid work does not necessarily give women financial autonomy because they earn not on their own behalf, but on behalf of their families.

Another form of reinforcement of traditional values can be seen in Pakistan, where the push by the state under the rule of General Zia to enforce its interpretation of the Islamic faith and Islamic law, led to the enactment of laws, specifically, the Hudood Ordinances, that discriminate against women. The present debate in Pakistan centers around introducing the "true" interpretation of Islam. Islam in seventh century Arabia was born out of a trading culture. This is the material base of Islam, which also dictates the social role to which women living within this trading culture, were relegated – mainly to undertake the task of reproduction, following a code of social conduct evolved by the men of the rich merchant class. Pakistan, on the other hand, is a semi-feudal and semi-capitalist society, which requires an additional role for women – as workers. The relevance of the Islamic laws should therefore be assessed in the context of Pakistan's material base.

Though there are new provisions for women's rights in the Constitutions of many countries, customary and personal laws of minority communities still have legal standing and these often discriminate against

women. Laws relating to the criminal act of rape are still viewed as an attack on chastity and not as a violent criminal offense against women.

Furthermore, "development" in many Third World countries has hinged on the significant participation of women in the labour force. Women are in effect subsidising the cost of "development". And when this "development" results in a crisis, women are increasingly called upon to ease the hardships that are brought to bear on their families. Hence the phenomenon of women working overseas, or being sold as brides in the more advanced societies like Japan – a trend which will continue as the crises in their own countries worsen. Unfortunately, many development projects and women's programmes still have a social welfare attitude and hence only reinforce the stereotyped role of women.

## Theme 2: Land Rights, Forest Rights and Tribal Rights



The presentation on the indigenous peoples of the Cordillera region in northern Philippines focussed on their concepts of land and land use, and on their struggle for self-determination. The Cordillera people have a well-defined relation with land. Oral tradition defines territorial and community rights to land, which is *not* a commodity. Nor is one's entitlement to it a personal one. Yet this harmonious relationship with land and nature is being threatened, not by the Cordillera people, but by external colonisation from the 16th century to the present time – the introduction of cash crop agriculture, the extraction of the region's wealth of metallic mineral deposits and the planned building of a major hydroelectric dam. All of these have led to the expropriation by the state and private capital of the Cordillera people's ancestral domain (often through the established legal system), and their further alienation from society.

It is out of this context that the struggle of the Cordillera people to preserve their ancestral domain, emerged. One point noted was that this particular struggle, in contrast to that of the indigenous people of Mindanao (southern Philippines), pushes forward the theory and praxis of the national question and the national minority question.

A war of attrition and extinction of indigenous peoples and their culture is ongoing in many nation-states, which almost makes one feel bewildered to talk of law and rights. Clearly, a new rights perspective has to be built to respond to the indigenous people's issues. The need to locate rights within their social, political and cultural context is not only obvious, it is imperative. The western concept of human rights not only fails to recognise the rights of communities as a group, but also limits the right of self-determination to a nation-state. Self-determination is often

understood simply as the right of secession, and this is due largely to the fact that the United Nations system recognises only nation-states. The right to determine the nature of government and the plural political processes that should prevail, is not recognised.

A group rights approach would uphold the indigenous peoples' right to their ancestral land, as well as their rights to devolution, to cultural continuity, to their own identity, and to ethnodevelopment.

### **Theme 3: Access to Health Services**

Discussion on access to health services was started with a presentation on the "No MSG" campaign in Hong Kong, and the situation of the health sector in Sri Lanka. The former was an attempt by some concerned Hong Kong citizens to bring to the attention of the general public the harmful effects of monosodium glutamate (MSG), a food additive now commonly used in homes and restaurants in Hong Kong. Although the campaign was far from the success its organisers had hoped it would be, many lessons had been learned. One was that the organisers realised they had underestimated the opposing forces and had selected the wrong tactics. They had also undertaken their campaign without adequate finances. As it turned out, the real battle was between value systems and the state, and the need to evolve effective responses on the part of NGOs, which must immerse themselves in the ongoing processes in society. Moreover, while single-issue campaigns as the "No MSG" campaign in Hong Kong provide great opportunities for raising the consciousness of the people, they must also be linked to other global issues.

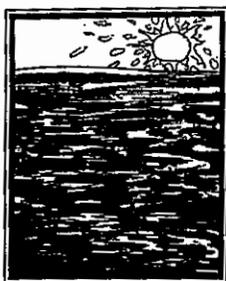
Regarding access to health services in Sri Lanka, a comparison was made between the pre-1977 model of socialised health system then promoted by the government of Bandaranaike, which failed, and the privatised system which the subsequent government, following a World Bank-designed model of export orientation and import liberalisation, implemented. The latter concentrates only on the activities that earn the most profits. A point was made that only the degree of rapacious exploitation actually differentiates the private sector from the public sector. What the people need is an alternative community-based health system.

