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ASSAULT ON AGRICULTURE

Not surprisingly the farm lobby of the ruling Bharatiya Janata Party (BJP) is up in arms against the Centre's dubious agricultural policy seeking to destroy whatever remains of the social equilibrium in rural India. After industry it is now the turn of agriculture to face the magic of *laissez faire* market. With the public distribution system virtually on the verge of collapse and the Essential Commodities Act (1955) awaiting a 'radical' amendment to suit globalisation, the Food Corporation of India that has been regulating grains market since 1965 to ease the scarcity situation may outlive its utility in the coming months. Also, the leasing of land provision as proposed in the new agricultural policy is likely to drastically alter land relations and the tenancy system as well. Small and marginal peasants will swell the rank of the landless in a big way. Already they are dying of starvation and hopelessness. Assault on agriculture may be just the beginning. The next big question will be whether the political left, not to speak of the right, can face the challenge posed by the World Trade Organisation (WTO) on the agricultural front. The communist left is in a dilemma as to how to re-define the peasant issue in the changed global context. Those who spend sleepless nights pondering over the hidden agenda of BJP seldom think over the hidden agenda of WTO.

Five years after the WTO came into existence, the anticipated gains for India from the trade liberalisation process in agriculture are practically zero. And yet, undaunted by the negative fallout from the implementation of the WTO's Agreement on Agriculture, the Ministry of Agriculture is aggressively pushing for the 'second phase of reforms', euphemistically calling it the new agricultural policy.

At a recent meeting of the political parties, farmers' representatives and voluntary agencies in New Delhi, the Ministry of Agriculture admitted that the hopes from an international regime that talked of establishing a fair and market-oriented agricultural trading system have been belied. Such is the growing dismay that Balram Jakhar, a former Minister for Agriculture, and in whose time the WTO accord was pushed through, lamented how politically incorrect he was in accepting the free trade agenda for Indian farmers. For all practical purposes the country is heading towards economic re-colonisation.

Half a dozen former Indian Prime Ministers have at different platforms already expressed their anguish at the visible assault on the Indian farming community.

Politics apart, it is time to draw a balance sheet of the gains and losses that accrued from the implementation of the WTO's Agreement on Agriculture. After all, politicians are known to be speaking different languages at different times. But what about the economists, who didn't leave any stone unturned to force the nation to believe that the WTO was in the interest of the Indian farmers? Isn't it strange that the Ministry of Agriculture should still continue to back its analysis and recommendations on the advice of the same breed of discredited economists?

The WTO's Agreement on Agriculture had incorporated three broad areas of commitments from member states, namely in market access, domestic support and export subsidies. The underlying objective was to correct and prevent restrictions and distortions in world agricultural markets.

Five years later, it is now established that these measures have only protected the farmers and the farming systems of the developed countries. On the other hand the trading regime has ensured that developing countries take time-bound initiatives to open up their domestic markets for cheap and highly subsidised imports of agricultural commodities.

A recent FAO [Food and Agricultural Organisation] study concludes that there has been hardly any change in the volume of exports. Tariff peaks continue to block exports from the developing countries. Tariffs still remain very high, especially in the cases of cereals, sugar and dairy products. Sanitary and phytosanitary measures con-

tinue to be a major barrier in diversifying exports in horticulture and meat products.

Selective reduction in tariffs by the developed countries has also blocked the exports from developing countries. And on top of it, only 36 countries (all developed) have the right to impose special safeguard provisions if agricultural imports distort their domestic market!

India was forced to either phase out or eliminate the quantitative restrictions (Rs) on agricultural commodities and products latest by 1 April 2000. India has, therefore, opened its market and in turn made the farming community vulnerable to the imports of highly subsidised products. Already, cheaper imports of skimmed milk powder, edible oils, sugar, tea, arecanut, apples, coconut, etc have flooded the market.

Clever manipulation of their subsidy reduction commitments has in reality increased the support to farmers in the developed countries. In the United States, subsidy to a mere 90,000 farmers has increased by 700 times since 1996. In the past one year, the US has provided an additional US\$26 billion to its farmers. In absolute terms, the farm support in the OECD countries increased by 8% to reach the staggering figure of US\$63 billion in 1998.

In India, people are being told that Indian Aggregate Measure of Support (AMS) being negative, they can still raise their subsidies to farmers. In reality, India is committed to do away with agricultural subsidies under the Structural Adjustment Programme of the World Bank and the International Monetary Fund. In any case, India provides only \$1 billion worth of indirect subsidies to 550 million farmers!

It was anticipated that due to a reduction in domestic support in

developed countries, cereal production would shift from developed countries to developing countries. Empirical evidence, however, shows that such a trend is not at all visible. Moreover, with such massive subsidies intact, and with the QRs being lifted, India is sure to be inundated with food imports.

The kind of export subsidies that need to be pruned is not provided in India. Whereas the WTO enables only 25 countries to provide export subsidies for their agricultural products and commodities, India is keen to support the Cairns Group (food-exporting countries), which demands the elimination of export subsidies, not realising that joining such a group will invite problems on various other fronts.

India has seen a massive increase in the imports of agricultural commodities and products — from about Rs 50,000 million in 1995 to over Rs 200,000 million in 1999-2000 — a four-fold increase. Nor has the so-called fair trading system helped efficient producers in realising a higher price for their products. On the contrary, prices of most agricultural commodities are declining in the world markets.

