

NGOS AND HATE POLITICS

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The attack by the leaders of the Patriotic National Front (PNM) on some of Sri Lanka's NGOs and individuals associated with them needs some political response. I provide a response in this article not only because I have been a target of vicious attacks by the PNM, but also because this campaign of hatred and intimidation is symptomatic of a particularly dangerous, authoritarian political trend in Sri Lanka today.

The PNM's attack on NGOs has the following thematic directions: NGOs are agents of colonialism and imperialism; they are allies of the LTTE; they endanger the country's sovereignty and national sovereignty; the state should control and regulate their activities. This campaign coincides with the PNM-JVP's other campaign of the 'Year of De-colonisation.'

All these of course are not new arguments in the campaign against the so-called NGOs. For example, in 1987-89, during the second JVP insurgency, some civil society organisations were accused of being a threat to national security and sovereignty when they welcomed the Indo-Lanka Accord of July 1987 and a negotiated settlement to Sri Lanka's ethnic conflict. In fact, a few of them received a letter in early 1988 that they were a threat to Sri Lanka's sovereignty and national security and that they should immediately apologise to the Patriotic National Front, the predecessor of the present PNM, for their acts of treason. The letter threatened the recipients that if they did not publicly renounce all their anti-national activities (that included academic research on the ethnic conflict!), the leaders of those organisations would have to pay the supreme penalty. The letter, written in sociological English jargon, was signed by AK 0047. Among the research and advocacy organisations who received this letter in 1988, during that period of extreme political violence and terror, were Marga Institute, Social Scientists' Association, Centre for Society and Religion, International Centre for Ethnic Studies, Sarvodaya and, the Movement for Inter Racial Justice and Equality.

Witch Hunting

It is quite interesting that some of the wording in that letter figures in the new proposal for a parliamentary select committee on NGOs. For example, the proposal makes reference to some NGOs supposedly acting "inimical to sovereignty and integrity of Sri Lanka" and "in a manner detrimental to the national and social well-being" of the country. It also suggests that activities

of some NGOs have adversely affected the "national security" as well.

I have closely followed the debate on NGOs for the past two decades. In that I have found the following:

(i). The term NGOs is used loosely, without any social scientific or rigorous definition of the term, merely to attack, discredit, demonise and witch hunt social, professional and religious organisations with which some individuals do not agree. As a term of political slander, it is like calling one's enemy a CIA or RAW agent.

(ii). The civil society organisations who suffer regular attacks by the Sinhalese nationalist forces as anti-national NGOs are those who have been active in advocating minority rights, peace and a negotiated political settlement to the ethnic conflict. They are often branded as agents of Tamil separatism and the LTTE. Earlier they were branded as agents of Indian imperialism. Now they are agents of Western colonialism!

(iii). Attacking the so-called NGOs for some people is a means to settle personal and professional enmities. The best examples of this are President Premadasa's harassment of Sarvodaya and its leader, Dr. A. T. Ariyaratne and the attacks on Marga Institute's founder Director Godfrey Goonatilleke by another Goonatilleke.

(iv). Attacks on 'NGOs' emanate from a particularly outdated, backward, anti- and pre-democratic conceptualisation of state-society relations. The recent call by the PNM leader for 'mob justice' against individually identified civil society activists constitutes a dangerous tuning point in this anti-democratic hate politics.

Let me elaborate on the last point.

Non-State Politics

What has been described in the PNM attacks as NGOs are professional and advocacy organisations set up by groups of individuals who share some political, intellectual, or social service visions and objectives. They are basically voluntary associations located outside the sphere of state. They are non-state entities that may sometimes espouse and even campaign for

ideas, objectives and agendas with which the state, or the regime at a given moment, may not agree at all. For example, the Civil Rights Movement campaigned for the release of the JVP political prisoners in the early and mid 1970, to the annoyance of government leaders at that time. Similarly, the MIRJE stood for Tamil minority rights in the early and mid- 1980s which angered the government as well extreme Sinhalese nationalist forces. Some of the organisations being accused of endangering the sovereignty of Sri Lanka's nation-state have been advocating federalist constitutional alternative for Sri Lanka.

These are often not popular causes. Some may find them unacceptable. Some may even abhor them. But they should have the right to exist without harassment by the state. That right is precisely the magic of democracy and democratic politics. That is also why in a democracy, the right to dissent, the right to freedom of expression and association are constitutionally guaranteed. A democracy allows citizens to form associations outside the domain of the state, espouse ideologies and work for agendas that the state may not approve at all. In a democracy, citizens' groups don't need to get the state approval or concurrence to advocate even an extreme political position. Advocating and even organizing for 'proletarian revolution' is a democratic right under bourgeois liberal democracy, even though it goes against the state and the whims of the ruling class. In bourgeois democracies, Marxist political parties exist, despite the fact that they advocate revolutionary overthrow of the existing state, precisely because bourgeois democracy is supposed to tolerate its own potential negation. To brand those who advocate federalism or joint mechanism as a threat to national security and sovereignty, as do the PNM and its intellectual hangers-on, is an act of denying even bourgeois democracy. Politically, it is Pol Potism, pure and simple.

