



Editorial

Continuing Injustice

Much have been written about the roots of the injustices perpetrated on the indigenous peoples in this region of Asia-Pacific and elsewhere. Despite the work done through the years to address this issue, the oppression has not abated. The roots of the problems remain imbedded.

Assimilation into the majority society has always been a source of injustice for the indigenous peoples. It perpetuates the belief that indigenous peoples are inferior to those who constitute the dominant population of a country.

It seems that the most difficult question is at the level of recognition - recognition of the essential equality of human beings regardless of the social, economic, cultural and political conditions. It seems hard for most people to recognize the rights that belong to indigenous peoples simply because their looks, behavior and thinking are different.

Distorted information about indigenous peoples cause discrimination in many cases. They are almost always perceived as people with backward culture and thus unable to be at par with the rest of the modern world.

Who should then tell the truth about the indigenous peoples? Who should show to the rest of the dominant population about their (indigenous peoples') culture that has much more meaning than what people will ordinarily understand?

In their own struggle for survival, the indigenous peoples themselves best express their own thoughts, feelings and sense of values. They are the ones who remind people about the importance of spirituality as against crass materialism, of living with nature rather than controlling it, of the deeper value of land as more than just a mere patch of dirt.

Indigenous peoples, just like any other people, have their own faults and limitations. But these have been given much more prominence than they deserve.

The perpetuation of injustice continues as lies and distortions are repeatedly expressed in various forms of the media. In today's world of free trade, indigenous peoples' stance of preserving their ancestral communities comes out as mere sentimentalism. It is seen as an anti-development attitude that belongs to an era of the past. Hardly explained is the value attached to their ancestral communities (systems, lands, and other resources). What rights will indigenous peoples assert if their very identity is denied?

It is time to know the indigenous peoples as they should be known. Listening to what the indigenous peoples have to say about themselves and about the dominant population is a crucial first step. It is listening with open hearts and minds.

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FOCUS Asia-Pacific is edited by Dong-hoon Kim, Director of HURIGHTS OSAKA.

Living with the Past

For over a century, several government agencies in various states in Australia were set up to watch over the interests of the Aborigines. With legal mandate, thousands of Aboriginal children were forcibly separated from their families through the years and brought to government and church institutions, and later on to adoptive white families for some, to be brought up in an environment of white Australians. It is estimated that one half to two-thirds of the Aboriginal children were taken during their infancy (under 5 years).

The Aboriginal families never wanted to let their children be taken away. Many tried in vain to get them back.

In many instances since 1874, the program of forcible removal of Aboriginal children was objected to. Warnings were sounded out about the "...threat to family structures and systems; the links... between the removal of young girl children for domestic work, and slavery; ... the lack of responsibility, authority and supervision of those involved in the forcible removal of children; and ... the repressive conditions in which the children were held."

When an inquiry was made on what happened to these children, stories of abuse (physical and sexual), and deprived identity came up. Even for those who grew up in caring families, their longing to return to their real family tormented them for years. For many of these people and the communities they come from, their suffering continues. The effects of the forcible removal show in these children's children.

The Human Rights and Equal Opportunity Commission (HREOC) which started the inquiry in 1995 submitted its report in April 1997. The commission found out that the separation of aboriginal children from their own families is still being done at present.

Effects

The HREOC inquiry reveals the pain suffered by the removed people who in the latter years of their lives still long to get back their real identity. As the HREOC states:

"It is difficult to capture the complexity of effects for each person. For the majority of witnesses to the Inquiry, the effects have been multiple, continuing and profoundly disabling. The trauma of separation and attempts at 'assimilation' have damaged their self-esteem and well-being, and impaired their parenting and relationships. In turn their children suffer. There is a cycle of damage people find difficult to escape unaided."

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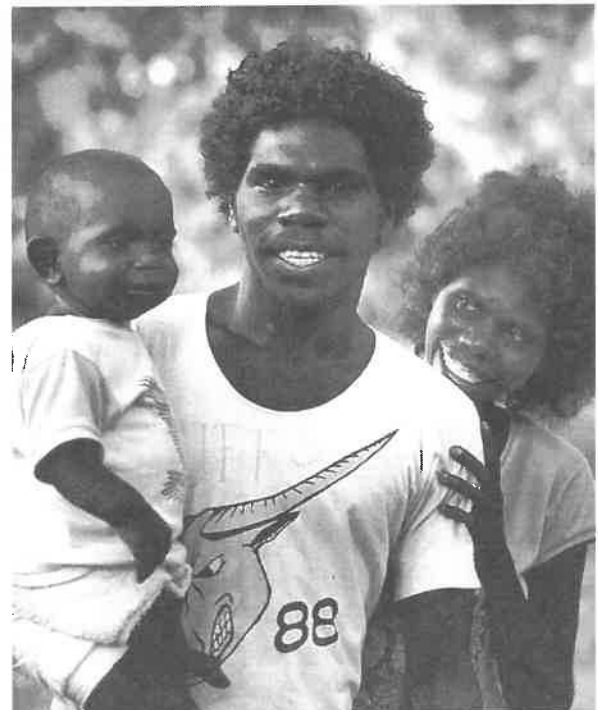
"The Inquiry found that many forcibly removed children and their children have lost their cultures, their languages, their heritage and their lands, as well as their families and communities."

The effects of the removal of children naturally

extend to the Aboriginal communities from where the children come from. Again, in the words of HREOC:

"The Inquiry found the loss of so many children has affected the health and morale of many indigenous communities. Indigenous men and women generally lost their purpose in their families and communities. Individual responses to this loss could result in drinking binges, hospitalisation following accidents or assaults, or behaviour which leads to incarceration or premature death."

The expected benefit of separation in terms of better future in a predominantly non-aboriginal community has not been shown to be extensive. The rate of likely assessment of poor or fair health of people removed is double that of people who were not. The removed people are not better educated, not more likely getting employed, not receiving significantly higher income than those who were not. They are twice as likely arrested more than once in the past five years.



Heide Smith

Family, Milikapiti, Melville Island, NT

Reason for removal

The Australian government as well as private institutions (mainly church orphanages and similar institutions) in the country believe that separation of children from families who they consider unfit to raise them is necessary for their own best interests. But with the HREOC inquiry, there is a grave doubt on whether indeed the best interests of the Aboriginal children had been promoted judging from the

effects of the separation.

The sincere intention of the government and the private institutions to help the children is not exactly being questioned. But the manner by which the program was done especially in the light of the highly sensitive idea of separating children from their natural parents and community is criticized.

On the other hand, the program becomes controversial as it is based on the concept of assimilation. The inquiry has shown that assimilationist programs lead to loss of language, culture, heritage and sense of own community - matters held dearest by the Aborigines.

Violations involved

The HREOC inquiry made a conclusion that the forcible removal of Aboriginal children is a violation of human rights

It stated that:

- *"the forcible removal of indigenous children was a gross violation of their human rights. It was racially discriminatory and continued after Australia, as a member of the United Nations from 1945, committed itself to abolish racial discrimination..."*

- *"by the early 1950s, the international prohibition of racial discrimination of the kind to which indigenous families and children were subjected was well-recognised, even in Australia..."*

- *"forcible removal was an act of genocide contrary to the Convention of Genocide ratified by Australia in 1949. The Convention on Genocide specifically includes 'forcibly transferring children of [a] group' with the intention of destroying the group."*

The HREOC inquiry likewise found that

"... even before international human rights law developed in the 1940s the treatment of Indigenous people breached Australian legal standards. Indigenous families were entitled to expect the protection of the British common law imported into Australia.