The entire effort of the free trade initiative is to demolish the foundation in food self-sufficiency so assiduously built over the years as well as India's traditional small peasant economy. The so-called 'reforms' process has generated massive political and economic crises. The quality of life is increasingly becoming fragile and the society is in considerable turmoil. Maybe, there is tremendous upheaval in the cards in the coming years as it happened in the case of the Zapatista uprising but there is also little reason to think it will automatically lead to a democratic and human resolution. □□□

[contributed]

COMMENT**The Missile Crisis**

IT WAS Truman who rechristened Department of War as Department of Defense. US is busy "defending" itself, not launching wars, not toppling elected Governments, not committing aggression and aggrandizement, not perpetrating globally. The war industry pumped billions of dollars in Bush election campaign. Merchants of death in America are happy that their man has won the presidency. And Israel makes them happier still on the eve of the New Year as a regional war in the Mideast cannot be avoided. Back in September of 1999, at the Citadel military college in South Carolina, president-elect George W Bush gave a policy orientation speech elaborating the contagious spread of missile technology and weapons of mass destruction and therefore the need to bolster unrivaled military power. The best defense can be a swift offense. The best way to keep the peace is to redefine war terms. A central piece of Bush's 'defense program' is the implementation of Reagan's failed Star Wars initiative. Military planners must be excited. In order to neutralize and selectively deny access to space, Department of Defense must develop the means to control and deploy assets while selectively reconstituting its own capability through multiple sources.

They call it space control. It's the logical extension of American planners' stated goal of Full Spectrum Dominance to defeat an adversary imaginary or otherwise and control the situation across the full range of military operations.

Therefore, US forces must have access to and freedom to operate domains : space, sea, land, air and information, according to Pentagon's Joint Vision 2000 paper.

All this talk of defense blurs important distinctions that need to be made if one is to wade through all the double-talk. In military parlance the use of force is being camouflaged into two harmless words : deterrence and compellent. The idea of deterrence is quite simple: The deterring nation says to the aggressor : 'If you do X, we will beat you silly with stick'. Compellent force, on the other hand, is the use of military to either stop an adversary from doing something he has already compelled him to do.

Bush and company talk about Ballistic Missile Defense (BMD), as about deterrence. It's not. It's about first-strike capability that can be glimpsed when one considers the development of Anti-S (ASAT) warfare : a programme that US military leaders began pursuing in response to the Soviets launching the Sputnik in orbit.

Since then ASAT has been developing alongside BMD, according to Aldridge, a former designer of Trident submarine missiles and a military technology researcher. ASAT technology is more attractive to military planners because it can destroy a satellite in a known and tracked orbit than to instantly detect, target and destroy a ballistic missile.

The Airborne Laser and the Space-Based Laser would also be much effective against satellites where they only shoot through the space, as opposed to shooting down into the atmosphere at missile boost phase. The atmosphere

tends to spread the laser beam called blooming. So it is diffused and cannot be concentrated on vital target.

Why is ASAT development being done so clandestinely? Because the uproar of public opinion would be even greater and international dissent even stronger.

The truth about BMD and ASAT is masked by the defensive connotation. It is hard to criticize that is truly defensive. In this case, the announced intentions reflect the capability the US is seeking.

Bush says the best way to keep the peace is to redefine war. In reality the best way to create peace is to redefine the terms of war and to stop assuming that war is inevitable.

With the American missile strategy gaining momentum, Russians too, under the redoubtable Putin, look too eager to tell the world that the Soviet era war psychosis is back. Cold war or no war, Moscow-Washington honeymoon no longer gets currency it used to have in the halcyon days of Yeltsin and Clinton, when it seemed Russia and America could be allies—like Japan and Germany after World War II. Only the other day Putin came down heavily on Bush's plans to develop a national missile defense. American missile strategy is likely to strengthen the Moscow-Beijing axis as the Chinese are buying sophisticated Russian weapons rather hurriedly—everything from Sorremenny class destroyers to Su-27 fighters, advanced Mig jets and a AWacs plane. The present missile crisis like the earlier one—the Cuban missile crisis of 1962—is explosive enough to jeopardise the media created myth that major players in the world can live in peace. □

NOTE

FACES OF VIOLENCE

S B writes :

Politicians politicise every issue and their reactions to an event are determined by the strategic position they have taken at a certain point of time. Intellectuals are supposed to have a wider outlook which should cut across sectional boundaries and express a larger concern for justice. The left intellectuals in West Bengal, however, seem to following in the footsteps of the politicians. The unprecedented wave of violence in several districts over the last one year hasn't generated the protest that it deserved. The reason probably is that this violence is being unleashed largely by the ruling left. Had the violence taken place in Bihar or UP or had it been perpetrated by the Congress, TMC or the BJP, the reaction would have been far more prompt and ruthless.

The TMC is definitely involved in this dangerous game and Mamata Banerjee has been continuously making provocative statements. But the perpetrators are mostly the cadres or the goons of the ruling party and the nature of violence is incredibly barbaric. People are being butchered, set ablaze; sometimes their eyes are being gouged out and parts of

limbs chopped off. Thousands of people have been uprooted from their homes.

The left intellectuals in West Bengal are however maintaining a *strategic* silence or just condemning the violence in reserved terms. In their bid to maintain their leftist credentials, they seemed to have forgotten that the victims are mostly poor people and the example being set by the ruling left will have a dangerous impact on the state in the years to come. West Bengal saw the worst days of rightist terror in the early 1970s and the leftists have now completed the scenario. People will not take it lying down. When they will react, they will spare neither the right, nor the left. Politics in West Bengal has reached rock-bottom indeed.

Meanwhile the new Chief Minister has proved himself utterly irresponsible by calling on the police to go on a killing spree. They should feel free to gun down miscreants and dacoits, says the CM openly. Let us hope that the police will not follow the instruction literally. We may also hope that power will not make the CM, known as a cultured person, as cruel as his statement makes him out to be. But one thing is certain : his statement may have dangerous implications for the people of the state. Coming from the CM, the statement is no less violent than what his cadres are doing in the rural areas. ■■■

What is currently happening is the intensification of this process vertically and laterally. Deng Xiaoping's dictum that whether a cat is black or white does not matter as long as it catches mice was the rationale of this opening up which has become more wide ranging since 1998 when the Western Development Campaign was launched as a continuation of Deng's policy under the far reaching policy announcement by President Jiang Zemin.

