

**Report of DTP India Program
November 12 - 28 1999**

Friday November 12th, 1999

The opening ceremony for the DTP was held in the School of International Studies (SIS), Jawaharlal Nehru University, New Delhi.

Professor I.J. Mukherjee, Head of the Centre for South Asian Studies, SIS, delivered an inauguration speech.

Professor G.N. Jha from the Centre for Southeast Asian Studies gave a welcome speech focussing on Burma's changing role in the region and offering support for democracy activists.

Dr. Tint Swe then spoke on behalf of the organising committee and welcomed participants to the program.

After an initial ice-breaking activity, the program began with participants breaking into small groups to discuss the main human rights issues confronting them and possible action that could be taken at a practical level to address these issues.

Saturday November 13th, 1999

Lecture on **Globalization** delivered by Mr. Kavaljit Singh

Resource Person: Mr. Kavaljit Singh, economist, affiliated with Public Interest Research Group

Topic: Mr. Singh first defined and then discussed forms of globalisation with a focus on economic and political globalisation. He gave an introduction to the historical development of economical and political globalisation and considered the impacts and problems for developing countries.

Discussion: Participants discussed problems faced by developing countries in attracting foreign investment, and the trade-offs this inevitably presents. The differential cost of labour was a significant issue for participants, as was the excessive power enjoyed by multinational corporations globally.

In the afternoon participants attended the Chin Harvest Festival.

Sunday November 14th, 1999

Full day session

Lecture on **Strategic Planning and Advocacy** by U Aung Htoo

Resource Person: U Aung Htoo, Secretary, Burma Lawyers' Council

Topic: In this session U Aung Htoo first asked participants to consider the reasons why the pro-democracy movement has not yet been successful. After lengthy discussion participants concluded that several main problems exist within the opposition movement, chiefly lack of involvement by grassroots members, excessive centralisation, lack of unity and overly ambitious goals.

U Aung Htoo then set out a strategy for overcoming these goals, involving grassroots members directing their efforts towards local, achievable goals, rather than the grand, overreaching goal of "restoring democracy". This strategy requires participants to select small, local issues of importance to them and to focus their activities on these issues. By setting achievable goals participants have the opportunity to work for realistic outcomes, building civil society in the process. Successes in local issues will raise morale within the movement.

Discussion: Participants embraced this idea quite enthusiastically and spent some time debating which issues would be appropriate for local action. Participants expressed interest in forming working groups focussing on such issues as reform of the conditions of a nearby prison in Burma and opposing a particular development project that will adversely affect local people.

Monday November 15th, 1999

Morning Session

Lectures on **Economic, Social and Cultural Rights in the Indian Context** by Ms. Usha Ramanathan, and on the **International Criminal Court** by Ms. Shalimi Nataraj.

Resource Persons: Ms. Usha Ramanathan is a legal research scholar, and Ms. Shalimi Nataraj is from UUSC, an organisation focussing on international conflict resolution and legal and development issues.

Topic:

This topic contained an introduction to the background of the Covenant on Economic, Social and Cultural Rights and its relation to the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights. Ms. Ramanathan used case studies to demonstrate that rights are interlinked and interdependent, and cannot easily be separated.

She went on to look at how the rights in the Covenant are dealt with in the Indian Constitution. These rights have been made effective by the introduction of Public Interest Litigation, which ensures that even persons not directly affected can enforce the fundamental rights of every person.

Ms. Shalimi Nataraj explained that since the 1940s there has been a growing movement towards the establishment of an International Criminal Court (ICC). The two main reasons for the establishment of the ICC are to provide more effective punishment of crimes against humanity and to give some measure of protection and compensation for victims. The ICC will have universal jurisdiction over the trial and punishment of genocide, war crimes and crimes against humanity, and further will have the power to try offences of internal armed violations and aggression.

The ICC will not have the authority to try states for offences set out in the ICC Statute. Only individuals will be tried, although individuals will not be allowed to lodge a complaint.

Discussion:

Participants were very interested in the idea of Public Interest Litigation, particularly the fact that individuals not directly affected by a violation of fundamental rights have standing to lodge a complaint with the court. Participants also debated the merits of the ICC as opposed to a Truth Commission or other mechanism to deal with past atrocities. Participants questioned the lack of standing of individuals to complain to the ICC.