Two relevant legal principles were denied on racial grounds to indigenous families. These principles grew from the common law's respect for personal and family liberty and parental rights. The first was that children should not be removed from their parents unless a court makes that decision. The court order must be based on evidence proving removal is in the best interests of the child. The second principle was that parents are the legal guardians of their children unless a court orders otherwise in the interests of the child. The legal guardian has the right to decide where the children will live and how they will be educated and raised."

In many parts of Australia, taking Aboriginal children without court order was legal for many years.

Healing process

The HREOC inquiry does not attempt to create a sense of guilt among Australians especially the younger generations. But it urges a recognition that harm was done to members of their own community based merely on their being Aboriginal people.

For the sake of the Aboriginal people and the non-aboriginal Australians, a healing process is recommended. The removed people are being helped in 'going home' - in knowing their own family, community, and roots.

HREOC thus recommends a host of measures to address the harm done. Such measures are the following:

1. government assistance;
- a. giving people access to their personal files and information recorded about their families;
- b. funding family tracing and reunion services;
- c. funding indigenous mental health programs dealing with grief and loss, parenting and families, and other effects of forced removal.

These measures are meant to heal the wounds of those who were removed from their Aboriginal families. The measures are premised on the recognition of the ill-effects of removal, and on official apology for the same. They are not meant to bring back a lost past but to help build still a better future where Aboriginal and non-aboriginal peoples live together reconciled and mutually respecting each other's rights.

The people affected by this episode on the life of Aboriginal people in Australia include the non-aboriginal people themselves. They underwent the experience of witnessing how a group of people is been deprived of culture, language and sense of indigenous community living.

Concluding statement

This episode of 'stolen generation' provides an example of how redressing human rights violations relates to the larger community where the violations had occurred. Though the principal violators can be identified and even brought to justice, the wounds sustained cannot heal unless the whole community takes a significant part in the recognition of the harm and in the provision of reparation for those who suffered. Ultimately, any violation of human rights is an assault on the well-being of the community.

References

- Bringing them home - A guide to the findings and recommendations of the National Inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*, Human Rights and Equal Opportunity Commission, Sydney, Australia, 1997.
- Various other documents on the issue made by HREOC for public distribution.

In the Name of the Indigenous Peoples

A campaign was launched sometime ago to stop the circulation of a book entitled "Mutant Message Down Under". According to the campaign, it is a book that falsely presents a supposed experience with an Aboriginal community in Australia. The publisher labels it fiction, but the author insists that it is based on real experience.

The book has gained commercial success as it came out as one of the top sellers in America and Europe for some time. The author has been doing a series of lectures in both continents.

The author, an American woman, wrote about the secret ceremonies of a supposed "Real People" tribe which anointed her as the mutant carrier of the message of the "vanishing/disappearing" tribe to the rest of humankind. She narrated the experience of travelling with this group over a vast expanse of desert for 120 days and witnessing many sacred practices that are not meant to be known to a non-tribe member.

But groups of Aboriginal people in Australia cried foul. They believe that they as indigenous people have been used as fodder for someone else's commercial interest. It reminds them of the way their culture has been appropriated for purposes of tourism and even arts by non-aboriginal people.

An Australian Aboriginal group (Dumbartung Aboriginal Corporation) launched a consultation process among various Aboriginal communities in many parts of Australia in 1995 to find out how they react to the publication. The consultation also aimed to find out if the author has indeed taken the journey in areas she mentions in the book. The reactions are almost uniform in condemning the author for misrepresenting the Aboriginal cultural practices and values, and making so much profit out of it.

They point out that the book should be faulted on the following grounds:

a. inconsistencies, and falsehoods regarding Aboriginal culture and practices - there are also certain descriptions which fit more the American Indian culture than that of the Aborigines;

b. disregard for Aboriginal protocol of clearance - the book conveys a violation of the traditional Aboriginal law that no boundary shall be "... entered until the proper procedure of clearance had been granted. The recognition and respect of the boundaries were paramount in maintaining order within each respective tribal group." This law, according to the consultation report, was not violated by the Aborigines in the past despite the authorized massacres, poisoning of waterholes and other atrocities committed by the British to force them out of the land;

c. separation of activities for men and women - the book presents activities that actually do not take place because they violate the rule that women should not take part in the activities of men, and vice versa. The author mentions in the book her participation in sacred activities of men. At the same time, the descriptions of women's activities in the book are completely untrue;

d. appropriation of the right to speak for the



Anti-Mutant message campaign in Kobe, Japan (1997)

Aboriginal people - the author represents herself in the book as an Aboriginal voice without the consent of the Aboriginal people themselves other than that of the fictitious 'Real People' tribe. The author therefore took away the right of Aboriginal people to tell their own story their own way; and

e. denigration of Aboriginal people - the author claims that Aboriginal people (other than the 'Real People') have lost their traditional culture and have sold out to government policies. The author's claim of seeing rubbish in sacred sites is a denigration of the sites. No Aboriginal areas used as sacred sites keep garbage.

This book is another example to the Aboriginal people of the on-going appropriation of their culture by people who do not have an understanding of it. *"Aboriginal people have not only the right to ownership of our heritage but are also the custodians of the oldest living culture in the most ancient land mass on the face of the earth..."* - this they assert.

Of primary concern to the Aboriginal communities involved is the wrong projection of their culture before non-aboriginal people. This is feared for its long-term implications that will *"... compound alienation through cynicism towards our children."*

This brings out the crux of the matter. People who demonize others may gain benefit from it but the adverse impact is lodged with those who are so demonized. In the case of the Aboriginal people, their children may suffer the consequences of some other person's actions, who is not one of their own and who ostensibly has no relations to them. Any misrepresentation of a people's identity is liable to bring them harm and affect their rights.

The case of "Mutant Message Down Under" is illustrating how indigenous peoples are so vulnerable to unauthorized and incorrect representation of their communities by non-indigenous people. Consequently the rights of these people are compromised through no fault of their own.

How many cases of this sort have happened, and will happen, all in the name of the indigenous peoples?

Reference

Bounuh Wongee (Message Stick), A Report on Mutant Message Down Under, Dumbartung Aboriginal Corporation, Waterford,

Japan and Multiculturalism

(This is a reprint of the May 13, 1997 editorial of the Japan Times newspaper regarding the enactment of a new Ainu law that replaced an assimilationist 98-year old law. - Editor's note.)

Multiculturalism is not a Japanese idea. It has been only about 10 years ago since Mr. Yasuhiro Nakasone, who was prime minister at the time, reaffirmed Japan's status as a single-race state. It took until last week for this country to abolish the controversial and infamous Hokkaido Former Aborigines Protection Law of 1899, which was designed to 'Japanize' this country's Ainu minority.

Now this Meiji-era law has been replaced by the "Ainu new law," which has been generally welcomed as both proper and historic. But at least one spokesman for Japan's Ainu community of some 50,000 people has dismissed the new act as little more than an "Ainu cultural welfare law."

So the new law can be said to be a victory for democratic maturity and the growing strength of Japanese liberalism; but at the same time it may be described as a toothless monument to Japanese paternalism, reflecting profound degree of public ignorance about the sorry history



Ainu women in commune with nature

of the Ainu people.

Although the Ainu represent only a tiny minority of Japan's population - a mere fraction of a percentage point - the issue is quite sensitive, even irritating. This is because for many people on both sides of this controversy, the contest between traditional 'monoculturalism' and a new Japanese version of 'multiculturalism' is defined by a testing trade-off, even a zero-sum game, between Ainu pride and Japanese identity.

The barbed psychological dimension of the problem is further complicated by conflicting legal claims and economic interests. So before anyone rushes to any conclusion about the character of the new law, it is important to understand the history of the law and why its passage through the Diet (it was approved by the Upper House last month) was not nearly as smooth as last week's final votes suggest.