This new Development Campaign for the western provinces of China (the western region has many of the more important Autonomous Regions including Tibet and Xinjiang) is announced as a mega and ambitious affair. This region has enormous mineral, energy and timber sources and constitutes 56 percent of the total area of China having 26 percent of the population. Politically, the region is highly volatile because of what the PRC central leadership calls 'splittism' and 'seperatism' by the Tibetan Buddhists and Uighur Muslims. The region on the western side borders on Islamic countries like Tajikstan, Kyrgyzstan, and Kazakhstan which gives further instability to the region. The Tibet Autonomous Region's border with India has also been unstable for the last forty years.

Rhetoric and Reality

What the PRC central leadership propagates is that now is the chance in a millennium for the 'backward' western provinces to go on to a hyperbolic growth trajectory and every effort must be made to grab the opportunity. The principal means by which the PRC wants to achieve this miracle is wooing foreign capital to invest in the Western region. The non-per-

Is China Facing The Fate Of Yugoslavia?

T G Jacob

Since China opened the doors to global capital during the early 1980s it has had a twenty-year period of huge capital inflows and

high growth rate of the economy. In the new millennium China has emerged as a phenomenally large market decided both by its population and vast geographical area.

forming loans outstanding to the main Chinese development banks has already crossed 125 billion US dollars and there is very little chance of the overwhelming part of these loans to come back. In other words, the Chinese capital market on its own is clearly incapable of catering to the ambitious development plans for the western region. Moreover, the situation is highly conducive to spiralling inflationary trends. Foreign capital investment remains the only way out !

The Communist Party of China lists more than 200 nationalities and there are clear political compulsions why the central authorities are keen to project the image of being seriously interested in developing the 'backward' areas. The CPC and influential intellectuals are now forced to admit that the regional disparities in China are enormous and even worse than what was existing in the former Yugoslavia. The feeling that such a situation can easily result in instability and separatism is being recognised as a concrete possibility. In the western region itself the Tibet Autonomous Region (TAR) and other Tibetan inhabited areas in the neighbouring province of Qinghai and Sichuan are the poorest. The per capita income is only one third of the national average and the mortality rate, educational standards etc are deplorable. Illiteracy is as high as 70-80 percent in TAR.

However, the mineral and other strategic resources base of western China is commendable. What the PRC central leadership is presently trying to do is to dangle these enormous resources to the MNCs and offer concessions (like low taxes and cheap labour) to

attract their capital to this region. But up to this time this policy has achieved only limited success because the MNCs point out the lack of infrastructure network and rigidity of the provincial political leadership as the reason affecting the profitability of huge investments in the west. Even modest estimates point out that several hundreds of billions of dollars are urgently required to build up a basic infrastructure network and it is not going to be an easy job for the PRC leadership to mobilize this amount. Land at nominal or no cost, cheap labour and almost no taxes are all offered to prospective investors. Still, the investors do not seem to be forthcoming to the satisfaction of the PRC leadership. There is every reason for the leadership to feel worried because growing disparities are bound to further destabilise the region as a whole.

It is noteworthy that the high speed economic growth after liberalisation is confined to the populous north eastern coastal China and some pockets in the eastern parts of central China. Global capital from the East Asian countries, Japan, Europe and USA flowed into the coastal belt resulting in demographic and other changes. The migration from the interior areas to the newly prosperous coast increased spectacularly, creating new problems in its wake. When liberalisation was unleashed in China the central leadership had also launched over and covert policies to encourage migration (especially of the poor peasants) to the minority nationality areas like Tibet and Xinjiang. This migration was prompted under the pretext that experts and skilled workers are necessary to develop

these backward regions. Simultaneously, religion was conceived by the central leadership as the single most important reason behind splittism and backwardness and accordingly various repressive programmes were launched to *re-educate* the masses in the minority nationality region in order to force them away from religions like Buddhism and Islam. This is an ongoing process mainly carried out under the aegis of the People's Liberation Army and Han Chinese party cadres with all the complementary coercive methods of imprisonment, torture and similar other means.

Another method of subjugation of the minority peoples is the compulsory imposition of the Chinese language in the place of minority languages. This is done by the central leadership of PRC through the employment market itself. In the minority nationality regions Chinese is imposed as the official language and it is impossible for the people to obtain a proper job without good knowledge of Chinese. Getting a job, promotions and guarantee of employment depend on whether the person knows Chinese or not. School and higher education policies are fashioned complementary to this linguistic repression.

Already in many eastern and central parts of western China the indigenous people have lost their position as the majority population and this is viewed as a political tool to reduce the significance of minorities and destroy their territorial identity. The administrative headquarters of Tibet, Lhasa, is fast nearing this cut-off point of the Tibetans being reduced to a minority. For the Chinese leadership such a transfer of population

reduces the pressure on the south eastern parts while containing the minorities politically. Lots of concessions are offered to the settlers with the result that the new businesses that are opened up in cities like Lhasa are under the control of the Han Chinese, the dominant nationality in the country creating its own contradictions in the minority nationalities areas. The towns and cities thus dominated by the Chinese settlers have become centres of gambling, prostitution, drug trafficking and night clubs. In Lhasa (this city is more than 2000 years old) the Tibetan part of the city has become slum like while the Chinese settlement are feverishly minting money. The same is the case with other western cities like Urumqi and Chengdu. There are far fewer cities in western China when compared to south eastern China and these cities are being increasingly economically controlled by the Han Chinese. This is nothing but outright colonialism by the Han Chinese, powerfully patronised by the central state and CPC, over the minority nationalities.

The already acute marginalisation of the minority peoples in the so-called Autonomous Regions is only bound to get strengthened and more vicious as a result of the Western Development Campaign which is much trumpeted by the CPC leadership. This is because the massive infrastructure building that is being planned presently will make the extraction of the immense natural resources of the west a more viable proposition. The construction of railways, highways, airports occupy a prime place in this Campaign and minority peoples are clearly fearful of the indiscriminate and unscientific looting

of their resources. According to the Chinese Constitution, all natural resources throughout the country are fully owned by the state and the various peoples have no rights and control over their resources. Now with the forces of the global market mechanism exerting its own strong role and dynamism in the economy the plunder of western China is bound to leap upwards. The Han Chinese businessmen will reap profits mainly in their role as middlemen, technocrats and bureaucrats, the MNCs will corner the bulk of the profits. Where will the minority peoples be in this rat race? They don't have much of a role. Employment-wise the better paid and skilled jobs will go to the Chinese (as is already happening) and the flow of settlers will further thicken altering the demographic composition in a fundamental manner.