The struggle for access to public services such as health and housing is not an isolated one, but is part of the search for human dignity. The struggle is not only for health or housing, but for a totality: resources and power, and their relation to public services. Moreover, these problems must be viewed from a global context. A critical review must also be made of the role of NGOs in bringing forward these struggles, or contrarily, in

reinforcing the existing oppressive structures. Such a review must also look at the challenges NGOs are facing in third world countries.

The discussion moved on to a general discussion on NGOs. It was felt that NGOs are facing a crisis of targets, and have sometimes failed to confront the political dynamics of their local/national/global situations. In addition, they face problems of funding. Many NGOs have enriched themselves to the neglect of the disadvantaged. In instances too numerous to ignore, the politics of aid has, wittingly or unwittingly, diverted NGOs from the issues at hand, often as a result of their having to meet the special needs of the donor organisations.

#### Theme 4: Ecology, Environment, Science and Technology



Conflicts for control of or access to natural resources have always existed in all societies. Underlying these conflicts is a mainstream concept of development – that a certain degree of environmental destruction has to occur as a price of development. Hence the justification for the nuclear power plant in Daya Bay, 50 km northeast of Hong Kong, and the callous disregard for the victims of the mega-disaster that occurred in December 1984 at the Union Carbide plant in Bhopal, India.

In both cases, crucial information relating to people's lives was deliberately kept away from them. In the planning phase of the Daya Bay plant, the people of Hong Kong were never consulted. Once the decision to build the plant was made public, citizens' groups were denied access to reports and studies commissioned by the Hong Kong government and a Hong Kong private electric utility, to justify the plant's establishment.

What is worse, the campaign on Bhopal by the International Coalition for Justice in Bhopal (ICJIB) not only showed a similar withholding of crucial information, but also a deliberate disinformation campaign conducted by the Union Carbide Corporation to avoid accepting liability for its actions. ICJIB's experience highlights the extent to which transnational capital will undertake action in order to escape accountability for the reckless endangerment it subjects peoples of the third world; in order to maintain its global standing in the business community; and in order to compel its victims to quietly and submissively accept their fate. Such action will range from spending huge sums of money on public relations rather than on compensation for the victims, not only to confuse the issues but also to disinform the people; to employing blackmail techniques against its workers, the victims and the affected community; if unsuccessful in this regard, to intimidating and

harrassing them; to covering up its actions with the paid assistance of professionals, research personnel and so-called experts.

From here the discussion progressed to the whole question of the use of natural resources, and the role of the environmentalist as differentiated from that of the ecologist. The latter generally has middle class interests at heart, and would give great importance to such issues as wildlife conservation, greenery and parks, including the demolition of urban "eyesores" like slums, etc. For the ecologist, a price – even in terms of some environmental destruction – has to be paid for development.

However, the environmentalist would, upon learning about the case of the Daya Bay plant and the Bhopal disaster, for instance, question whether we have to at all accept highly toxic chemicals, as well as any level of radiation. The assumption of the innocence of a technology until it is proven to be harmful, is recognised as one that has to be reversed. While rational arguments can be found to counter this kind of techno-development, the time has come to question the assumptions themselves.

In the case of nuclear power, for example, government support has all along been crucial to its development. Such support is premised on the following assumptions:

- Nuclear fission is a potentially limitless source of energy.
- There is no long-term alternative to nuclear fission.
- The environmental costs are affordable.
- The resultant technology trajectory is desirable.
- Nuclear energy can be universally produced.

All these, however, have proven to be false in the past three-and-a-half decades. Nuclear power is now recognised as being prohibitively expensive; there is no real safety; new renewable alternatives have come up; and so forth.

Two sets or areas of question and comment then emerge when discussing the environment:

1. Who has the right to decide on the use of resources? This is mainly connected to the politics of environment.
2. Is the use or abuse of natural resources encoded in technology options or in the method of science and development itself? This raises questions relating to the nature of knowledge.

Moreover, whenever people get displaced or are environmentally affected, besides the victim, a whole new set of actors and intermediaries – lawyers, doctors, activists, government agencies, international bodies, etc. – enter the picture. A kind of "business" emerges which draws attention to itself and the campaigns, yet structured to its own needs, often to the point where the basic issues – and the victims – are

forgotten. At another level, some organisations assume a position of "revolutionary purism", consequently denying others the right to their type of actions. This is one dilemma that environmental movements and NGOs have to face.

### **Theme 5: Peace, Militarisation and Human Rights**



The twentieth century has been the most brutal age, a century of total war. Never before has man been so uncivilised, as evidenced by the amount the world now spends for military purposes – over one trillion U.S. dollars. Third world countries in Asia spend more on defence as a percentage of gross national product, than developed nations. Today, the number of children who unnecessarily die every three days is the same as those killed in the bombing of Hiroshima in 1945.