Social Democratic politicians have been pushing

for new legislation on the Ainu problem; more conservative politicians have sought to blunt the force for any change. But the collapse of the Liberal Democratic Party's one-party rule in 1993 clearly encouraged Ainu hopes for official recognition as a distinct minority, that is, for the creation of a category of native-born Japanese citizens who are not of Japanese blood.

Coalition politics decisively influenced this Diet compromise. The new "Law to Promote Ainu Culture and Disseminate Knowledge of Ainu Traditions" does contain the first implicit recognition of an ethnic minority in this country. But it fails to designate the Ainu explicitly as a legal Japanese aboriginal minority; this has been affirmed in a separate non-binding resolution.

Resistance to a more generous law came from the bureaucracy, which was alarmed by the suggestion that recognition of indigenous rights for the Ainu might enhance the minority's claims on land and natural resources in Hokkaido. This anxiety was fanned by a ruling handed down last March 27 by the Sapporo District Court, which basically endorsed the argument that the Nibutani Dam in Hokkaido had been built on lands held sacred by the Ainu.

The history of judicial activism on behalf of the Ainu minority can be traced back at least to 1975. That year a Hokkaido court first questioned the legitimacy of the term 'former Aborigine' as the official expression for Ainu. The conventional usage was challenged as being inconsistent with equality before the law of all Japanese citizens as enshrined in Article 14 of the Constitution.

During the past two decades, support for the Ainu cause in the courts and local governments has gradually grown. The United Nations' declaration of 1993 as the year of Aboriginal peoples was an important stimulus. Even conservative politicians have begun to look at the problem in a fresh light. Rejecting the conventional defense of Japanese racial and ethnic homogeneity, Prime Minister Ryutaro Hashimoto declared last March, "it is a fact of history that the Ainu people are Aboriginal to Japan."

On balance, both critics and proponents of the new law have a point. The law does represent a historic advance, but a very modest one. Nevertheless it offers more evidence that the 1990s clearly qualify, on many fronts, as one of the greatest flowerings of the liberal spirit that this country has ever known.

The law may do much to upgrade the status of the Ainu community while also promoting new measures to enhance its economic well-being. The implications of this legislation for a proper representation of the Ainu in school textbooks alone could prove significant.

Peace and Development

Peace is not merely the absence of armed conflict. It is an environment where individuals and communities are able to fully develop their potentials and progress, freely exercising their rights with due regard for the rights of others, and equally mindful of their responsibilities. It is a state where there is no government graft and corruption; where the people are given their due; where there is growth, progress and sustainable development; where there is alleviation of the poor living conditions of the people; where justice, equity, freedom and truth reign. [1]

This definition of peace is based on the outcome of a national public consultation in the Philippines organized by the former National Unification Commission, a government-created body.

It is clear from this formulation that there cannot be peace unless the causes of the ills of society (that of the Philippines in this case) are addressed, namely: maldevelopment (few rich, massive poverty), human rights abuses, ineffective government, and environmental degradation.

It is thus correct to have a comprehensive peace process in order to arrive at a state of peace in the Philippine context where armed conflicts had vigorously raged for years. 55,471 soldiers, government officials, members of the armed opposition and innocent civilians have died from 1973 to 1992. 1,832 persons are missing. 1.5 million people have been displaced over the two-decade conflicts. Damage to crops and properties since 1982 is estimated to have reached around 55 million US dollars. [2] And these are not the final figures.

The Philippine government launched a two-pronged process to attain peace: comprehensive peace process and the social reform agenda. Peace talks are on-going as far as the Communist Party of the Philippines-New People's Army-National Democratic Front (with one faction at least) and the Moro Islamic Liberation Front. Peace agreements had been sealed with the Moro National Liberation Front and the Reform the Armed Forces Movement-Young Officers Union-ALTAS (the military rebel group). The social reform agenda is the package of interventions which the government will pursue to ensure the welfare and early integration of disadvantaged groups into the political and economic mainstream. It is meant to address four dimensions of poverty: social equity, economic growth, ecological balance, and responsible and responsive governance. Executive orders have been issued to implement some of the demands of the people's organizations and non-governmental organizations which participated in national conferences organized by the government. [3]

It should be noted that these initiatives on peace fall within the over-all economic development framework of the Philippine government known as Philippines 2000! It is the blueprint for the Philippines to reach the so-called NIC-hood by the turn of the century. A tall order indeed.

With an economic development program significantly anchored on foreign investment, rapid and simultaneous implementation of various projects (energy, transportation, industrial-residential-commercial purposes) are being undertaken. With the active involvement of the private business sector (both domestic and foreign) in all these projects, can social reform agenda compete? Will there be social infrastructures that can help realize the principle of people empowerment in development before and during the implementation of the projects? Will the government be able to address the social inequities that result from the negative effects of rapid private-led development? In sum, will business wait for the social reform agenda?

These are questions begging for answers.

In the National Anti-Poverty Summit held in March 1996, recommendations from the farmers and fisherfolk sectors call for review/revision of the main economic development plan (Philippines 2000!) of the government because it puts at risk their economic security, the ecological balance, and their right to participate in the processes of development.

There is a clear statement from the non-governmental and people's organizations about the cost of the type of development that the government espouses. In their view the essential goal of social reform agenda, the very tool for peace, will be subverted by the well-resourced private-led development program unless the government steps in and faithfully follow the definition of peace it has agreed to.

The idea of lasting, just and comprehensive peace is difficult to attain and yet it is the only option that should be pursued.

End Notes

1. *Some Questions and Answers - Toward a Just, Comprehensive and Lasting Peace*, Office of the Presidential Adviser on the Peace Process, Pasig city, Philippines, page 14.
2. These figures are based on the government primer "*Some Questions and Answers - Toward a Just, Comprehensive and Lasting Peace*", *ibid*.
3. See *Major Policy Directives in the Implementation of the Social Reform Agenda*, Social Reform Council, Office of the President, Quezon city, Philippines.

Articulating Human Rights in the Context of Buddhist Ethics in Sri Lanka

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(This article is a short version of the research report from Sri Lanka on the cultural values and human rights project of HURIGHTS OSAKA. - Editor's note)

Introduction

What would be attempted in this paper can be formulated in an abstract fashion as follows: Are notions of human rights as they are articulated currently of universal concern and applicability? Or else, are these notions constructed and thus have to be understood within clearly demarcated cultural terrains, demarcated by religion, ethnicity or other such markers? On the other hand, in the process of propagating values of human rights, is it necessary or even useful to legitimize such values on the basis of cultural continuity from the past as part of a specific way of life or culture? More clearly stated, is it necessary to argue that human rights should be upheld because they constitute part of a specific cultural realm or should they be upheld because they have universal applicability transcending more limited but potent cultural and socio-political boundaries such as those marked by ethnicity, religion, nation, and so on?

I would be attempting to probe these issues by focusing on the specificities of Sri Lanka. However, to make this analysis somewhat manageable I have opted to probe these questions with special reference to Buddhist religion and Sinhala society and notions of traditions and truth claims important to Sinhala Buddhists. In Sri Lanka, according to the 1981 census (the most recent available data) Buddhists constitute over 69.30% of the population (Department of Census and Statistics 1996), and all Buddhists are Sinhalas. Sinhala Buddhists are thus the most numerically prominent ethno-religious group in the country.

Ideas of Freedom of Thought and Expression in Buddhism and the Politics of Human Rights

Buddhism, perhaps more than any other major contemporary religion, places a high emphasis on freedom of thought and freedom of expression in terms of its doctrinal ethics clearly articulated in the discourses of the Buddha. The fundamental Buddhist doctrinal positions on freedom of thought, freedom of expression and intellectual debate are clearly represented in the *Kalama Sutta* in the form of a question by the representative of a community of people called the *Kalamas* and a rather long answer by the Buddha. *Kalama Sutta* formulates the question posed to the Buddha by the *Kalamas* in the following manner:

"There are some monks and brahmins, venerable sir, who visit Kesputta. They explain and expound only their doctrines, the doctrines of others they despise, revile and pull to pieces ---

Venerable Sir, there is doubt, there is uncertainty in us concerning them, which of these reverend monks and brahmins spoke the truth and which falsehood?" (Soma Thera 1981: 5).