Actual and Potential Conflicts

In spite of all the political, religious and economic suppression of the last fifty years the minority nationalities remains unsubdued. And growing disparities and drain of resources will further intensify the conflicts. This is why the spectre of Yugoslavia is haunting the Chinese political leadership. At the same time, the very solutions that they are envisaging are more likely to intensify and escalate the contradictions rather than mitigate them. The minority peoples are economically and educationally poor which means that whatever new opportunities are being opened up will mainly help only members of the dominant nationality and the relative position of the minorities will further plunge down.

Another serious issue at stake is environmental ecology. The reck-

less logging and mining has already jeopardised the ecological balance in vast areas of Tibet and Xinjiang and this is in for more severe blows in the coming days. It should be noted that all the multi billion dollar projects are planned and imposed from above (what is called top-down) and did not evolve out of consultations with the people of the region. This means their needs, their environment and their welfare are not at all the determining factors behind any project. The legitimate fear is that all this talk of development is only geared to extract ever more raw materials for utilization in the already developed south east China. Taking into account the balance sheet of the last fifty years of development in the PRC, this sort of an eventuality will not be very surprising. The scale of operation will be much larger and the degradation will also be in the same proportion.

The 1998 floods in China caused immense loss of property, life, and tens of millions were displaced. Studies after the floods conclusively proved that the floods happened mainly due to the deforestation in the upper areas of western China and hence were entirely man-made. It is interesting to note how the Chinese authorities are tackling this deforestation, which is their own creation. They have launched a massive afforestation drive to compensate for the destruction of the natural forest cover. Hundreds of billions of dollars are envisaged for this giant afforestation drive. The programme is called "gain for green". Under this programme the peasants and nomads are required to plant trees on the hill slopes at considerable expense to themselves. Due to lack

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of consultation with the people of the concerned areas many such mega projects came a cropper. Moreover, this afforestation drive is seriously threatening the very existence of large numbers of pastoral nomads whose way of life is environmentally and ecologically friendly. The local people are prohibited from cutting down wood for their day-to-day needs while logging is still going on destroying the natural forests. People are banned from using their own natural resources in a time honoured ecologically friendly manner, while the perpetrators of destruction are still free to cut down and take away timber. This double dealing is very much there in other sectors like energy, mining and agriculture.

China has undergone tremendous changes for the last twenty years and it is in for further tumultuous changes. And the eruption of the nationality question is not the least among them. High speed industrialisation, great in-

flow of finance capital, growing disparities between regions which is already at an unbridgeable level, rampant consumerism and social evils, corruption at the local, provincial and central levels are all prominent sign boards of this change. Issues like Tibet are already drawing serious global attention due to the allround, social, economic and political repression and no political solution is on the agenda of the present Chinese leadership. Instead of politically resolving this long standing issue the Chinese leadership is only visualising swamping of the place with Han Chinese settlers and business men and using it as a resource base for increasing the growth rate of the already developed Han Chinese regions. In the long run this course will most probably result in a no win situation for China, especially because of the seething discontent among other minority peoples like the Uighur Muslims.

□□□

Appointment of the Chief Minister

Nirmalendu Bikash Rakshit

The appoint of Babulal Marandi as the Chief Minister of the newly-born state of Jharkhand has ended a prolonged controversy, because matters were initially confused by the conflicting claims of two rival groups. It is evident that when a political party secures a convincing majority in the Assembly, its leader is undisputably chosen for the Chief Ministerial chair. But, on occasions, the task of the Governor becomes difficult and delicate due to the complexity of the situation.

Of course, in a fluid political condition, the appointment of the

Chief Minister may become a controversial issue. So, in such case, much depends upon the actual political condition of the state and its correct assessment by the Governor.

It is, however, argued that the leader of the majority party has a natural claim to be summoned as the Chief Minister. But, as a simple and stark reality, the constitution is totally silent on such matter. So it is not clear as to whom the Governor should invite to accept the Chief Ministerial berth. The argument that he should, in such matter, follow the established convention renders little help, be-

cause any convention of an abiding nature has not yet grown up with regard to such appointment.

As Article 164 (1) reads: 'The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister.' Obviously, the second part of the provision is conditional, because it expressly stipulates that other Ministers can be inducted only on the advice of the Chief Minister. In other words, though the Governor ceremoniously appoints such Ministers, it is the Chief Minister who makes the actual choice.

But the opening part of the provision gives an absolute and discretionary authority to the Governor to appoint the Chief Minister, because it does not legally specify on what basis such appointment is to be made. So, he may choose whomsoever he likes as the Chief Minister and no legal objection can be raised against such gubernatorial decision. Of course, he should follow the norms of parliamentary democracy in such matters, but in reality political considerations may reign supreme. It must be remembered that the Chief Minister need not be the leader of the majority party of the Assembly, nor even a member of the state Legislature. For example, Chakraborty Rajagopalchari became the Chief Minister of Madras in 1953, but, at that time he was a member of the Upper House of the state. And when S S Roy was chosen as the Chief Minister of West Bengal 1972, he was not a member of either House of the state-legislature.

However, under Art, 164(1), the Council of Ministers is legally responsible to the Assembly and,

nce the C M must be backed by e majority in that House. But e Governor can choose a mem- er of either House in order to erve as the Chief Minister and an grant him some time to prove is majority. In other words, if the Governor so desires, the appoint- ment may precede the majority- est and, in that case, the vote of confidence may will be a subse- quent affair. Of course, if the C M is outvoted, he must step down, because the Governor appoints him on the assumption that the later would subsequently prove his ma- jority.