Pre-democratic

The current hate campaign against NGOs is not only anti-democratic. It also comes from a pre-democratic and even semi-fascistic understanding of the relationship between the state and society/citizens. In this view, the espousal of any political idea that is not acceptable to a section of the regime is anti-state! This

is political intolerance in its most dangerous form. It smacks a medieval understanding of politics where dissent was viewed as treason. No wonder some of them have begun to advocate that Sri Lanka should return to pre-1505 society and politics. Actually, those who are engaged in the anti-NGO campaign espouse a political perspective which does not recognise that there is space outside the state for autonomous social activism. Like in the fascist ideology in Italy and Germany some decades ago, they view the state as the supreme embodiment of social organisation and wisdom. To them any critique of the state, or a proposal for reforming, re-working and re-constituting the state, is simply anti-state activity. Citizens who challenge the state in terms of ideas, alternative policies and political visions are traitors! They should be investigated by the police, controlled by the state and harassed by the state agencies!!

As a political observer, I have begun to wonder whether Sri Lankan politics was slowly moving in the direction of a new authoritarianism. There are unmistakable signs of our society losing some of the major democratic gains and achievements made during the last century through years of struggle and agitation. The hate campaign against the Christian minority and the proposed anti-conversion legislation is a frontal attack on multi-cultural foundations of our society and minority rights framework of our polity. Now the new attempt to use the state against NGOs is a clear indication that the regime of civil and political rights in Sri Lanka is in danger of being irreparably undermined. These attempts are being made by relatively small political entities in parliament who have a very limited conception of democracy. They use democracy purely in an instrumental sense, as a means to gaining state power. As a way to monopolise the country's political and cultural space, they have an agenda to criminalise dissent and legalise action that is illegal in terms of democratic jurisprudence. In a fragmented parliament, they have also been able to bully the two main political parties, SLFP and UNP, who, with all their blemishes, have allowed a multi-ethnic, democratic, pluralistic polity to take shape in this country even amidst a prolonged civil war. The traditional democratic political parties in Sri Lanka, the SLFP, UNP, SLMC, CWC, TNA and left parties should not allow these half-democratic forces to use the country's parliament for undemocratic agendas and McCarthy-type witch hunting. ■

NGOS AND THEIR ROLE IN PROMOTING RIGHTS

Neelan Tiruchelvam

The activities of NGOs are coming under increasing attack in the South Asian region. NGOs, like the state are seeking social transformation of the societies they work in. As a result there have arisen tensions between these two actors, especially when NGOs have criticized governmental accountability and conduct. And to control such criticism, state governments have sought to control NGO activities.

International human rights law recognizes the Right of Freedom of Association in Article 20(1) of the Universal Declaration of Human Rights and Article 22 of the International Covenant on Civil and Political Rights. However, international law also recognizes that that this Right of Freedom of Association is not absolute but is subject to such restrictions that may be necessary and reasonable. For example, Article 22(2) of the ICCPR provides:

No restriction may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (order public), the protection of public health or morals or the protection of the rights and freedoms of others... (See also Article 29(2) of the UHDR and the Syracuse Principles.)

So while international human rights law recognizes the right to freedom of association, it also recognizes that the right may be curtailed so long as the limitation is not unreasonable and does not render the right ineffective.

The question of non-governmental organizations, apart from the freedoms of association and expression, also relates to questions of civil society participation, formation and involvement. It relates at a very fundamental level to the degree of democratic participation in a society.

South Asia has witnessed a massive growth in the number of non-governmental organizations. These organization have taken up a range of issues from human rights to rural industrialization.

Although citizens' groups have been functioning in our societies for a long time (universities, trade unions, church groups, boy scout and girl guide movements, for example), the character of non-

governmental organizations has changed in the post-colonial era. They have emerged because the traditional political parties (where multi-party politics existed) and traditional politics have failed to provide an effective vehicle of participation for citizen groups. In a way, the new social movements of the sixties, seventies and eighties have sought to 'usurp' the functions and role of political parties and state governments.

The credibility of NGOs has progressively increased. They have moved into several new areas like ecology and alternative media and culture and now interact with large segments of the population all across the South. NGOs especially human rights NGOs have also acted as a powerful critique of governments. They have monitored, observed and researched the question of human rights violations and scrutinized very closely governmental conduct in this area.

The role of the state, though, is now undergoing a radical change. Soon after independence, states discovered that the primary vehicle for development was the state itself. The role of the state expanded enormously in these newly independent countries and began to play a much bigger role in the lives their citizens. Under pressure from the world Bank and IMF, several countries of the South (including South Asia) are now trimming the activities of the state which is beginning to pull out of areas it has been in since independence and is allowing the private sector instead to step in.

States have often sought to use NGOs in the development process. This has meant a degree of coercion exercised on NGOs to get them to conform to state government policies and priorities. States have also attempted to exercise control over NGOs when the latter have highlighted and sought to document and publish human rights violations and attacks on NGOs in the region have taken civil rights groups. Attacks on NGOs in the region have taken the form of commissions of inquiry, as in Sri Lanka, which have sought through their proceedings to tarnish the image of NGOs; or as in India and Bangladesh, to control their sources of funding and the activities they indulge in. NGO accountability, then, is crucial to ensure that governments do not use cases of NGO corruption and misappropriation as excuses for state intervention and control. ■

The late Neelan Tiruchelvam was a lawyer, scholar and a member of Parliament