The police, armed forces and arms merchants have joined the elite. In many third world states, an internal security ministry sits alongside the defence ministry. Furthermore, as the presentations on the Philippines, South Korea and even Sri Lanka show, the quest for peace in many developing countries is often subverted by the strategic geo-political and military interests of the world's superpowers. Yet internal divisions can yield equally destructive and violent outcomes, as seen in the situation in Sri Lanka. Nor has violence against women abated, and as in the case of Pakistan, has even been accompanied by the use of law and the legal system in order to legitimise such violence.

While the physical phenomenon of large-scale violence as yet may not be widespread in other Asian countries, violence has, with the help of the media, increasingly intruded into the psyches of a growing number of people. To a large extent this is due to the fact that violence is encoded in the very development models thrust upon our societies. This explains why the growth of militarisation as a method of resource appropriation and deprivation is a common trend, and one that is a deliberate choice of the ruling elites.

Furthermore, "development" and "modernisation" are constantly offered as justification for authoritarianism and the denial, if not outright violation of, human rights. In a similar vein, military rule, no matter how repressive, is offered as the guarantee for stability and security. In Indonesia, for example, a pro-democracy stance is perceived by the state as being anti-developmental. To many of South Korea's neighbouring states, the kind of development it has been made to pursue is a model worth applying, and one that is simplistically understood as follows: Attain economic prosperity first, then democracy and redistribution will

follow. However, it is clear that Korea's prosperity has been gained at a very heavy cost to the people.

In fact, the appeal of "military equals stability" is strong only among a small sector in society – the elite, and often, the middle class. The contention that the poor prefer military rule is a misguided one. The push towards democratisation in South Korea, for instance, is not the state's initiative, but one of the students of Korea, who have brought prominence to a need popular among the Korean people for reunification with the North. The Korean government is learning to accommodate student demands for democratisation and reunification, without actually acceding to them.

In turn, the concentration of capital in Korea and the resultant marginalisation of workers has led to a high incidence of strikes. The government has been less repressive than before in dealing with the striking workers, not because of a desire to uphold their rights, but because it has to give concessions in view of the vital role heavy industry plays in the economy, both directly and indirectly, i.e., in the small- and medium-scale production activity heavy industry generates through subcontracting arrangements. As to the middle class, it has largely stood in favour of the status quo, and would like Korea's economic "miracle" to further advance. Not surprisingly, the government is making a conscious effort to gain its support.

Clearly there exists an urgent need to push further the concept of people's empowerment and people's participation, and evolve a concept of people's security. The latter is antithetical to the notion of military rule, and goes beyond the commonly held notion of constitutional democracy, which equates elections with democracy even if bullets are often used to gain ballots. It is in pushing forward the idea of people's security where human rights organisations play an important role. Such movements and NGOs must form a broad federation that would strengthen a programme to restore human rights and democratic forces.

This is most evident in the case of the Philippines, where despite the overthrow of a dictator and the assumption to power of a popular president, human rights violations continue with the same, at times, greater, intensity and brutality. During the Marcos era, human rights groups held a largely watchdog position, taking a position of anti-dictatorship. While such a position must still be maintained under the Aquino administration, the actions of human rights groups undertaken in the Marcos period no longer seem effective. Human rights work is evolving a new focus and new strategies. For one, a shift in targets is gradually emerging – from the Marcos government to the people, together with a case-by-case cooperation with various branches of the new government. There is a growing recognition of the need to push

forward the concept of people's empowerment and people's participation.

### Theme 6: Voluntarism



The discussions on NGOs revolved around the definition, characteristics and features of NGOs, as well as their limitations and potentials. NGOs or voluntary agencies can be divided into three categories: charity organisations; groups that work towards developing people's potential and capacity; and groups that analyse the causes of social problems and help to bring about alternative social systems. However, there are no clearcut lines between the three. NGOs are usually a combination of these types, or involve an interaction of their features.

There are various modes through which NGOs intervene in the process of social transformation, depending on the focus of their work as well as their main features. NGOs can be both reactive agents – contributing towards public welfare by responding to situations through a piecemeal or incremental approach; as well as proactive agents – with or without the state, enthusiastically assuming roles in social welfare and social transformation, anticipating situations and working towards a vision of a society where people come first.

NGOs have their potentials and their limitations. They can have a strong and positive role as a democratising force in society, as in South Korea. They can form links with and among people's movements, and help transcend sectarianism.