However, when the C M is an outsider, there is another condi- tion mentioned by Art. 164(4). Ac- cording to it, he must, ultimately, be a member of either House. He may, during the time of assump- tion of power, be an outsider, but he must, within the following six months, secure a seat in any House of the state-legislature. In short, it means that a non-member of the legislature can be enthroned or the necessary condition that he will within the aforesaid time-limit be a member of the legislative body of the state.

Thus, if Clause (1) and Clause (2) of Art. 164 are taken together, it seems the Governor is vested with an appointing authority of discretionary nature. As Mitra J of the Calcutta High Court ruled in the case of Sharma V. Ghose (1967), the exercise of such gubernatorial power cannot be called in question through the writ- proceedings in the superior courts.

Moreover, though some people claim that parliamentary system implies the obvious appointment of the leader of the majority party as the C M the term 'majority' has not yet been made delightfully

clear. If a party secures 'absolute' majority [which means that the number of seats occupied by it is higher than those of all others taken together], its leader is sure to be sworn in. But in the multi- party structure, there may be a number of parties, without having a clear and thumping majority in the popular chamber. In such case, the Governor may have a wide range of discretion in choosing his CM. He may, in such a conflicting situation, either invite the leader of the biggest party or may try to form a coalition-cabinet. As there is no express provision in the con- stitution ot guide the Governor in his way, he may, so to say, be the 'king-maker' in such a contingen- cy.

Thus, in such matter, the 'prime facie' satisfaction of the Governor may be a very important factor. When no party can secure a clear majority, the Governor may sum- mon a person on the assumption that he would be able, either with the outside support of some par- ties or by an amalgam of two or more parties, to ensure the stabil- ity of the cabinet. In this sense, the authority of the Governor with regard to the appointment of the CM is both limited as well as un- limited depending upon the nature of the political condition.

So, the correct interpretation of Art.164 (1) is that if a particu- lar party or group secures absolute majority in the Assembly, its lead- er is sure to be chosen as the CM but when there is no such eventu- ality, the Governor can invite the leader of a party, big or small, to form the cabinet on condition that he agrees to face a trial of strength at a date fixed by the Government himself. Similarly, a coalition-cab- inet comprising different parties

may also be formed if the nor has reasons to believe has an ample chance of stab

This is why, we have me while found three types of Ch. Ministers (1) the leader of the par- ty having a thumping majority in the Assembly (Dr. Bidhan Chandra Roy), (2) the leader of the minor- ity-cabinet backed by other party/ parties (Dr. P C Ghose), and (3) leader of the coalition-cabinet con- sisting of some politic-allies (Jyoti Basu). This means that mere lead- ership of the biggest party does not automatically establish a claim to form the cabinet—the Governor is to be satisfied that the aspirant can, if given a chance, prove the majority-support in the Assembly.

There are, of course, some precedents of such discretionary appointment even in Britain. For example, in 1923, Conservative Party, Labour Party and Liberal Party secured 258, 191 and 158 seats respectively. The King, George V, summoned Ramsay Macdonald, the Labour-leader, since the Lib- erals supported him from behind. In other words, the claim of the Conservatives was overruled on the numerical calculations regarding the Labour-liberal combination. For this reason. Sir Jennings observed that due to the existence of three political parties of almost equal size, the King had six alternatives he could form either three types of minority-cabinet or three forms of coalition-Government.

The Governor of an Indian prov- ince may have, similarly, some alternative choice when matters are confused in the welter of multi- party structure. In such a situa- tion, he may act on his own as- sessment, but normally, the nu- merical strength of the rival claimants is counted upon. It has

happend in Jharkhand, and, hence, the Governor is not to blame. Earlier, Shibu Soren, the JMM-leader staked his claim depending upon the support of his own party (12), Congress, (11), RJD(9), MCC(1) and few defectors and even independants. From this calculation, the total tally seemed to be more than 40. But the B J P led NDA claimed that in the 81 seat House, it managed 41 seats—BJP-32, Samata-5, JD-U (2) and some defectors.

Thus, both sides submitted two confusing lists and even claimed to have roped in some wavering MLA-s in order to prove their majority. But Mr Soren's hopes were dashed to the ground by the Congress-decision of November 13 that it would support neither of the two groups. Moreover, his attempt to win over some JD(U) MLAs also ended in a whimper. Above all, two MLA-s of the GDP crossed over from his side to join the NDA-Camp.

Thus, Mr Marandi has ultimately won the battle of numbers and, very rightly, the Governor has chosen him on condition that he would face a trial of strength after fifteen days. □□□

'No' to Patents on Life

Martin Khor

[At a recent seminar on the World Trade Organisation in Geneva, speakers and participants argued that living things should not be patented, and that the WTO's rules on intellectual property rights should be revised to enable countries not to patent life. This position coincides with a growing movement worldwide that is calling for 'No to Patents on Life'.]

The patenting of living things or life forms—some of which has been made mandatory

by the World Trade Organisation is unethical and also against the economic and social interest of developing countries. Thus, the WTO's Agreement on trade-related intellectual property rights (TRIPs) should be revised and the patenting of life should instead be prohibited.

This was one of the points put forward by speakers and some participants at a panel discussion on the review of the TRIPs Agreement during a seminar on Current Developments in the WTO organised in Geneva by the Third World Network on 14-15 September.

The patenting of life forms has become the subject of a growing worldwide campaign by citizen groups, environmentalists, scientists, farmers' organisations and also religious leaders. They believe that animals, plants, humans, micro-organisms and their parts such as genes and cells, should not be patentable as these life forms are creations of God and Nature. They also argue that life forms, even if they are genetically modified, are not inventions and thus do not meet the criteria of patentability.

A debate has also been raging in the WTO, which is reviewing Article 27.3(b) of the TRIPs treaty, which deals with patenting of life forms. It allows countries not to patent plants and animals but makes the patenting of micro-organisms and microbiological processes compulsory, thus opening the road to the patenting of life.

Opening the discussion at TWN seminar, the chairperson, Mr Charkravarthi Raghavan said that a basic rethinking is now going on in the public arena on the nature of intellectual property rights and TRIPs, on the need to balance the rights of IPR holders and that of users and consumers.