To this question the Buddha answers in the following fashion:

"It is proper for you, Kalamas, to doubt, to be uncertain; uncertainty has arisen in you about what is doubtful. Come, Kalamas. Do not go upon what has been acquired by repeated hearing; nor upon tradition; nor upon rumour; nor upon what is in a scripture; nor upon surmise; nor upon an axiom; nor upon specious reasoning; nor upon a bias towards a notion that has been pondered over; nor upon another's seeming ability; nor upon the consideration, 'the monk is our teacher.' Kalamas when you yourself know: These things are bad; these things are blamable; these things are censured by the wise; undertaken and observed, these things lead to harm and ill, abandon them." (Soma Thera 1981: 5-6).

Thus it would be clear that what is considered freedom of expression, freedom of thought and debate in contemporary human rights discourse would be clearly entertained and could be absorbed within the ideas so profoundly and clearly presented in *Kalama Sutta*. At least, such a possibility seems achievable when the essence of *Kalama Sutta* is considered as a whole. But beyond this obvious fact, what does all this mean in terms of the reality of the human rights status in Sri Lanka and propagating of human rights values in that country? Has the Buddha's discourse on freedom of expression and thought made a significant impact in the nature of intellectual discourse and debate in Sri Lanka by virtue of Sri Lankans having a Buddhist religious majority? Moreover, in multi-cultural Sri Lanka, what is the particular use in reiterating Buddhistness of a particular set of values as a means of justifying or propagating such values as useful and meaningful as these values may be?

I would suggest that the attempt to answer some of these questions would lead to a rather disorganized state of reality rather than a coherent sense of meaning. The reason would be the ability to answer these questions in a relatively progressive fashion in this particular context, and not so progressively in yet another context or even in the same context if the questions are framed or perceived differently. I believe that this state of confusion would be clearly seen as this discussion progresses.

Let me once again address the set of issues I raised in the previous paragraph. It would be obvious that freedom of thought and expression is clearly sanctioned in Buddhism. In fact, a human rights activist as well as an academic interested in these issues could quote from the *Kalama Sutta* and attempt to argue quite successfully the need to create a society where such ideals would be realized. To discuss and attempting to safeguard these ideals in Sri Lanka should be considered as a matter of priority because there has been a serious erosion of these ideals over the last twenty years or so during which many democratic traditions and practices in Sri Lanka have been dismantled or subverted. In such a context, the activists who argue for the reinstatement of such values because they are also based on Buddhist ethics may have some success. On the other hand, they may not.

One of the fundamental questions we need to raise here is, at what point in such a discourse do we decide to emphasize the Buddhistness or apparent Buddhistness of a particular value or set of norms, and at what point do we elect to de-emphasize the Buddhist affiliation precisely because the Buddhist position may not be helpful in supporting the arguments we have in mind -- as in the case of Buddha's perception on the equal treatment of women? On the other hand, it may be difficult to refer to a possible Buddhist affiliation to a human rights principle, if the Buddhist values associated with such principles have already been subverted. For instance, as far as I can see despite Buddhism's adherence to freedom of thought and expression by all political regimes in contemporary Buddhist majority societies, from Sri Lanka to Cambodia and from Thailand to Burma, such rights are considered a hindrance to governance.

Moreover, it is also possible that the Buddhist conscience associated with these values may be already lost. Two years ago, I asked a class of about three hundred Sri Lankan undergraduates, most of whom were Sinhala Buddhists, whether they knew what *Kalama Sutta* was. The group also included about twenty Buddhist monks. Only three people raised their hands, including one monk. They had however, only heard about the sutta, but could not explain what its contents were or its basic positions. That experience has repeated itself in a similar manner a number of times since the first encounter. It seems to me that the kinds of values that were presented in *Kalama Sutta* have disappeared from the Buddhist conscience in Sri Lanka. In such a context, is there any particular utility in promoting a set of values on the basis of their affinity to Buddhist ethics when those ethics themselves have already disappeared from the popular conscience and public imagination. I would argue that it is not necessary to tell the average Sinhala Buddhist that freedom of expression and freedom of thought are good things for modern democratic existence because they have resonance with forgotten Buddhist ethics. It is far more easy and intellectually less cumbersome to argue that such values are good for modern living in a democratic society. That way, one also does not give a hegemonic position to Buddhism, which is already legally entrenched in the constitution, at the expense of alienating

members of other religions. This last point also need further elaboration which I would do in the conclusion of this essay. That is, the problems and polemics of privileging the position of one religion or way of life in the propagation of human rights in a multi-cultural and multi-ethnic society which may lead to the creation of new problems rather than harmonizing existing cultural values and notions of human rights.

Buddhist Perceptions of and Attitudes Towards Violence in the Context of Modern Human Rights Notions against Violence

Over the last decade or so Sri Lanka has become better known internationally as a virulent site of political violence and a case study of conflict formation and mismanagement. The violence has been concentrated on two relatively easily identifiable geographic location, in the north east and in the south. In the northeast, the processes of political violence essentially manifested out of the state's failure of post-independent Sri Lankan governments to properly address the problems -- real and perceived -- of the Tamil minority who constitute the numerical majority in the northern and eastern provinces. The failure of the state to address these issues through democratic means utilizing the existing parliamentary system led to a violent uprising by Tamil youth. The Sri Lankan armed forces and police have been deployed to crush this rebellion. In the south, a Sinhala dominated insurrection against the state in the late 1980s have also led to a massive increase in political violence in the south and in the country in general. The net result of these two conflicts, and the dismantling of democratic traditions and the deliberate institutionalization of political violence by the United National Party government in its seventeen year-rule has been the spectacular growth of political violence throughout the country. Violence has become a major mechanism of governance, and the present government despite its rhetoric about peace and elimination of political violence clearly makes use of institutionalized forms of extra-legal violence for purposes of politics.

All this has happened in a country where the majority of the people are Buddhists. Moreover, in Buddhism there are clear sanctions against killing, and thus also against war and violence. These ideals are encompassed within the central Buddhist ethic of *ahimsa* or non-violence. The sanction against violence, particularly against killing is still very much part of the Buddhist conscience, unlike the case with the ideals of freedom of expression. Children are still socialized with that ideal early on in their lives, and school texts used for teaching Buddhism still emphasize this value as does the first of the five principle precepts of Buddhism - the *Pancca Sila*. At the most fundamental level, Buddhists are supposed to mold their lives in terms of the five precepts. By adhering to the first of these precepts a person takes the following undertaking: "*I shall abstain from taking the lives of living beings*" (Perera 1997). On the other hand there are a number of general references to violence and its consequences in the Dhammapada:

*"All tremble at violence,
All fear death;
Comparing oneself with others
One should neither kill nor cause others to kill."
(Dhammapada, Verse 129)"*

*Victory breeds hatred,
The defeated live in pain.
Happily the peaceful live,
Giving up victory and defeat."
(Dhammapada, Verse 201)*

The doctrinal positions against all types of violence is quite clear. No one is supposed to engage in violence. Those who do, have to face dire consequences in this life or the next in terms of karmic theory linking a person to numerous deaths and re-births (Perera 1997). Repercussions of violence is most graphically illustrated in the descriptions of the tortures violent individuals and other deviants have to endure in a variety of hells identified in Buddhism:

"Brahmin youth, here some woman or man is one who makes onslaughts on creatures, is cruel, bloody-handed, intent on injuring and killing, and without mercy on living creatures. Because of that deed, accomplished thus, firmly held thus, he, at breaking up of the body after dying, arises in the sorrowful way, the bad bourn, the Downfall, the Niraya." (quoted in Harris 1994: 15)

"Even so, monks, that anguish and dejection that man experiences while he is being stabbed with three hundred spears, compared with the anguish of Niraya Hell does not count; it does not amount even to an infinitesimal fraction of it; it cannot even be compared to it. Monks, the guardians of Niraya Hell, subject them to what is called five-fold pinion. They drive a red-hot iron stake through each hand and each foot and a red-hot iron stake through his breast. Thereat, he feels feelings that are painful, sharp and severe. But he does not do his time until he makes an end of that evil. " (quoted in Harris 1994: 15-16).