On the other hand, they face continuing challenges in terms of identity and conduct, and must constantly guard against themselves becoming obstacles to social processes of change. There is, for one, a growing trend among NGOs towards bureaucratisation and over-emphasis on professionalism, which somehow draw them away from the people. A tendency for fragmentation, cynicism and animosity to develop both within and among NGOs must also be overcome, through constant reflection, self-criticism, re-examination and refocussing of their identity, goals, targets, strategies and approaches.

With their commitment towards social transformation, NGOs are constantly the object and instrument of manipulation by the state, donor agencies and international institutions. The experiences of NGOs in Japan, Indonesia and Malaysia provide a warning and caution on this concern. They underline the need to be aware of, among others, the sophisticated ways devised by these actors to deal with NGOs, the real motives behind the attention they are increasingly placing on NGOs, and

their propensity for creating divisions within and among voluntary agencies, and between NGOs and the people they serve.

What can and should be done by NGOs varies from country to country, and from NGO to NGO. One cannot assume a condescending position with regard to the approaches and strategies employed by others. One can only learn from the other, especially since there are no hard and fast rules to follow. What is needed is a crystallisation of the understanding of country-to-country situations. While there is a common thread running through the wide spectrum of realities obtaining in the region, there are also factors that divide Asian countries, in terms of values, space, processes and threats – factors that have an impact on people's movements and on NGOs in each country. Local situations take prominence and this should challenge us to understand each other's situations.

### **Sub-Workshop on Regional Cooperation on Human Rights and Legal Support Work in Asia**

The sub-Workshop reviewed the major problems and concerns identified during the five thematic sessions of the ARENA Workshop; examined their significance for human rights and legal activist groups in Asia; and made specific recommendations to the two organizers of the workshop, ARENA and ICJ.

#### **A. GENDER DISCRIMINATION AND WOMEN'S RIGHTS**

Several common problems recur in different Asian settings. Gender discrimination, in its various forms, is entrenched in the personal laws and family laws of several countries. Innumerable practices of economic discrimination are often exacerbated by the adverse impacts of development projects on women. Violence against women (both within and beyond the family setting) is already at intolerable levels. Sexual trafficking in women and exploitation of female migrant workers are problems which cut across the boundaries of the countries of Asia and call for regional responses.

The sub-Workshop recommended that support be provided for:

1. *National* efforts to identify, critique and develop proposals for the repeal of discriminatory legislation.
2. *National* efforts aimed at the exposure and punishment of violators and efforts providing support to actual and potential women victims of discrimination, violence or exploitation. So far as migrant women workers in Asia are concerned, there is need for collaborative research and action, both in the country of origin and the host country.

3. *Regional* research efforts on the roles of women in capitalist and peripheral capitalist societies; on patriarchy – the socio-cultural roots of oppression; and on legal obstacles to women's access to property.
4. *National and regional* efforts to provide legal support to women in the assertion of their rights
5. Greater *regional* exchange of information and networking amongst women's groups.
6. Work towards the establishment and strengthening of an Asian Women's Rights Commission.

#### B. INDIGENOUS PEOPLES AND GROUP RIGHTS

Noting with alarm the growing incidence of ethnocide; the increasing State repression of ethnic, religious, cultural and other minority groups; and the resultant spiral of violence, authoritarianism and lawlessness; the sub-Workshop recommended that support be provided for NGO efforts directed towards:

1. Expression of solidarity and protest.
2. Advocacy of minority rights (which is often an unpopular task in the face of the hostilities of the majority) at national, regional and international levels.
3. Asian regional initiatives in the mediation and conciliation of conflict.
4. Discussion, conceptualization and standard-setting with respect to group rights. It was felt that an Asian Working Group convened for this purpose would help ensure effective Asian participation in the standard-setting exercises on group rights which are on the UN calendar over the next several years.

#### C. ACCESS TO PUBLIC SERVICES: HEALTH AND HOUSING

Noting the inadequacy of budgetary allocations towards programs to meet basic needs; the discriminatory nature of access to such public services as are in fact provided; and the growing trend towards privatization of the delivery of such services (with detrimental impacts on access, cost and quality); the sub-Workshop recommended that human rights and legal support groups in Asia be encouraged and supported in efforts to:

1. Demand that governments fulfill their obligations (under International Human Rights Law, i.e., the Declaration and the Covenants) to meet the basic needs and realize the economic, social and cultural rights of their people.

2. Secure redress against discrimination in access to public resources and services and provide legal services to secure entitlements to public services.
3. Monitor government policies, allocations and public expenditures on public services. In order to fulfill this task, human rights groups need access to research and development of research skills. Regional initiatives would be a more appropriate response to meeting such needs.