Raghavan said policy-makers

and negotiators from the South should examine what had been promised in TRIPs on technology transfer and other positive aspects and compare these with the actual results. They should also focus on the aspects of TRIPs that had generated negative effects and that thus need to be reversed.

Mr Nelson Ndirangu, a senior Kenyan diplomat based in Geneva, said developing countries had general concerns that TRIPs, requires strong regimes to protect intellectual property. The advantage would go to those holding patents. Although the developed countries had said that strong IPR rules would cause technology transfer to take place, five years later this has not happened, and thus the claims of benefit were similar to fraud.

In relation to patenting of life forms, Kenya and the Africa Group believes that this is unethical and should not be allowed. This patenting also has serious implications for food security.

African countries are not satisfied with Article 27.3(b) of TRIPs. The requirement for protecting micro-organisms, non-biological and microbiological processes and plant varieties is unethical in allowing patents over life forms, unfair in terms of biopiracy, and harms food security for local communities as well as biodiversity.

Ndirangu added that when a product is patented, it disallows or discourages research. Big companies that patent would benefit and produce what the market wants. 'Those of us living on subsistence cannot afford patented products from the North. Also, in relation to products containing genetically modified organisms, we are not sure if they are safe for health or the environment.'

Ms Cecilia Oh, legal adviser to the Third World Network, said that

the TRIPs Agreement has contributed to the prevention of access to technology for developing countries. In the case of patents on biological materials, there is a case of 'double irony' in that patents are being granted over biological materials and the traditional knowledge of the use of such materials. This prevents access by developing countries to such biological resources and knowledge, which originated largely from the developing countries. In this context, the TRIPs Agreement has facilitated the flow of resources and technology from the South to the North.

Ms Oh said the patent system was not an appropriate reward system for knowledge relating to biological materials. 'The patent system was designed to protect mechanical inventions, and makes the distinction between mere discoveries and inventions. It is clear that biological materials are naturally occurring and can only be discoveries, and not inventions.

'Patents confer monopolies over patented subject matter. In the case of seeds and plant varieties, patents on such biological materials will have serious implication for agriculture, and food security in the developing countries. The monopoly over biological resources and knowledge essential for agriculture, medicinal and other uses may be misappropriated and vested in individuals and corporations.'

Ms Oh added that from a scientific perspective, the distinctions made in Article 27.3(b) (for example, between plants and animals, on the one hand, and micro-organisms and microbiological processes to be patentable.

She said that there are four categories of patents on life forms and processes, which should be prohibited or banned. These are :
— Patents based on bio-resources

and knowledge of their use pirated from countries and indigenous communities, which do not satisfy the novelty or invention criteria;

— Patents on discoveries, for example, micro-organisms, cell lines, genomes, genes (including human cell lines and human genomes and sequences), which are all naturally occurring;

— Patents on transgenic techniques and constructs, and transgenic plants, animals and micro-organisms (better known as genetically modified organisms); and

— Patents on nuclear transplant cloning (for example, the techniques that produced Dolly the sheep).

At discussion time, Mr Leo Palma of the Philippines Mission in Geneva said he subscribed to the view that there should be no patents on life forms. He asked how this principle should be brought forward.

A delegate from Trinidad and Tobago said it was important to work out the elements of an appropriate system of protection for plant varieties.

A delegate from the India Mission said it was useful to examine the patent application forms and procedures in developed countries, such as the United States. He proposed that in patent application forms a column be added to include the source of origin of biological materials. Before patents are granted, the source of origin as well as evidence whether the knowledge has already been in use should be looked at. This would help prevent patents being granted for products or knowledge that have already been in use in other parts of the World.

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Unity is Strength

*'The concept
of oneness amongst many,
the advancement of unity in diversity —
this has been the core religion of
India'.*

— Rabindra Nath Tagore

GOVT. OF WEST BENGAL

I.C.A. 148/2001

The World Bank as the New Evangelist

Kavaljit Singh

During November 6-15, 2000, the World Bank President James D Wolfensohn was on an official visit to India. The overriding objective of his visit was poverty reduction. During his visit to several states, he spent more time with the non-governmental organizations (NGOs) and community development groups involved in rural and urban development programmes than with government officials and business representatives. In almost every press conference, he highlighted the efforts made by the Bank to improve poor people's access to social services and the strategic role to be played by the World Bank in the coming years to help accelerate poverty reduction.

It is surprising that after lending billions of dollars for the big infrastructure development projects (e.g., dams, power plants, ports and highways) and supporting neo-liberal adjustment programmes in over 100 countries, the World Bank is nowadays reinventing itself as an anti-poverty crusader. By suddenly espousing the cause of the poor, the bank has not just shocked the global financial community but also its die-hard critics who had never anticipated, that much of their lexicon such as "empowerment," "governance," "decentralization" and "transparency" would soon become buzzwords at the Bank. At its annual meeting held at Prague recently, the Bank proposed to further extend its arena of work to "global public goods", which include disease control, environmental protection and

knowledge sharing. However, this new proposal was received with skepticism and criticism by the Development Committee (the joint ministerial committee of the board of governors of the Bank and the IMF) and the G-24.

In the past, much of the criticism of the World Bank's lending in India and elsewhere has been focussed on its financing of big developmental projects or its sectoral and policy lending. For instance, Sardar Sarovar dam project and power sector reforms in Andhra Pradesh have become symbol of public protest against the Bank lending in India. But very little has been done to grasp the Bank's new concern for the poor.

In some ways, the World Bank's new rhetoric about poverty reduction echoes that of Robert McNamara in the 1970s under whose leadership the Bank brought out glossy reports like *Assault on Poverty*. But the fact remains that poverty has increased on a world scale in the last three decades and has been admitted by none other than James Wolfensohn who noted that "we are no better off than we were in the 70s."

In reality, the Bank's concern for the poverty has little to do with its sudden change of heart for the world poor. To a large extent, this rhetoric has more to do with increasing private sector financing of infrastructure projects since the Bank with its meagre financial resources cannot compete such capital flows. In addition, there is a growing pressure from Bank's influential donor-member countries (particularly the US) as well as the Development Committee to reform the Bank whose legitimacy is under severe attack from both the left and the right.