Afternoon Session

Lecture on **Concepts of Democracy and Right to Self-Determination** by Professor Manoranjan Mohanty

Resource Person: Prof. Manoranjan Mohanty from the Department of Political Science at Delhi University

Topic:

Professor Mohanty gave an historical overview of the development of democracy in the 20th century. Three major categories of movements have dominated this century:

- (a) nation-oriented movements (chiefly the decolonisation process),
- (b) class-oriented movements (such as the Bolshevik Revolution), and
- (c) social movements (such as the women's movement).

He then went on to define and discuss self-determination in greater depth, and to set out some of the theoretical and practical difficulties faced in any discussion of self-determination.

Discussion: Participants were very interested in the issue of self-determination, particularly as it relates to ethnic minorities within a state. Numerous questions were asked of Professor Mohanty about the distinction between race and ethnicity, and the implications of these definitions for self-determination.

Tuesday November 16th, 1999

Morning Session

Lecture on **International Organisations** by Ms. Kalyani Menon-Sen.

Resource Person: Ms. Kalyani Menon-Sen is Gender Advisor with the United Nations Development Program.

Topic: In this session participants learned of the many factors, both internal and external, operating to prevent the UN from working effectively, including budgetary limitations, lack of legal authority, reliance on the goodwill of States' governments, and internal confusion over UN policies.

Discussion: Participants were given greater awareness of the fact that individual UN officers are often powerless in the face of the UN's internal and external limitations. Questions were raised regarding UN agencies exceeding their authority.

Afternoon Session

Lecture on **Democratisation of Burma** by Dr. Tint Swe.

Resource Person: Dr. Tint Swe is the National Coalition Government of the Union of Burma (NCGUB) Minister for South Asian Affairs.

Topic: In this session Dr. Tint Swe focussed the discussion on the two approaches used by the international community in engaging with Burma - that of ASEAN and that of the EU and the USA. Dr. Tint Swe encouraged participants to compare these policies and consider their relative merits.

Discussion: Participant interest focussed mainly on the role of China in relation to Burma. Participants were sceptical of ASEAN's policies and reluctance to intervene in Burmese affairs, despite previous interventions in the affairs of other ASEAN member countries.

Wednesday November 17th, 1999

Morning Session

Lecture on **Human Rights and International Law** by Professor K. Mathews.

Resource Person: Professor K. Mathews is from the Department of African Studies at Jawaharlal Nehru University.

Topic:

Professor Mathews gave an overview of the development of human rights. He then described international law as a body of rules constituted on the basis of treaties and regulations to facilitate foreign relations of countries. He went on to point out the lack of jurisprudence in international law, because international law cannot be enforced. The

absence of supranational authority to punish violations against international law means that international laws are forcefully and randomly violated.

Discussion: The lack of capacity to enforce international law was discussed and criticised.

Afternoon Session

Lecture on **United Nations Agencies and Procedures** by Ms. Emilie Wiinblad.

Resource Person: Ms. Emilie Wiinblad is an Associate Protection Officer with UNHCR's India office.

Topic: Ms. Wiinblad gave a very thorough and clear outline of the structure of the UN, and then spoke about human rights and the limitations on their enforcement. She made particular reference to the situation in India. She also encouraged participants to seek ECOSOC status for their organisations and provided practical advice on the importance of making personal contact with individuals within the UN and other bodies.

Discussion:

Participants set out their own negative experiences with UNHCR and were encouraged to consider the difficult conditions that UNHCR staff find themselves in, and the complex interaction between UNHCR and host countries.

Thursday November 18th, 1999

Morning Session

Lecture on **Germany's democratic and federal system** by Mr. Timo Knaebe

Resource Person: Timo Knaebe is a law student at the University of Frankfurt/ Germany and affiliated with the BLC.

Topic: Mr. Knaebe presented an outline of German historical developments since the end of the First World War, highlighting significant matters such as the weaknesses of the first democratic German republic, which contributed to the rise to power of Adolf Hitler, the post-Second World War creation of two Germanies and their subsequent reunification.

Discussion:

Participants commented on the importance of having a population well educated about democratic principles and institutions. There were many questions about the Second World War and about the democratic means used by the Nazis to seize power.

Afternoon Session

Lecture on **Indo-Burma Relations** by Professor G.N. Jha

'Constitution' for Germany. Mr. Knaebe described the provisions in the Basic Law concerning the interaction between the states and the federal government and the division of legislative powers between them. He then explained the process by which laws are made, and how deadlocks between the two houses of parliament are resolved.

Discussion: The participants pointed out the importance of decentralisation where there are strong states within a federation to ensure there is consideration of the needs of the different groups in the country. Participants considered that the provisions for representation of the states within Germany provided a model for a future Constitution of a future decentralised Burma. Participants expressed a great deal of interest in issues relating to Germany's role in World War II.