#### D. ECOLOGY, ENVIRONMENT, SCIENCE AND TECHNOLOGY

The export of hazardous technologies, products, and wastes was seen as a growing problem in virtually every country in Asia. The sub-Workshop suggested:

1. Encouraging ARENA in its efforts (presently underway) to establish a regional technology hazards group in Hong Kong.
2. Lobbying for the establishment, at a national level, of mandatory public hearings to assess the anticipated impacts of proposed industrial and development projects.
3. Legal support for defense of community mobilization to resist hazardous technology and limit the damage of developmental disasters.
4. Regional case studies in countries like Thailand, Korea, Taiwan and the Philippines of successful community struggles against technology hazards. Such case studies were seen as an essential step toward moving from efforts centered around the *right* to know towards efforts centered around the *power* to act.

Environmental pollution and ecological degradation were viewed by the sub-Workshop participants as being so grave a problem, in most Asian countries, as to constitute a non-military threat to peace and security. The sub-Workshop recommended that:

1. A regional research program be initiated to document the human rights violations (e.g., of the rights to life, livelihood, subsistence, health, occupation) that occur in situations of acute ecological degradation. Such a program might help catalyze national efforts to establish a *human* right to environment. Special emphasis could be given in the research to groups such as women and children who are particularly vulnerable to the adverse effects of ecological degradation.
2. A regional effort be initiated towards the articulation of a policy on, and a charter of rights of those faced with displacement by forced relocation, e.g., through large-scale development projects.

3. Legal support groups in Asia be assisted to provide more effective legal assistance to the victims of ecological degradation. Such efforts, it was urged, should be complemented by programs of human rights education in the developed countries to help make explicit the links between policies of international agencies like the IMF and World Bank, and consumer demands in developed countries which provide the impetus for such ecological degradation and resultant human rights violations in developing countries.

#### E. PEACE, MILITARIZATION AND HUMAN RIGHTS

The sub-Workshop felt that the problems here require broad-based national movements rather than narrow legal responses. Nevertheless, the sub-Workshop recommended that:

1. Regional research (e.g. on human rights violations in situations of internal-armed conflict) and meetings be encouraged to bring about greater interaction between peace groups and human rights groups.
2. National legal research be undertaken to help identify legal justifications to support popular calls for nuclear free zones, elimination of foreign military presence, and reduced military expenditures. Such efforts, it was felt, were essential to the attainment of peace, development and justice in the countries of Asia.

#### F. CONCLUDING RECOMMENDATIONS

The sub-Workshop identified three needs which cut across all of the above themes:

1. Regional mechanisms need to be developed for the more effective expression, both of solidarity and of protest, in situations of human rights violations. Such mechanisms need to be targeted at governments, the media (both local and foreign) and the public at large.
2. Regional, protective mechanisms need to be developed to deal with instances of violations of the human rights of NGOs, human rights lawyers and grassroots workers.
3. Capacities and methodologies for more accurate reporting on human rights by Asian human rights NGOs need to be developed. This will help reduce attacks on the credibility of the reports of national human rights monitors launched by their own governments and will also facilitate decision making by international human rights organizations.

It was urged that both ARENA and ICJ develop regional programs to help address the above three needs and thereby enhance the effectiveness of human rights NGOs and legal support groups in Asia.

## **Sub-Workshop on the Asian Development Problematique**

The 1980s have witnessed many degrees of crises occurring throughout Asia. With the 1990s fast approaching, we do not expect to see the processes of impoverisation of the majority, militarisation, ecological destruction, dehumanisation and erosion of sovereignty abating. In fact, what has happened in the 1980s – a trend which will probably continue in the years to come – is that these processes have become more complex, and the strategies employed by powerholders more sophisticated.

The peculiar paradox in Asia today is that while issues of violence, ecology, women, etc., have been brought to public attention by mass movements and voluntary groups, they still are not reflected in development paradigms. Only some of the language used by social activists and researchers gets incorporated in official plans. But this has also made it more difficult to discern the actual positions hidden underneath this “people-oriented” language. They are, at worst, different formulations of old strategies, and at best, state concessions to people’s movements, without necessarily altering basic structures and power relations.

While there has been an overall shift in the discourse regarding the Asian development problematique, this has not led to a better life for the majority of the people of Asia. In fact their condition has worsened as conflicts have sharpened. It is quite evident that the development crisis will continue into the next decade, leading to further marginalisation and depoliticisation of the poor. Indeed, it is a sad reflection of our times that the main challenge we face today is still finding a way out of the massive poverty in Asia.

This is happening alongside the increasing sophistication of global powers and ruling elites in their use of power, and in throwing up new traps to coopt the voluntary sector. There is a growing frustration with, if not outright rejection of, the so-called development models being thrust upon our societies. People are looking for a more humanistic response. While critiques of such strategies as export-led industrialisation have already been undertaken, these need to be reinforced by sustained and well-grounded critical studies.