Such descriptions were part of the Buddhist texts, preaching, and later they were also depicted in temple murals and became an integral part of socialization in Buddhist societies, including Sri Lanka.

These descriptions were meant to serve as preventive mechanism, or as devices to control violence and other deviant practices. The point I want to make here is that a doctrine that so clearly deplored violence and described in detail the severe karmic consequences those who engage in violence would have to face is unlikely to even implicitly justify defensive political violence. Such a position will also clearly violate one of the most fundamental Buddhist

positions: Hatred begets more hatred. Clearly, even defensive violence would lead to more offensive violence, and the cycle of violence would continue. In this regard, a passage in the *Samyutta Nikaya* makes an important point. A warrior explains to the Buddha that a warrior who dies while valiantly engaged in combat would be reborn in the midst of the *Devas* (gods) of Passionate Delight. The Buddha, however, while condemning this idea, states that a warrior is always motivated by the notion, *"let those beings be exterminated so that they may be never thought to have existed"* (Harris 1994: 19).

In the Sri Lankan context both in the past and present, selective political violence has been utilized by rulers and regimes without much problem irrespective of the numerous discourses and precepts that clearly prohibits violence against not only humans, but also against animals. Thus it is important to note, that the existence of ideal religious ethics comparable to contemporary norms of universal human rights does not necessarily mean that such religious values and ethics invariably become part of the day-to-day practices. In other words, there may be a vast gulf between ideal religious ethics and realities of routine practices.

Under these conditions, one needs to pose the question how such values which do not always constitute part of routine practices be used to propagate or justify human rights practices or concerns. Let me, for a moment, briefly articulate the manner in which the Buddhist principles prohibiting violence has been subverted in Sri Lanka.

More than the routine acts of violence what has been generalized and routinized are the violence in extreme conditions. The nature of what is extreme is defined by either the popular perception of the specific conditions involved or on the basis of the rulers' definitions. More than violence within Sinhala society, violence perpetrated by segments within Sinhala society inclusive of agents of the state and directed against members of ethnic or religious minorities have been much more readily justified irrespective of the aforementioned Buddhist ethics. In the process of investigating how contemporary violence in Sinhala society against minority Tamils was perceived and justified, I was struck by correlations between the past (as depicted in the well known historical chronicles of the Sinhala people) and the present, and how often people reached into the past seeking justifications and explanations (Perera 1997).

Thus once again it should be obvious that a strong set of fundamental principles in Buddhism has been subverted at different historical periods in order to accommodate what were considered important conditions for the preservation of Sinhala people, Buddhist religion and the land of the Sinhala (Sri Lanka). In much more recent times, Sinhala novelist and poet Gunadasa Amarasekera attempted to reformulate the Buddhist tenet against killing in order to suit the continuing war situation in the country. He argued that the first precept was only applicable to the members of the *sangha*, the Buddhist clergy, and not to lay persons. In other words, according to Amarasekera, to kill enemies or perceived enemies in the

war or in other contexts was permissible (Perera 1997). Thus it should be clear that despite the existence of strong sanctions against violence in Buddhism, Sinhala political necessities in the distant past and in the present have led to their subversion or reformulation. Such a situation has become possible even while the non-violent ethos of Buddhism is well part of the conscience of the Sinhala Buddhists.

Under such circumstances, the legitimacy of attempting to use such concepts as a primary means of propagating contemporary human rights concerns and values may become problematic and unhelpful.

The Problem of Caste as a Condition of Hierarchy and Discrimination in Sinhala Buddhism

When Buddhism emerged and spread in India in the time of the Buddha, one of the reasons for its popularity was its clear stand against caste, the primary basis of social organization in India at that time. The caste system is based on an institutionalized system of discrimination based on notions of purity and impurity as well as inclusion and exclusion. Generally speaking, castes were relatively rigid ascribed categories which to a great extent was also defined on the basis of specific professional or service considerations. That is, different castes were linked to specific services or professions.

In simpler terms, the logic of the caste system was that inequality as opposed to equality was institutionalized within that system. The Buddha argued that a person cannot be considered impure and thus low on the basis of his birth. According to him such a categorization was only possible on the basis of a person's deeds.

That original ideal of non-discrimination in Buddhism has been seriously violated in the evolution of Sinhala Buddhism, and today even the clergy are organized into different sects on the basis of caste which the Buddha himself had preached against according to Buddhist literature and is also evident in the surviving discourses or suttas. But in Sri Lanka, despite the clear stand against caste discrimination in early Buddhism, those teachings apparently did not penetrate the foundations of pre-Buddhist social organization of (proto) Sinhala society.

Caste continues to be an important force in contemporary social organization, marriage patterns and political mobilization and electioneering. Moreover, the organization and the evolution of different sects within Sinhala Buddhism can only be understood on the basis of caste discrimination. The *Siyam Nikaya* is a Govigama caste-based sect, with a serious regional bias in its leadership positions. In other words, most of the sect's leaders are not only Govigama by caste but are also Kandyan in terms of region.

On the other hand, the *Amarapura Nikaya* is dominated by the Salagama caste, while the third sect in Sri Lanka, the *Ramanna Nikaya* admits individuals from all castes into its ranks as monks. In the context of the survival of the caste system and the apparent lack of influence of Buddhism over its continuity, we can pose a number of serious questions regarding the utility of using traditional

categories or norms in propagating contemporary human rights values. For one thing, this is a clear example where not only traditional cultural values per se but also local religious conventions legitimizes discrimination. In such a context, if we pay too much attention to conventions and traditional cultural and religious values, we would essentially delegitimize our entire project precisely on the basis of traditions and cultural values.

Conclusion

Human rights should not be upheld on the basis of existing cultural values or because of continuity from the past, but because they are an essential part of modernity and a necessary precondition to safeguard the future of humanity, not simply the future of Asians, or Sri Lankans.

Such a position will create for us a legitimate interventionist position with no socio-cultural biases or pre-conditions to campaign for human rights as well as to critique problematic cultural values which already exist. If some of the traditional values are useful, so much the better. If not, from a non-conventional perspective we can critique them as inappropriate for contemporary society, irrespective of the fact that they may be deeply rooted in history, myth and so on.

On the other hand, looking for correlations between notions of human rights and cultural values and traditions in the context of a plural society such as Sri Lanka would lead to further complications. In such a context which cultural values do we privilege? Which values do we reject? Such a process of inclusion and exclusion could also lead to internal conflict within that society, particularly if such conflict situations already exist in some form. One could argue that we privilege selected values and norms from all constituent religious or ethnic groups in a given society. But then again, the problems I raised above regarding Buddhism will have to be raised once again here as well.

Under these conditions it seems reasonable to argue that the best option for Asian societies in general and Sri Lanka in particular, would not be to articulate human rights concerns within a paradigm of tradition and convention but within a clear paradigm of modernity and universality which would nevertheless not be hostile to historical memory.

