

Vielfalt dabei nicht beschränkend sondern bereichernd auf den Diskussionsprozeß ausgewirkt.

Es ist deutlich geworden, daß von der Debatte um biotechnologische Medizin eine Internationalisierung der Ethik ausgeht. Die Bewältigung der medizinethischen Aufgaben stellt neuartige, hohe Ansprüche an die Wissenschaft. Der Spannungsbogen reicht dabei bruchlos von der Forderung universell gültiger ethischer Standards einerseits über die Verständigung in der Sache bis hin zur Bewahrung kultureller Integrität andererseits. Daß diese Konstellation sich im Laufe des Symposiums nicht als fatal erwiesen hat, ist in erster Linie dem sachlichen Ernst, der Geduld und Kompetenz der Teilnehmerinnen und Teilnehmer zu verdanken.

Aufgrund dieses ermutigenden Auftaktes planen die Veranstalter, die Diskussion auf einem zweiten Symposium im kommenden Jahr in Shanghai fortzusetzen. Hierzu haben sich Teilnehmer aus China bereit erklärt, Organisationsaufgaben zu übernehmen. Längerfristig soll von diesen Symposien der Anstoß zu einer breiten, eigenständigen Medizinethik in China ausgehen. Eine Institutionalisierung des Prozesses mit Hilfe bestehender struktureller Ansätze ist denkbar. Alle Beteiligten sehen der weiteren Entwicklung mit Spannung entgegen.

Ole Döring

### **Symposium on "Sri Lanka at Cross-Roads"**

Colombo, 24.-25. April 1998

The symposium, organised jointly by the Centre for Anthropological and Sociological Studies (University of Colombo), the Friedrich-Ebert-Foundation, the German Cultural Institute and the South Asia Institute (University of Heidelberg), examined some of the critical politico-economic and socio-cultural problems Sri Lanka is confronted with after fifty years of independence. While the ongoing ethnic conflict in the country was identified as the most pressing national problem, the participants generally agreed that a number of other issues also deserves urgent attention. Presentations and discussions focused on a number of points that addressed many of the critical issues:

**Political Culture:** It was strongly felt that the prerequisites for the resolution of any major problem in Sri Lanka would be an unequivocal commitment to widely held values (such as equality of opportunities, social justice, individual freedom, representative democracy, good governance, political participation unhindered by violence and intimidation) and a broad national consensus on key policy areas such as education, health, devolution of power, and allocation of scare resources such as employment. The social resentments even against much needed reforms can be explained in terms of an apparent lack of commitment on the part of the policy makers to long-term national goals. The centralised state, whose power is built upon an "all-or-nothing" basis must be seen as a major cause for continuing political violence in the multi-ethnic society of Sri Lanka.

**Self-Reliance:** The development assistance extended to the poor over the years in various forms at the grass-root level has promoted dependence rather than self-reliant development. Decisions on development issues continue to come almost entirely from the political establishment and technocrats who are often out of touch with ground realities and aspirations of local people. The recent expansion of the NGO sector with the assistance of overseas donors has also tended to reinforce the above tendency as most NGO's are dominated by urban elites.

**Economic transformation:** Sri Lanka missed development opportunities due to a delay in shifting from import substitution to export-oriented industrialisation. There has also been a trade-off between excessive welfarism and growth on the one hand and between political liberalism and growth on the other. Recent economic reforms have pushed the country towards another extreme where large parts of the population have become entirely dependent on external sources of income, almost at the expense of indigenous sources such as peasant agriculture.

**State and bureaucracy:** The prevailing uneasy and at times conflicting relationship between the political authority and the bureaucracy was another issue identified as a major obstacle impeding the development process and the efficient delivery of services to citizens. There is no proper and rational placement scheme in the public sector. The lack of independence on the part of state officials and their inability to resist illegitimate orders coming from politicians have made the state bureaucracy largely an appendage of the political establishment. Inadequate experience and technical incompetence of many of those who hold political office have prevented the latter from giving proper leadership to, and disciplining state bureaucrats.

**Industrial peace:** Frequent industrial disputes lead to disruption of work and civilian life, loss of production, erosion of investor confidence and bitter conflicts between the parties involved in industrial disputes. Setting up of an independent and credible mechanism for preventing or settling industrial disputes before they are resulting in major adverse consequences was identified as an urgent need.

**Social security:** The vast majority of the population in Sri Lanka is not covered by a comprehensive social security scheme. Those who are operating in the urban and rural informal sector in particular are excluded from such benefits. Certain income support and subsidy schemes implemented from time to time have not provided adequate support even to those who received them. On the other hand, subsidies which are not properly targeted to the needy also lead to wastage of scarce resources and lethargy on the part of many recipients.

**Social justice and opportunity structure:** A strong sense of social injustice prevailing among those belonging to the lower strata of society has facilitated the emergence of anti-systemic movements both in the South and the North of the country, mainly led by politically and socially conscious youth. While language and class barriers are identified as major obstacles to socio-economic advancement, the continuing practice of political patronage in the distribution of public goods including government jobs together with widening income inequalities and corruption in the midst of widespread poverty and urban-rural disparities also add to the above sense of social injustice.



Status of women: Although the status of women has improved considerably over the last fifty years in Sri Lanka, the new income opportunities created for women through economic liberalisation are not without negative consequences. Job insecurity, exploitation and sexual harassment are problems women are increasingly facing, without having access to legal and other remedies. The expanding private corporate sector does not offer the same opportunities to women as the public sector which has traditionally offered them many chances for upward mobility.