Despite the new rhetoric, there has been no major shift in the Bank's commitment to neoliberal thinking. Except financial liberalization where the Bank has done some rethinking in the aftermath of Southeast Asian financial crisis, it remains committed to the rest of the components of the "Washington Consensus" which includes trade liberalization, privatization, cut backs in social sector spending and deregulation.

In a neo-liberal framework, poverty is not a result of the economic system and therefore, it isolates poverty from the process of economic development and aims at reducing poverty through specific programmes targeted at the poor. As witnessed in several Latin American countries, such targeted programmes, no doubt, provide temporary relief to the poor as well as help in containing social and political conflicts arising out of economic deprivation. But, these programmes do not make a dent at the structural problems that perpetuate and reinforce poverty on a mass scale.

It appears that the Bank in looking for a simplistic solution to the complex issue of poverty as it has discovered microcredit as the new panacea for poverty eradication. People are poor not only due to lack of credit but due to unequal distribution of wealth and power, low wages, low prices for agricultural and raw materials, lack of access to education and health, along with declining terms of trade, growing debt and adjustment policies that further put unequal burden on them. Because microcredit avoids 'overhead' cost of a wider development agenda which includes group organizing and mobilization, support for struggle and campaigns access to natural resources, redis-

tribution of wealth and resources, skill training, restructuring of macroeconomic policies, etc., it is being promoted as a 'cheaper' alternative for poverty reduction.

Historically, microcredit programmes were initiated by the women's groups and non-governmental organization as a potential tool for women's empowerment as poor women gain greater access to financial resources. By and large, microcredit programmes have remained localized, functioning within the existing savings and credit facilities. With the marketing of microcredit programmes as an anti-poverty formula by the World Bank and other financial institutions, there is hardly any developmental financial institutions that is not involved in microcredit lending. The financial institutions have realized that microlending offers immense opportunities of profit making as interest rates can range from 20 to 100 percent and repayment rates are over 90 percent, far above the commercial lending. Thus, this economic logic makes the poor more attractive to banks and financial institutions, but not vice-versa. Even the transnational banks are also jumping on the microcredit bandwagon.

Through its micro-lending arm, CGAP, the Bank has been paying more attention on policy reforms such as privatization of micro-lending institutions, removal of subsidies for banks that service the poor, and stronger debt collection laws that may benefit lenders but end up hurting poor borrowers, particularly women. Keeping the CGAP framework in view, the Bank launched a project in India titled Rural Women's Development and Empowerment Project with the sole focus on the establishment of self-help groups. It is unfortunate that

rural women's empowerment is only seen in terms of economic development and that too with a narrow focus on credit and income-generation programmes. It is not realized that self-employment is the last resort for poor rural women in India.

Further, in the rural context, women's control and ownership over land and natural resources can play a very positive role in not only economic empowerment but also in terms of social and political empowerment. What can Indian women do with credit if they do not have childcare, education, training, and health services? How beneficial is credit if cuts in social services continue to exacerbate women's poverty and increase their total labour hours? Any strategy that views microcredit as a substitute for social sector spending and anti-poverty programmes is unlikely to succeed even in reducing poverty, what to talk about total eradication of poverty.

The other important component of the Bank's recipe for social sector is privatization of education, health and other welfare systems. By imposing user fees and running social programmes on commercial basis has created new inequalities as bulk of poor people don't possess purchasing power to access these services.

Even the decentralization agenda of the World Bank, which in principle hardly anyone will oppose, has largely turned out to be a public relation exercise because there is hardly any example where decentralization programmes promoted by the Bank has led to genuine democratization of decision-making processes. In the name of decentralization, essential developmental tasks and responsibilities are handed over to cash-

starved, non-transparent, unaccountable, NGOs and local bodies without looking at their performance and capacity. Furthermore, the Bank only encourages those NGOs that are willing to clean the mess created by its project or programme lending. Needless to add, some NGOs are more "Bank" than the Bank itself.

Before preaching the virtues of transparency and good governance to the world, it is high time that the World Bank should start practising these at the Bank itself. Despite pressures from activists and groups, there have been only marginal changes in the Bank's own disclosure and dissemination policy. Still a number of important Bank documents including Performance Audit Reports and Country Assistance Reviews are not available to the public. Therefore, the Bank should expand the terms of its disclosure review to cover the operations of the World Bank Group as a whole. Unlike the UN, the membership of the World Bank is not based on the principle of one country-one vote. Rather, the voting power is based on the amount of money each member-country puts into the Bank. Because of this peculiar system, the US (being the largest shareholder) can veto any proposal. By adopting the principle of one country-one vote, the Bank can curb the overarching influence of the US and other developed countries and give equal representation to the under developed and developing countries.

Finally, had Wolfensohn not given up his Australian citizenship to become an American citizen, he would not have become the President of the World Bank, an archaic tradition (the President is always an American) still practised at the Bank. □□□

ECONOMIC APARTHEID IN AMERICA

Gumisai Mutume

Although the media paint a rosy picture of the US enjoying one of its most prosperous eras, the reality is that while the salaries of chief executives and billionaires are skyrocketing, an increasing number of American citizens are poor, homeless and lack health insurance. The growing economic inequality is caused by factors such as the unimpeded growth of global corporations.]

These are boom years for the United States, with unprecedented economic prosperity and near-zero unemployment rates; yet for the majority of the country's poor all is not so rosy, notes a new study.

The study, *Economic Apartheid in America*, contrasts the skyrocketing salaries of chief executives and billionaires at the top with the growing ranks of the poor, uninsured and homeless at the bottom. It says the media paint a rosy image of a country enjoying one of its most prosperous eras, far removed from the reality of many US residents.

The report, released on Labour Day (4 September), notes how the economic boom of the 1990s has happened alongside the decline in organised labour and civic institutions, the battle over global trade and growing inequalities in income.

It points out that the United States is the only industrialised nation that views health care as a privilege, not a basic human right.'