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Harmonizing Asia's Cultural Values and Human Rights : The Validity of the Approach - Sri Lankan Experience

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The purpose of study of culture in relation to human rights education and implementation is not "to legitimize such values on the basis of cultural continuity from the past as part of a specific way of life or culture." [1] To regard such a study of culture as purely a legitimization exercise is to reduce it to a selection exercise, i.e. selecting quotes from important texts regarded as basic sources of a particular religion or any other cultural source. This may be extended to selections from favorable episodes from history. Such an exercise belongs mostly to the propaganda sphere. The promotion and protection of human rights by way of implementation requires much more than propaganda. [2]

Legal formulations of human rights (international as well as local) only constitute an initial stage in the achievement of these rights. The gap between law and its implementation needs to be bridged if human rights formulations are not to remain mere illusions. Bridging this gap is an exercise in social transformation [3] and such transformation can only take place within a living cultural context, which needs to be addressed. [4] The essence of the pursuit of human rights is to establish the dignity of the human being as the most central concern of society. This end cannot be pursued without at the same time making efforts to understand the indignities that are meted out to human beings in that society and the cultural forms by which such indignities are constantly reinforced. [5]

For such a purpose, what is required is not selective use of quotes from religious texts or other sources of culture. For example, to select quotes from Buddhist texts which are supportive of freedom of thought and expression or on the rights of women may be an interesting exercise but hardly enough to meet the needs for achieving a proper implementation of these rights. An example of the study of culture from a human rights perspective is the work of Dr. B.R. Ambedkar on the issue of untouchability and his promotion of the notions of equality and fraternity in the cultural context of Hindu India.

The fear that cultural studies may lead to complications is hardly a serious objection. All attempts to move from ignorance to understanding creates complications and this is especially so in such issues as implementation of human rights norms and standards. The search for uncomplicated means of modernization is not a new one. It is shared by leaders from differing political perspectives. Pol Pot believed in wiping out the past as a fundamental tenet

of his modernization philosophy and experimented with it ruthlessly within the four years he was in power. [6] This was his way of doing away with the cultural complications involved in dealing with local culture. A less sincere attempt in this direction was the cultural revolution of Chairman Mao. [7]

The political perspective of avoiding cultural complications has been articulated most clearly in Singapore by Lee Kuan Yew and in Malaysia by Mahathir. It was particularly stressed that possible ethnic confrontations need to be avoided to achieve rapid modernization. The end result was either to restrict freedom of expression and human rights altogether as in the case of Singapore or to a very great degree as in the case of Malaysia. It is quite natural that for a country like Sri Lanka, which is bedeviled by ethnic violence, to admire a seemingly less complicated model of development. What is implied in such a proposition, however, is to accept an authoritarian model of development as a way out of ethnic conflict. In fact minority parties and many liberal intellectuals preferred a strong Head of State capable of settling ethnic issues as against a democratic government which was perceived as too weak to deal with the views of the majority on the ethnic issue.

In fact, authoritarianism of some sort was seen in Sri Lanka as a short cut to modernization from the late sixties. The "limited dictatorship", as advocated by Felix Dias Bandaranayake is well known. The attempt at a full authoritarianism was attempted by J.R. Jayawardene and Ranasinghe Premadasa, the first and second executive Presidents of Sri Lanka. Such authoritarianism was seen as an imperative for economic modernization of the country and received support from the powerful economic lobbies in the country and outside. Many intellectuals gave theoretical and moral support to this political venture. This authoritarian model was less complicated in that it believed in the use of violence against dissenters and was expected to be able to carry out modernization rapidly. [8] The resulting displacement of democracy is well documented. The ethnic issue grew into civil war and the country, instead of achieving modernization, descended to unprecedented chaos. This very chaos in turn can create a desire for simple methods of getting over such chaos and achieving some form of prosperity as some countries have achieved in southeast Asia. However, the experience of the last two decades has distanced most people from the belief that such a result could be achieved through authoritarianism.

Modernization in the West was accompanied by a fundamental transformation of culture achieved through religious reformation. Perhaps this process contributed to the evolution of democracy and its accompanying modernization. Thus modernization in the West included the replacement of the feudal culture with a democratic culture. Such transformation was not an automatic process following economic modernization but a conscious process achieved by the critical examination of the cultural foundations of the feudal society in different countries. The feudal lords as well as the feudal clerics came under scrutiny as a part of this transformation.



Steve Vidler

Tamil women working in tea plantations

In a country like Sri Lanka, is it possible to protect and promote human rights without a thorough scrutiny of society and culture? If one answers this affirmatively, then it is quite understandable to divorce human rights issues from issues relating to culture. However, the experience in Sri Lanka shows that despite increase in the number of legal enactments on human rights and quite a lot of programs for education on such rights, the country's human rights problems are increasing. There has not been significant improvements either in the civil or the economic rights spheres. Any serious attempt at promotion and protection of human rights must be accompanied by an effort to understand the root causes for the existence of such a situation.

A short examination of some of the basic human rights problems may be useful at this stage. Equality remains a basic issue that the Sri Lankan psyche does not easily accept despite the Constitutional recognition of the concept as a fundamental aspect of the legal system. Sri Lanka has a very deeply rooted caste system both among the Sinhalese as well as among the Tamils. To regard the Sinhala Buddhists who constitute over 69.30% of the population, as a homogenous community, is to overlook the deeply-rooted caste system that exists among the Buddhists even more than in non-Buddhist Sinhala communities. In India, Buddhism rose as a social movement that radically rejected and replaced the caste-entrenched Hinduism. Buddha went so far as to exhort the rejection of Hindu sacred texts (*Shastras*) as a part of radical rejection of caste. [9] Centuries afterwards it took a ruthless Hindu counter-revolution to oust Buddhism from India and to re-enforce a rigid caste system.

However, when Buddhism was introduced to Sri

Lanka and was accepted by the Royalty of the time it incorporated unto itself the existing caste hierarchy of the country. Later, even the organization of *Sanga* attained a caste character. This continues to the present. Thus in Sri Lanka Buddhism - the world's most egalitarian philosophy popularly regarded as a religion - lost its capacity to contain the concept of equality within its body of thought. The opposite of original teaching - the caste system - was accommodated within itself. As a result, a deep religious barrier exists in the country reproducing discriminatory practices among the Sinhala Buddhists themselves. In provinces such as Kandy, Ratnapura and Matara, where the population is overwhelmingly Sinhala Buddhist caste-based discrimination exists to appalling degree.

It is the caste character of Sinhalese that prevents the acceptance of the Tamils on an equal basis. A race that does not accept equality among themselves is not likely to accept equality with other races. Buddhism as is practised in Sri Lanka has been psychically transformed to accept and justify caste and is unable to generate social energy to accept racial equality. While some intellectuals have tried to create the notion called Sinhala Buddhism [10], as an important component on the contribution to anti-Tamil racism, they have failed to raise the issue of caste which deeply divides the Sinhalese. Lack of familiarity with equality as a human experience among the majority community itself is more responsible for the present ethnic crisis than any other factor.

Caste discrimination exists in the Tamil community too. The caste system of Tamils in Sri Lanka is even more rigid than the Sinhala caste system. There have been many Tamil movements fighting for such rights attending to Kovils (Hindu Temples). At the early phase of militant organizations of Tamils in the middle part of this century, their violence was directed towards "higher" castes of the Tamils themselves (this was so in southern rebellions of the South in 1971 and afterwards also). Perhaps the continuing violence in Tamil communities has leveled down caste barriers among the Tamils living in these areas.

The study of cultural factors relating to lack of familiarity of the concept of equality in Sri Lankan culture can contribute greatly to understanding the present situation of the country and will help towards finding ways to cultivate a culture of equality. A doctrinal basis for this exists in Buddhism as taught by Buddha, though the actual Buddhism as found in Sri Lanka has assimilated local caste prejudices.