Globalisation and social change: Globalisation has facilitated the process of structural adjustment in the country enabling the market to increasingly determine the life chances of many people. The new economic environment favours those with certain new competencies which cannot be readily acquired through the existing educational institutions. This has given an advantage to those who have the ability to acquire such competencies and skills while depriving marginalised and disadvantaged social groups such as urban and rural poor.

One of the main features of the symposium was that it didn't confine itself to a discussion of various problems alone but that it also considered various policy measures that could be taken to address the above issues. What is attempted below is to give a brief outline of a number of specific recommendations:

- promote greater pluralism within the political system in terms of decentralisation of political authority and creation of independent institutions that can impose checks and balances on political authorities. Formulate policies and programs not only to address the ethnic question, but also to deal effectively with other forms of inequality, discrimination and marginalisation, e.g. growing income inequalities, rural-urban disparities, caste and gender discrimination;
- initiate devolution of power at the grass-root level in order to empower local communities so that effective decentralisation does not stop at the sub-national level such as that of a province or a region. This necessitates the creation of a third tier of governance through constitutional means;
- expand opportunities at the local level for social and economic advancement and political participation, particularly for educated youth, by promoting local level planning and empowering local institutions rather than imposing development projects emanating from the centre;
- pay greater attention to the constitution of the executive arm of the government by judiciously combining elected representatives with experienced and technically competent experts from diverse professions;
- take effective measures to make the state bureaucracy independent of political interference and arbitrary manipulation by politicians, e.g. establish a rational system of deploying public officials, establish an independent public service commission and clearly demarcate the lines of authority and functions at different levels of governance;
- take steps to create a culture of harmonious industrial relations by establishing a system of independent arbitration of industrial disputes and to promote a democratic work environment through legislation, training and public education; steps also to be taken to prevent trade unions being made use of by vested interests;

- work towards a comprehensive social security system that eliminates the present system of hand-outs and subsidies, which are not properly targeted towards the needy.

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## **ELSA-Seminar: China - Recht und Wirtschaft**

Würzburg, 15.-17. Mai 1998

Mit einem umfassenden Veranstaltungsprogramm und bemerkenswertem persönlichen Engagement haben Würzburger Jura-Studenten im Mai zu einem China-Seminar von ELSA (European Law Students' Association) an die Universität Würzburg geladen. Christoph Schröder, verantwortlich für das Programm und die Wahl der Referenten, legte bei der komplexen Verknüpfung wirtschaftlicher und juristischer Fragestellungen ebenso Wert auf die Berücksichtigung theoretischer Grundlagen wie auch praktischer Erfahrungen.

Am ersten Tag wurden die Teilnehmer allgemein in die Thematik eingestimmt durch Vorträge der Professoren Kuhn (Würzburg) aus sinologischem Blickwinkel, Kreuzer (Würzburg) in rechtsvergleichender Hinsicht und Heuser (Köln) mit rechts-sinologischem Schwerpunkt. In die Grundlagen des chinesischen Wirtschaftsrechts führten am zweiten Tag die Rechtsanwälte Dr. Dr. habil. Wolff (Frankfurt/Main) und Dr. Hopp (München) ein, beide bekannt für ihren fundierten akademischen, zunehmend praxisorientierten Werdegang. Im Anschluß daran ermöglichten zwei parallel verlaufende Workshops den etwa 70 Teilnehmern, sich in kleinerem Kreise mit praktischen Einzelfragen vertraut zu machen: Der Rechtsanwalt Dr. Widmer (München) behandelte Fallbeispiele, die in den Anwendungsbereich des chinesischen Außenwirtschaftsvertragsgesetzes fallen; als Expertin für "Interkulturelle Management-Beratung" vermittelte Frau Hu (Tübingen) die Schwierigkeiten bei deutsch-chinesischen Geschäftsbeziehungen und erarbeitete Lösungsansätze. Am dritten Seminartag wurden Investitionsmöglichkeiten in der VR China von dem Rechtsbeistand für chinesisches und Hongkong-Recht Reinberg LL.M. (Hamburg) vorgestellt, während die Volkswirtschaftler Professor Bohnet (Gießen) und Dipl.-Volkswirt Schlotthauer (Würzburg) auf die derzeitige Transformationsproblematik in der VR China sowie die asiatische Währungs- und Finanzkrise eingingen. Beispielhaft für das Spannungsfeld wirtschaftlicher und rechtlicher Interessen erörterte abschließend Prof. Dietz (München) die Entwicklung der chinesischen Bemühungen zum Schutze des geistigen Eigentums.

Die Referenten bewiesen in ihrer Einschätzung von Chinas Zukunft einen verhaltenen, pragmatischen oder auch euphorischen Optimismus. Das motivierte Publikum, überwiegend Jura- und Sinologiestudenten aus der gesamten Bundesrepublik, klammerte kritische Fragen nicht aus und nutzte die vielen Gelegenheiten am Rande des Seminars zur Vertiefung des Dialogs mit den hochkarätigen Experten. Die Besonderheit des Seminars bestand in der gelungenen Zusammenführung von Experten und Laien, wie auch von Theoretikern und Praktikern. Eine umfangreiche Dokumentation mit den Vorträgen in schriftlicher Fassung kann angefordert werden