Afternoon Session

Lecture on **Civil Society and Campaigning to Promote Human Rights** by Mr. Sanjay Sanghvit.

Resource Person: Mr. Sanghvit has been campaigning in the Free Namada Movement for over 10 years and prior to that was a politics lecturer at the University of Pune.

Topic: Mr. Sanghvit first gave a background to the Namada dam issue and then explained how his group mobilised villagers and indigenous people, gained international support, obtained documents from relevant international organisations such as the World Bank, used the media, lobbied politicians to overcome the 'development at any cost' mentality and indigenous people.

Discussion: Due to extended session discussion was postponed to the next day.

Saturday November 20th, 1999

Morning Session

Lecture on **Regional Human Rights Mechanisms** by Mr. Ravindra Bhat.

Resource Person: Mr. Ravindra Bhat is a Supreme Court advocate who has a long-standing interest in civil rights.

Topic: Mr. Baht gave a brief introduction to the three main regional human rights enforcement mechanisms, being the European Court for Human Rights, the Inter-American Court of Human Rights and the Organisation of African Unity. He then gave participants detailed knowledge of the structures and practices of the European Court and described some of the human rights issues that have come before the court. Mr. Baht compared this then to the American and African systems.

Discussion: Participants discussed the likelihood of an Asian Human Rights Court being established, and the merits of the different regional systems. There was general approval

expressed for the European model, which allows individuals to bring complaints directly before the Court.

Afternoon Session

Lecture on **The Role of the Media in Indian Democracy** by Mr. Hiranmay Karlekar.

Resource Person: Mr. Hiranmay Karlekar is the consulting editor of PIONEER newspaper and has been involved in journalism for 35 years. He was involved in the pro-democracy movement during the Emergency in India.

Topic: Mr. Karlekar challenged participants to consider essential differences between print and broadcast media and to explain how these could be significant. He focussed discussion on the way the media can respond to political issues, looking particularly at India.

Discussion: Participants were initially adamant that the freedom of the press in India meant that fighting for a political cause would be vastly more simple than in Burma. Yet after debate with Mr. Karlekar a consensus emerged that even in a country as free as India there are severe practical restrictions on using the media, and that one perhaps needs to consider one's media strategy even more carefully.

Evening Session

In this session Mr. Sanjay Sanghvit of the Free Namada Movement returned to conduct a workshop on running a campaign. Participants worked in groups to devise strategies to deal with a case study set out by Mr. Sanghvit, and to share these with the plenary.

Monday November 22nd, 1999

Morning Session

Group discussion about applying the knowledge learned so far. During this session participants worked in small groups to consider which points would be most relevant to their own work and to then explain why to other participants.

Afternoon Session

Lecture on **Rights of Refugees and UNHCR** by Ms. Sumbul Rizvi Khan.

Resource Person: Ms. Sumbul Rizvi Khan is a Protection Officer with UNHCR's Delhi Office, and prior to that worked as a lawyer in private practice doing civil rights and refugee work.

Topic: Ms. Khan initially explained what a refugee is as defined by international law, and explained the 1951 Refugee Convention. She contrasted this with economic migrants and clearly set out the stringent requirements for meeting the criteria of 'refugee'. She then outlined the work of UNHCR and the limitations it faces in its work, and invited questions.

Discussion: As nearly all of the participants were either refugees or wished to be accepted as refugees, this topic was of great interest to participants. Questions and debate focussed on what the proper role of UNHCR should be, the duty of host countries who have and who have not signed the Refugee Convention and strategies to obtain cooperation from host countries. Participants compared lobbying ideas with Ms. Khan, who made a number of suggestions about methods of lobbying the UN, regional organisations and host countries.

Tuesday November 23rd, 1999

Morning Session

Lecture on Militarisation and Democracy by Mr. Gautam Navalkha.

Resource Person: Mr. Gautam Navalkha is a journalist from Economic and Political Weekly, who has an extensive background in the topic of militarisation.

Topic: Mr. Navalkha first described how countries can fall into the way of militarisation and the costs this can impose on society, economically, socially and in other ways. He described the enormous financial drain that militarisation causes and explained its link to restrictions on democracy. He then put this in the context of Indo-Burma relations, particularly in relation to insurgency groups in India's northeast, and how this issue affects relations between the two countries.