Some 44 million US citizens

currently do not have health insurance. 'Even as the unemployment rate declines, the rate of workers without health insurance increase,' notes the study by Chuck Collins and Felice Yeskel of *United for a Fair Economy*, a lobby group.

While the unemployment rate is placed at about 4%, the number of uninsured non-elderly US residents is growing by one million a year and will reach 47 million by 2005, equal to one in five US citizens under 65 year old. Health insurance and medical care have become key issues in the current presidential campaign.

Since the 1970s there has been an explosion of new products that have benefited millions here such as personal computers, satellite and cable television. Air travel has grown by roughly 300% since 1970 and the share of adults who are college graduates has doubled from 11 to 22%.

However, the percentage of people's income spent on health care has also grown by 160% between 1960 and 1995, note the report's authors. Harvard University professor and author William Julius Wilson termed the new study a 'clear viewpoint on the growing economic inequality in the United States and how to combat it.'

United for a Fair Economy, a national non-partisan organisation, notes that in 1997, General Electric's chief executive earned \$40 million per annum, a 45% increase from the previous year.

The General Electric CEO was the 11th highest paid in the United States that year, earning 1,400 times the average pay of the US factory worker and 9,500 times that of Mexican maquiladora

workers thousand of whom work for GE.

United for a Fair Economy notes that almost 90% of earnings from the growth in the stock market in the United States goes to the top 10% of households, while real wages are now less than they were when Nixon was president.

The report goes on to compare the US state of California with the Indian state of Kerala. It says that in many ways, Kerala is a more equal society. The income disparity in Kerala is 3.5 to one, compared to 12 to one in California.

While Kerala is the size of California, it is materially poorer. It, however, ranks higher in a number of quality-of-life indicators—low crime rates, high literacy and a longer life expectancy. Both states are home to roughly 300 million people, but Kerala has only 5,000 people in prison compared to California's almost 200,000.

'In Kerala there is a strong commitment to ensuring broad and affordable access to services such as education and basic needs like electricity and food,' notes the report.

One of the factors often identified as responsible for the growing inequality in the United States and around the globe is the unimpeded growth of global corporations. Many governments are reluctant to over-regulate transnational corporations and in recent years have provided a host of incentives (tax holidays and rebates, employment subsidies) to attract such companies.

The study notes that to address these inequalities activists need to address the rules and

institutions governing the global economy such as the World Trade Organisation (WTO). They also need to build coalitions across borders and press for debt cancellation.

In recent years the Western world has witnessed a revival of left-leaning and anarchist activism, much of it directed at the free trade organisations and specifically at their gatherings, such as those of the European Union, the Group of 8, the WTO, the International Monetary Fund (IMF) and the World Bank.

The report points to the WTO protests in Seattle last year and this year's anti-World Bank and IMF protests as watersheds for a growing movement against the contradictions of global capitalism.

'Demonstrators demanded that powerful economic actors become accountable to democratic forces, that the processes which are generating inequality and environmental degradation be stopped, and that we revisit basic questions about the purpose of economic activity,' notes economist Juliet Schor.

'Is the economy to serve the people who make it up, or is their labour for the sake of lining the pockets of the rich and powerful? Seattle has put this basic question back on the table.'

Third World Network Features/IPS

LETTER

"Bitter Truth"

In response to 'Bitter Truth' (*Frontier*, September 10-16) the CPI(ML) (PW) has spent more than four thousand words as invectives to vilify MCC instead of facing the 'Bitter Truth' ! The PW has ut-

tered many things but not said anything regarding 'unconditional and unilateral' cessation of clashes in response to the appeal of the fraternal organisations belonging to the RIM. This is the curx of the 'Bitter Truth' which the PW side-tracked cleverly in their 10th March Reply to the MCC Public statement and has also repeated the same in their rejoinder 'Truth Is Really Bitter'.

Why this hasitancy? Why should not they declare openly and directly the 'unconditional and unilateral' cessation of clashes? They stated in their 10th March Statement that clashes would stop automatically if MCC adheres to it. The proverb 'an inveterate sinner is always the loudest in denunciation' sums up the scenario regarding PW attitudes.

Now some examples of violation of their own statement i. e., 'clashes would stop automatically if MCC adheres to it can be cited here to show the differences between their words and deeds. As we all know CPI(ML) (PW) published their press release on 10th March 2000 under the heading, 'clashes would stop..... to it'. Then why did they kill one of MCC activists in Palamou district, named Nandee Paswan on 20.03.2000 when nothing was done from MCC side since October 1999? Is it not a bitter exposure that PW violated their own declaration and committed a provocative act like killing within a very few days? Nandee will perhaps not be the only victim, there may be many more. On 18th February 2000, PW killed one of MCC squad members named Baijanath Mahato of Malhara village, dist. Aurangabad just after MCCs' un-

conditional and unilateral declaration on 7th January 2000. Such incidents have made it crystal clear that PW has a hidden agenda to eliminate the revolutionaries, not the reactionaries.

Those provocative activities of PW have compelled the MCC to take a retaliatory action like killing of one local activist of Palamou district associated with PW. But immediately after this incident, a press release was published through the Special Area Committee of MCC on 22.08.2000. Other allegation made against MCC in PW Rejoinder dated 17.12.2000 are baseless if not motivated.

The situation demands effective implementation of unconditional and unilateral declaration by PW itself for cessation of all types of aggressive activities with immediate effect. It should refrain its erstwhile Party Unity people from launching all types of provocative attacks on MCC members and supporters.

Such killings and counter-killings could be avoided on mutual trust and understanding in the greater interest of the revolutionary masses. It is regretted to note that instead of debating on many national and international questions, and finding out possibilities for united struggle with the teachings of Marx, Lenin and Mao, a revolutionary organisation is subjected to provocative attacks by another. We again call for its immediate and complete cessation through an unconditional and unilateral declaration by PW as desired by the fraternal revolutionary parties of South East Asia affiliated to RIM.

**Central Committee,
Maoist Communist Centre**

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