Another important human rights problem in the country is the general tolerance of violence. The use of torture by the police is endemic. Psychological forms of torture are so common that no one even cares to challenge them in a court of law. As far as law goes, the Constitution of Sri Lanka has incorporated the provisions of the International Covenant of Civil and Political Rights against torture and cruel and inhuman punishment. The Supreme Court of Sri Lanka has given several laudable judgments protecting these rights as absolute rights which know no limit. However, torture and inhuman treatment remain quite an accepted cultural habit, so that anyone who has some

connection with the police gets its support to punish their less influential opponents. During the times of instability, use of such violence reaches unimaginable proportions. In the South, such occasions were the periods around 1971 and 1988-1993. And in the Tamil areas it has continued from early 1980 up to date.

The extra-judicial killings have now become quite a part of the stuff the Sri Lankan psyche has learned to put up with. There were a considerable number of such deaths in 1971 in the South and between 1988-92 the conservative estimate of such deaths is twelve thousand (NGOs have claimed the number to be sixty thousand.) The bodies were exhibited on the roads and were thrown into rivers. The attempt to prosecute offenders is almost negligible. Even the horrific cases such as the killing of over thirty school children have not ended in the prosecution of all the suspects. While there have been protests, these have not been in proportion to the massive violations. An old psychic habit has asserted itself and there has been the willingness to adjust to the situation as if fearing that the pursuit of justice may lead to further trouble. Among the weaker sections of the population, tolerance of such violence may be a way of expressing their weakness. Among the socially strong it can be a way of asserting their power and authority. In either case, promotion and protection of human rights implies understanding of such human behavior. Houtart analyzed the statistics of the participants in 1971 and claimed that there was a clear indication of a link between heavily discriminated castes and the participation in rebellion. [11] After the rebellion, when thousands of youth surrendered answering a call of the government for amnesty, interviews were conducted to find the extent of each person's involvement. One question was about the caste of these persons. Belonging to a particular caste was regarded as *prima facie* evidence of possible participation in the rebellion. In the suppression in 1988-1993, some of the worst police violence was directed towards some "low" castes.

A further important human rights issue is the seeming indifference towards the weakest in society. This is a very important aspect in a country where over 40 percent of the people live below the poverty line. (It must be noted that the category below poverty line in a third world country like Sri Lanka is very different from a similar category in the first world where it is implied that poverty is relative poverty. In a third world context this means lack of basic food, shelter and clothing.) Still, most businesses including those providing professional services rely on the exploitation of the poorest. In the agricultural sphere which is the largest economic sphere, the traders rely on the purchase of products below the cost price. Many attempts by the state and other agencies to regulate price mechanism have not been resolute enough to be successes. Suicides among peasantry is high. In fact, the suicide rate in the country ranks among the highest in the world. Recent published statistics showed 70,000, suicides from 1983 to 1997, a number higher than the accounted for deaths in ethnic warfare during the same period. Vast numbers of these suicides have taken place among the poorest. Those who have died

in the ethnic war on both sides also, for most part, belong to poorest sections of society. The professionals have a long-standing cultural habit of exploiting the ignorance and the backwardness of the poorest sections of society. A frank relationship where professionals inform their clients of the things that these clients have as a right to know is not yet a part of the local culture. While there is some improvement in the right to information as against the state, there is hardly any improvement in the area of scrutiny of professional behavior.[12] Enforcement of the right to health implies scrutiny of practices of the medical profession: due process rights requires an examination of the legal profession. The poor can have the benefit of such scrutiny only if the guardians of rights such as the press and the human rights community take a serious attempt.

The indifference to the poor is related to the caste-based character of the society where "lower caste" by definition are the socially weak. The social consciousness in Sri Lanka has been determined by the land distribution of the feudal society. The landless were dependent on the land owners, usually referred to as "*Radalayas*". *Radalayas* were arrogant and trampled on the people with impunity. The impunity of the "upper caste" and people who belonged to a higher status than those known as "*Sananya Minissu*" (ordinary people) is a deeply imbedded cultural concept. Recently, (June 1997), a senior judge who has been presiding over some serious human rights cases said, "*independence of judiciary in this country is a myth where even getting a warrant executed is impossible if the suspect does not happen to be a 'Haramanis' (small person).*"[13] While legally no one is immune from prosecution, in reality, many are. Thus medieval conceptions still continue in the practical application of laws. *Radalayas* treated "*Samanaya Minissu*" with contempt and use of violence against such people was a common practice. One example is a criminal case which happened in the seventies in a town in the south called Akurassa. One *Radala* family occupied positions in town such as posts in town council and the cooperatives. One male youth, who was a son of a woman who worked for this family, joined the local communist party and at one cooperative meeting challenged the *Radala* master on some points. Such a question was too much for this man to bear. He stabbed the young man to death with a huge knife and surrendered to the police with the knife in his hand. According to a close relative he never regretted this act.[14]

A farmer from Tabutthegama, Anuraddhapura summed up what human rights means to poor people in the country-side: "*When the officer-in-charge of the police station shoots our cow and takes it to a party at his home, my mother prepares chillies and sends it through my father to the police officer's house. This is the way my father tells the officer that he bears no grudge for the police officer killing his cow. If the officer feels that there is some ill-will my father may face other problems.*"[15]

The cruelty that "upper castes" have perpetrated in the past centuries on the "ordinary people" is immense. It may well be the psychic patterns of this behavior that gets repeated during times of disturbances by way of crude

killings, humiliating forms of the disposal of bodies, and other forms of violence. Is it not the same psychic pattern that creates in the victims inhuman and cruel forms of revenge? With more people from "low castes" getting educated due to free education, resentment grew in rural "upper" castes and much violence developed on this basis. In the promotion and protection of human rights it is very necessary to study and understand the patterns of violations in the country.

The Sinhala language in its grammatical form still retains a distinction of addressing people on the basis of status. In the colloquial form such distinctions are expressed in even a more harsher manner.

Another important area concerns rights to information and freedom of expression. Besides the limitations imposed by the state there are limitations which are culturally imposed. A close scrutiny of patterns of corruption and a pattern of violence is not generally pursued consistently. Even the pressure to expose the extra-judicial killings did not reach anywhere near to similar investigations in Argentina. To hide things under the carpet continues as a cultural habit. The cultural habit is re-imposed by the use of violence against those who break the taboo. This violence is often initiated privately.

The violations of rights in any society are supported by the elements of culture of that society

Creating a human rights culture involves much more than legalistic approach. As against the Indian Marxists of the pre-independence period who ignored social and cultural aspects Dr. B.R. Ambedkar argued, *"History bears out the proposition that political revolutions have always been preceded by social and religious revolutions."*[16] The sensitivity the conservative elements show against examination of religion from a religious point of view was demonstrated by the ex-communication of Fr. Tissa Balasuriya, a Sri Lankan priest, for his attempts to look into the rights of women from a theological point of view.[17] The literature relating to this debate is a rich source on the issue of Religion, Culture and Human Rights.