For example, despite the apparent success of Korea, Taiwan and Singapore, doubt is growing among many people – except perhaps, authoritarian governments and technocrats – that there is a necessary trade-off between democracy and development. Furthermore, Taiwan’s ecosystem has been severely destroyed after years of impressive industrial growth, and this is one side of the ‘success’ coin which needs more exploration. The Korean model, for another, was often analysed from the viewpoint of industrial development. It needs to be further

examined, but in a fresh light, for instance, in light of the rise of a strong middle class constituency.

The need to sharpen the critique of established, so-called development paradigms is even more pressing in view of the push being experienced by some Asian economies, particularly Thailand, towards becoming a NIC or newly industrialising country. To be a NIC is generally perceived as a desirable objective. Nevertheless questions remain about how such a model will overcome problems of poverty and injustice, and develop self-reliance when its basic prerequisite is to draw the economy of a third world nation into the global economic system. To what extent 'NIC-ification' will require a process of depoliticisation of the people, is yet another question. The NIC model has to be rigorously examined in relation to human rights, self-sufficiency and sovereignty.

Much effort has been exerted in the 1980s on building a critique of existing models. But not as much work has been put towards alternative models. This needs to be done, especially in view of the changes now taking place in the socialist world. There has to be discussion and debate on alternative development models based on democracy, pluralism, self-reliance and sustainability, as well as the political prerequisites for the implementation of these models.

In talking of alternatives, we also need to re-examine and redefine our notion of state, and its relation to civil society. We have to consider the possibility that the modern nation-state has itself become a major obstacle to the emergence of alternatives. In many of our countries, much of our resources are actually the property of tribal societies, which are not willing to be submerged into the 'development' process conceived by the modern nation-state. Subsequently they are subjected to intimidation and eviction. We need to evolve a kind of government that would respect pluralistic processes and place the focus and locus of development activity, on the local community.

## Participants

### Hong Kong

Chau, Simon S.C., Conservancy Association, G.P.O. Box 167, Hong Kong.

Ip Po-Keung, Lecturer, Faculty of Social Sciences, Lingnan College, 15 Stubbs Road, Hong Kong.

### India

Abraham, Ammu, Women's Centre, 104-B Sunrise Apartments, Nehru Road, Vakola, Santa Cruz (E), Bombay 55.

Alvares, Claude, Third World Bookstore, c/o The Bookshop, Altinho, Mapusa 403 507, Goa.

Bakshi, Rajni, Journalist, A9/2 Vijay Path, Tilak Nagar, Jaipur 302 004.

Bidwai, Praful, The Times Of India, 7 Bahadurshah Zafar Marg, New Delhi 110 002.

D'Souza, John, Centre For Education And Documentation, 3 Suleman Chambers, 4 Battery Street, Colaba, Bombay 400 039.

Kothari, Smitu, Lokayan, 13 Alipur Road, Delhi 110 054.

Krishna Raj, Maithreyi, Research Centre For Women Studies, SNTD Women's University, Vithaldas Vidyavihar, Santa Cruz (W), Juhu Road, Bombay 400 049.

Loganathan, K., Institute For Social Education And Development, Block No. 41/3, 14th Lane, Indira Nagar, Madras 600 020.

Rajabali, Anjum, Centre For Education And Documentation, 3 Suleman Chambers, 4 Battery St., (Behind Regal Cinema), Bombay 400 039.

Sethi, Harsh, Centre For The Study Of Developing Societies, 29 Rajpur Road, Delhi 110 054.

Sivagami, L., Institute For Social Education And Development, Block No. 41/3, 14th Lane, Indira Nagar, Madras 600 020.

Subramaniam, Arun, The Indian Post, J.K. Bldg., N.M. Marg Ballard Estate, Bombay 400 038.

Sudarshan, R., The Ford Foundation (New Delhi), 55 Lodi Estate, New Delhi.

Varkey, Alexander C., 5 DaCosta Layout, Cooke Town, Bangalore 560 084.

### **Indonesia**

Budiman, Arief, Universitas Kristen Satya Wacana, Jln. Diponegoro 54-58, Salatiga 50711.

Diarsi, Myra, Kalyanamitra (Women's Information And Communication Centre), Jln. Raya Bogar 30/Km. 20, Kramatjati, Jakarta 13510.

Setyadi, Sugeng, Yayasan Mandiri, Jln. Cimandiri 26, Bandung 40115.

### **Japan**

Murai Yoshinori, Institute Of Asian Cultures, Sophia University, 7-1, Kioi-cho, Chiyoda-Ku, Tokyo 102.

Nakamura Hisashi, Ryukoku University, Faculty of Economics, Fushimiku, Kyoto 612.

Utsumi Aiko, Asian Women's Association, Kelsen Women's College, 2-10-1 Minamino, Tama-shi, Tokyo.

### **Malaysia**

Alli, Syed Husin, University of Malaya, Department of Anthropology and Sociology, 59100 Kuala Lumpur.