Discussion: Participants were very keen to discuss the role of the military in society, and to compare different societies' responses to this question. As the military has such a central role in politics in Burma participants debated alternative futures for the military in a democratic Burma. Many questions were also asked about India's Armed Forces (Special Powers) Act, which grants very broad powers to the military in border areas, and has the effect of destroying Rule of Law in those areas.

Afternoon Session

Lecture on Political Lobbying by Ms. Jaya Jaitely

Resource Person: Ms. Jaya Jaitely is the General Secretary of the Samata Power, which is part of the ruling coalition in India's Union Parliament.

Topic: Ms. Jaitely first gave a background to Indian democracy, describing political resistance during the Emergency and how the courts and the forces of the State became tools of undemocratic rule. She then set out the basics of political lobbying, focussing on practical matters of how to overcome particular obstacles.

Discussion: Participants discussed the way to develop strategies before lobbying, and what to keep in mind during a meeting with a politician. The limitations on politicians within a party and/or a coalition were discussed at some length. Ms. Jaitely made

practical suggestions, such as including bureaucrats and non-elected party officials in one's lobbying strategy, so as to ensure continuity regardless of how the political winds may blow.

Wednesday November 24th, 1999

Full day session

Lecture on Women and Human Rights by Ms. Joystna Chatterjee.

Resource Person: Ms. Joystna Chatterjee is Executive Director of the Joint Women's Program, an NGO active in political and social work to improve the situation of women, particularly in India. She has a background in promoting the rights of women from Burma.

Topic: Some participants were sceptical of any statements that women from Burma were not enjoying equal rights already, and so Ms. Chaterjee began her topic by questioning participants about day to day issues such as the allocation of work, the opportunities for education and the impact of religion on the lives of women. She asked participants whether they believed human rights were universal, and when they answered that they were she enquired why women should not be enjoying the same rights as men.

Ms. Chatterjee then focussed particularly on the questions of education and political participation, and described the link between these two issues. Each participant suggested five areas in which women's rights could be better recognised. The session was highly interactive, and provoked a great deal of debate within the group, as there was no consensus among participants as to whether the current situation of women is acceptable or not.

Discussion: Several of the participants expressed the view that women had full opportunity to engage in political life but simply were not interested or capable of such activities. This led to spirited debate between participants and Ms. Chatterjee, who noted that lack of financial resources and education play a significant role in determining whether women consider themselves capable of engaging in politics.

Thursday November 25th, 1999

Full day session

Lecture on World War II by Mr. Timo Knaebe.

Resource Person: Timo Knaebe is a law student at the University of Frankfurt/ Germany and affiliated with the BLC.

Topic: Repeated and strident requests by participants led the organisers to request Mr. Knaebe to present a lecture on World War II, looking at both relevant international events

and the policies of the Nazis. Mr. Knaebe explained the strategies employed by the German leaders, as well as the oppression, torture and murder of Jews, political opponents and others during these years. He endeavoured to address the many areas of interest of participants, which included the rise of the Nazis, motivations behind the war, why Germany was defeated and how German society deals with the issue of the war and Nazi policies.

Discussion: Participants drew certain parallels between the policies of the Nazis and those of the current military regime in Burma, and asked about the existence of any resistance campaigns within Germany to oppose Nazi policies and activities. The propaganda techniques used by Goebbels were also a matter of some interest, as were the approaches adopted by German society to come to terms with its past.

Friday November 26th, 1999

Full day session

Lecture on **Street Theatre** by Ms. Rati Bartholomew.

Resource Person: Ms. Rati Bartholomew is a freelance theatre director with an interest in grassroots theatre as a tool of activism.

Topic: On this day Ms. Bartholomew began by explaining the purposes and general uses of street theatre, and then launched into the practical process. She enforced a strict rule that any person not exhibiting maximum interest would not be allowed to participate. Those participants who survived this culling formed a highly motivated group prepared to overcome their inhibitions, and spent the remainder of the day learning to script and act a street theatre performance to deliver effective social and political messages.

Discussion: This session was very much a practical one and discussion focussed on creative and performance issues.

Evening

Closing ceremony and celebration

Participants were awarded certificates and thanked for their interest and energy in attending the six week program. After dinner an exchange of cultural performances took place and everyone relaxed to celebrate the completion of the course.

Saturday 27th November

Field trip - Outlook magazine

Participants were invited to visit the offices of Outlook magazine, one of India's most well-regarded current affairs weeklies. The Consultant Editor explained the workings of the magazine and was most happy to answer a range of questions, from issues of political interference to how best to attract coverage from such a magazine.