Conclusion

The implementation of human rights principles, norms and standards is the key concern of the human rights project. Such implementation can only take place in the living cultural context of any given society. The violations of rights in any society are supported by the elements of culture of that society. Thus, human rights violations are not purely acts of perverted individuals acting against their culture. The cultural foundations of human rights violations need to be scrutinized if the root causes of human rights violations are to be grasped. Without such a grasp, no deep transformation is possible, and any human rights project

will remain a cosmetic exercise as it is often accused of being. If it is to become a dynamic movement capable of unleashing the inner energies of people to pursue its aims, the shadowy side of society and culture should come within the scrutiny of human rights practitioners. As no self-knowledge is possible without knowledge about one's shadow, it is also not possible to understand a culture without scrutiny of its shadowy side. It is knowledge of the shadowy side that unleashes the dynamism slumbering in the social psyche of which we are seldom aware. The social potentialities of great dynamism could erupt when a society becomes capable of dealing with its shadow that is imbedded in its culture. Thus, the scrutiny of culture is an inescapable aspect of the protection and promotion of human rights. As there are ventures to record the violation of rights, there needs to be recording and scrutiny of the cultural roots of such violations as well. All cultures have their positive sides when judged from a human rights standpoint. These remain often crushed under the shadow, however. The process of overcoming such suppression, therefore, requires dealing with the darker aspects of the cultures concerned.

End Notes

1. Sasanka Perera, 1997. Articulating Modern Notions of Human Rights in Sri Lanka in the Context of Paradigmatic Positions of Buddhist Ethics; Brief Comment on Problems and Concerns in HURIGHTS OSAKA Report on "Harmonizing Asia's Cultural Values and Human Rights", Osaka, Japan
2. Asian Human Rights Charter, Final draft - Volume 13 of Asian Human Rights Solidarity, Hong Kong, February, 1997
3. The statement of the participants of the Workshop on Human Rights Education, Organized by the Diplomacy Training Programme, University of New South Wales, Sydney, Australia, 1997
4. Human Rights and Spirituality, A Workshop Report-, Asian Human Rights Commission, Hong Kong, 1996
5. *ibid.*
6. David P. Chandler, 1997. The Tragedy Of Cambodian History, Yale University Press.
7. Wei Jingsheng- Courage to Stand Alone- Letters from Prison and other Writings, Viking Publications.
8. Basil Fernando , 1992. Militarization Versus Modernization , Asia Monitor Publication, Hong Kong.
9. Dr. B.R. Ambedkar, Buddha and His Dharma
10. David Kumar and S.S. Kadirgammara, 1989. Ethnicity, Identity, Conflict, Crisis, ARENA Publication, Hong Kong.
11. F. Houtart, 1974. Religion and Ideology in Sri Lanka , TPI, Bangalore.
12. Eradication of Poverty as a Basic Human Rights Issue - A Workshop Report, Asian Human Rights Commission, Hong Kong, 1995.
13. Workshop Report on Provisions in The Draft Constitution and Independence of Judiciary - Asian Human Rights Commission, Colombo, May 1997
14. An interview by the author with the son of the accused.
15. An interview by the author.
16. Dr. B.R. Ambedkar, 1936. Annihilation of Caste .
17. Balasuriya Tissa. Mary And Human Liberation, Logos Publication of the Centre for Religion and Society, Sri Lanka; Basil Fernando. Power Vs Conscience- The Excommunication of Fr. Tissa Balasuriya, Asian Human Rights Commission, Hong Kong.

Events in the Region

1. The Asia-Pacific Centre for Human Rights and the Prevention of Ethnic Conflict is holding a meeting of representatives of regional human rights organizations and research centers in the region in the last quarter of the year (November 21-22, 1997) in Bangkok on the question of electronic media and human rights. The main focus of the meeting is on how to best maximize the electronic media in pursuing human rights work by having an electronic network on human rights documents and activities. One idea is to make electronically available human rights documents translated into several major languages in the region. A review of the existing electronic and computer facilities in the region is part of the agenda of the meeting. A concrete output is an agreement to create an Asia-Pacific Human Rights Electronic Information Network. The Asia-Pacific Centre for Human Rights and the Prevention of Ethnic Conflict is offering to host the network. For more information contact: Mr. Fernand de Varennes, Director, Asia-Pacific Centre for Human Rights and the Prevention of Ethnic Conflict, School of Law - Murdoch University, Murdoch, Western Australia 6150 Australia, tel (619) 360 6510, fax: (619) 310 6671, e-mail: devarenn@murdoch.edu.au, <http://wwwlaw.murdoch.edu.au/apchr>

Recently-Held Events

1. The second meeting of the Asia-Pacific Regional Forum of National Human Rights Institutions was held on September 10-12, 1997 in New Delhi. The meeting dealt with the following agenda: a) the concept of national institutions and their role in promoting a culture of human rights; b) developments in the region relating to the establishment of national human rights institutions; c) strengthening the functioning of national institutions (grievance redressal mechanisms and procedures, staff training, staff exchange and sharing of experience); d) plan for cooperative action (development of human rights jurisprudence, observance of 50th anniversary of the UDHR, combating sexual exploitation of children). This meeting was attended by representatives of national human rights institutions in Australia, India, Indonesia, the Philippines and New Zealand. Representatives of government agencies in other countries concerned with human rights were also in attendance. Non-governmental organization representatives participated as observers. For more information contact: Commissioner Pamela Jefferies, Chief Commissioner, New Zealand Human Rights Commission, Level 4, Southpac Tower Cnr Queen and Customs Streets, Auckland, New Zealand, tel. (649) 309-0874; fax (649) 377-3593.

2. The 15th LAWASIA conference was held in Manila on August 26-31 with the theme "Law in a Changing Asia". The conference had several sessions on human rights that dealt with the political and economic developments in Asia in relation to the basic principles of human rights (such as universality and indivisibility of rights); issues affecting specific sectors of society like women, children, refugees and migrant workers; and human rights mechanisms. For more information contact: Mr. Carlos P. Medina, Secretary, LAWASIA Human Rights Committee c/o Ateneo Human Rights Center, 3/F, School of Law, Ateneo de Manila University, H.V. de la Costa Street, Salcedo Village, Makati city, Metro Manila, Philippines; tel. (632) 817 9701 ext. 323; 812-5242; fax (632) 812-5242.

3. The University of Auckland's New Zealand Asia Institute held a major policy consultation on "Asia-Pacific Economic Integration and Cultural Identity" on August 15-17, 1997 in Auckland. Several resource persons from various Asia-Pacific countries attended the consultation which focused on a number of themes such as cultural identity, self-determination and sovereignty in the context of internationalization; democratization and political participation in national and regional economic policy-making; Asia-Pacific international relations in the context of APEC and ASEM - situating the South Pacific; the APEC agenda and challenges of indigenous peoples of the Asia-Pacific. For more information contact: Mr. Christopher Tremewan, Director, New Zealand Asia Institute, the University of Auckland, Private Bag 92019, Auckland, New Zealand, tel. (649) 373-7599 ext. 6935; fax (649) 308-2312; e-mail: nzai-office@auckland.ac.nz

HURIGHTS OSAKA ACTIVITIES

HURIGHTS OSAKA is convening a meeting of human rights educators involved in the formal education system to discuss the following issues: a. existing national initiatives on human rights education in schools; b. cooperation between non-governmental organizations and government institutions in this area; c. use of cultural values-human rights framework in human rights education in schools; and d. nature and program of workshops, as well as the qualifications of participants, which HURIGHTS OSAKA can hold in the near future. Invited participants come from several Asian countries. The meeting is being organized in Bangkok on September 23-25, 1997.

This meeting follows the research partners' meeting held in January this year in Osaka.



AIR MAIL

PRINTED MATTER

HURIGHTS OSAKA, inspired by the Charter of the United Nations and the Universal Declaration of Human Rights, formally opened in December 1994. It has the following goals: 1) to promote human rights in the Asia-Pacific region; 2) to convey Asia-Pacific perspectives on human rights to the international community; 3) to ensure inclusion of human rights principles in Japanese international cooperative activities; and 4) to raise human rights awareness among the people in Japan to meet its growing internationalization. In order to achieve these goals, HURIGHTS OSAKA has activities such as Information Handling, Research and Study, Education and Training, Publications, and Consultancy Services.



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