Hong, Evelynne, Consumers Association Of Penang and Third World Network, 87 Cantonment Road, 10050 Penang.

Kandasamy, P., Department of Political Science, Universiti Kebangsaan (Malaysia), Bangi, Selangor.

### **Pakistan**

Sumar, Sabiha, Shirkat-Gah (Women's Resource Centre), 1 Bath Island Road, Karachi.

### **Philippines**

Co, Edna A., Regional Development Centre – Northern Luzon (Kaduami), 173 Garcom P.O. Box 7691, Airmail Distribution Centre, Metro Manila.

David, Randolph S., Third World Studies Centre, Palma Hall, Room 428, University of the Philippines, Diliman, Quezon City.

Diokno, Maria Socorro, Free Legal Assistance Group and Regional Council on Human Rights in Asia, Room 204, Cabrera II Building, 64 Timog Ave., Quezon City.

## **South Korea**

Chung Hyun-Back, Sung Kyun Kwan University, Department of History,  
Chonro-ku, Seoul.

Lee, Samuel, Christian Institute Of Social Studies, Soong Sil University,  
Sang Do Dong 1-1, Dong Zak Ku, Seoul.

## **Sri Lanka**

Kadirgamar, Santasilan, 5-4-22, Minami Aoyama, Minato-ku, Tokyo 107,  
Japan.

Ratnapriya, Sunil, Government Medical Officers' Association,  
Professional Centre, Bauddhaloka Mawatha, Colombo 7.

## **Thailand**

Atthakor, Wiwatchai, School Of Social Development, National Institute of  
Development Administration, Klongjan, Bangkok, Bangkok 10240.

Patimanukaseam, Siribhan, Friends Of Women Centre, 98/4 Pra-ar-thi  
Road, Bangkok 10200.

Prasartset, Suthy, Faculty of Economics, Chulalongkorn Univesity,  
Phayathai Road, Bangkok 10500.

Tanchainan, Sucheela, Graduate Volunteer Centre, Thammasat  
University, Anak Prasong Bldg., 6/F, Bangkok 10200.

Wun'Gaeo, Surichai, Social Research Institute, Chulalongkorn  
University, Phayathai Road, Bangkok 10500.

## **International Organisations**

Atienza, Sinforsoso, Agricultural Missions, Inc., 475 Riverside Drive, New  
York, N.Y. 10115, U.S.A.

Dias, Clarence J., International Centre For Law In Development (ICLD),  
777 United Nations Plaza, 7th Floor, New York, N.Y. 10017, U.S.A.

Diokno, Maitet, Asian Regional Exchange For New Alternatives (ARENA),  
Rm. A4, 2/F, G-Block, Hung Hom Bay Centre, 104-108 Baker St.,  
Hung Hom, Kowloon, Hong Kong.

Quintillan, Emelina O., Asia Pacific Forum On Women, Law And  
Development (APWLD), 9th Floor, APDC Building, Pesiaran Duta,  
Kuala Lumpur, Malaysia.

Ravindran, D.J., International Commission Of Jurists (ICJ), 109 Route de  
Chene, 1224 Geneva, Switzerland.

Sabur, M. Abdus, Asian Cultural Forum On Development (ACFOD),  
G.P.O. Box 2930, Bangkok 10500, Thailand.

Surendra, D. Lawrence, Asian Regional Exchange For New Alternatives  
(ARENA), Rm. A4, 2/F, G-Block, Hung Hom Bay Centre, 104-108  
Baker St., Hung Hom, Kowloon, Hong Kong.

Tsui, Maria L.S., Asian Regional Exchange For New Alternatives  
(ARENA), Rm. A4, 2/F, G-Block, Hung Hom Bay Centre, 104-108  
Baker St., Hung Hom, Kowloon, Hong Kong.

Uchida Takeo, United Nations University (UNU), Shibuya, 2-15-1,  
Shibuya-ku, Tokyo 150, Japan.

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- Atthakor, Wiwatchai, "NICs As A Development Model And Thailand After The Year 2000: Economic Miracle Or Debacle?".
- Chau, Simon, "The 'No MSG' Campaign In Hong Kong – An NGO's Attempt Of Social Mobilization".
- Chung Hyun-Back, "Division And Democratization Of Korea".
- Co, Edna, "The Sacred Right Of Cordillera Peoples To Ancestral Lands".
- Diokno, Ma. Socorro I., "NGOs And The Struggle For Social Justice In The Philippines".
- Ip Po-Keung, "The Politics Of Nuclear Power – The Daya Bay Case".
- Kadrigamar, Santasilan, "Peace, Human Rights And Militarisation".
- Murai Yoshinori, "Japanese ODA ...For Whom And For What?".
- Prasartset, Suthy, "New Global Political Setting And The Challenge For NGOs".
- Prasartset, Suthy, "Some Questions Regarding The Asian Problematique".
- Sumar, Sabiha, "Some Thoughts On The Origins Of Patriarchy: Islam And Women".
- Tanchainan, Sucheela, "Women In Thailand".
- Utsumi Aiko, "Asian Migrant Workers In Japan".

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This not only helps in tracking expenses but also ensures compliance with tax regulations.

In the second section, the author provides a detailed breakdown of the monthly budget. It includes categories for housing, utilities, food, and entertainment. Each category is further divided into sub-items, such as rent, electricity, groceries, and dining out. This level of detail allows for a clear understanding of where the money is being spent.

The third part of the document focuses on the overall financial health of the individual. It suggests comparing the current month's spending against the budget to identify any areas of overspending. The author also recommends setting aside a portion of the income for savings or investments to ensure long-term financial stability.

Finally, the document concludes with a summary of the key points discussed. It reiterates the importance of budgeting and record-keeping as essential tools for managing personal finances effectively. The author encourages readers to take the time to review their spending habits regularly to make necessary adjustments.

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*Compiled by*  
*Alex CHOI Hang-Keung*

## **Bhopal: Who Lives, Who Dies, Who Cares An Open Letter to the People of India**

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Ruth Waterman, for the International Coalition for Justice In Bhopal (ICJIB),  
The Netherlands, 31 October 1989

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The International Coalition for Justice in Bhopal (ICJIB) is a worldwide network of consumer, environmental and other public interest groups campaigning on behalf of the Bhopal victims in their continuing struggle for justice, accountability and redress.

ICJIB was formed in December 1985 on the occasion of the first anniversary of the Bhopal tragedy. We have, from time to time, issued various statements, reports and publications, with special emphasis on the continuing plight of the Bhopal victims and the continuing denial of justice to them.

In 1987, ICJIB issued a warning to you, through the Indian press, of an impending sellout of the Bhopal victims. Your swift and unwavering response prevented a woefully inadequate collusive settlement in October 1987.

In February 1989, the Indian Government — acting through its Attorney-General and its Supreme Court — attempted to impose on the Bhopal victims a settlement for an amount even less than the one rejected in October 1987. This settlement was so pitifully inadequate that it raised presumptions of collusion between Union Carbide and the aforementioned officials of the Indian Government.

Your own response has been commendable in denouncing the settlement, as has virtually every Indian newspaper in their editorials. You joined the Bhopal victims in numerous rallies and protests, and have shown your solidarity with them in their continuing struggle for justice which is being so cruelly denied to them. Now, as you are about to exercise the power of the ballot in the forthcoming general elections, and because this issue has implications for the international community worldwide, we wish to draw your attention to certain points relating to the Bhopal tragedy.

Since February 1989, the Indian Government has continued to push through with a settlement despite the fact that many challenges to its validity are pending before the Indian Supreme Court. Moreover, in an attempt to make the settlement appear less inadequate than it really is, the Indian Government has been accused of continued inaccurate categorization of the Bhopal victims, as well as of grossly underplaying the seriousness of the damage suffered by them.

Union Carbide, which bears primary responsibility for the world's worst industrial disaster, continues to deny the Bhopal victims the interim relief and health care so very essential for their survival. As a result, the death toll arising from the tragedy continues to mount inexorably. The Bhopal victims have clearly articulated, and time and again reiterated, their demands for immediate interim relief, striking down of the settlement order, and resumption of the Bhopal litigation, with a view to holding those responsible for the Bhopal tragedy accountable and securing adequate relief and compensation. We appeal to you at this stage to show your solidarity for the just and fair demands of the Bhopal victims by calling upon the candidates you will elect as your representatives in the Indian Government to publicly declare, prior to the elections, their response to the demands of the Bhopal victims. Specifically, we urge that you ask each and every candidate seeking your vote at the forthcoming general elections to:

- declare publicly their position on the demands of the Bhopal victims.
- declare publicly what steps they would take to satisfy the demands of the Bhopal victims should they be given your mandate and your vote.

Thus far, candidates seeking votes have generally been very reticent about making such declarations. It is their very silence on these critical points that prompted us to address this letter to you, the people of India.

The Bhopal victims have, hitherto, been cruelly betrayed not only by Union Carbide but also by officials of their own government. Their continuing plight has also largely been ignored by the present electoral candidates. As the fifth anniversary of the Bhopal tragedy approaches, we are confident that you, the people of India and the electorate of India, will neither ignore nor forget the Bhopal victims, but instead express your solidarity with them and your support for their just and fair demands. The struggle of the Bhopal victims for justice and accountability is very much a struggle of every responsible citizen if India and the rest of the world is to be spared from the scourge of future Bhopals.

