

Judicial appointment row Last outpost of CJ's authority demolished

THE government's 'no' to confirmation of six out of eight judges recommended by the Chief Justice has opened the Pandora's box.

Political motives have been attributed to the non-confirmation of appointments earlier made or the new appointments that followed, depending upon which side of the fence an onlooker sat.

But under no circumstances should one accept the aberration that only "ruling party loyalists" would be eligible for judgeship or confirmed in their positions.

On balance trifling with the CJ's recommendations can have serious implications: first, it can erode public confidence in the judiciary; secondly, the morale of the judges awaiting confirmation could plummet leading to indifferent performance by them; and last but not least, a body-blow would be dealt to the separation and independence of the judiciary from the executive.

Appointment of judges must not only be kept above political considerations but it must also be seen to have been so done.

Why the push-in bid again?

A deviation from the understanding at Delhi

THE latest push-in bid by the Indian BSF puts a question-mark on India's commitment to settling the issue of so-called illegal immigration through 'agreed mechanisms'.

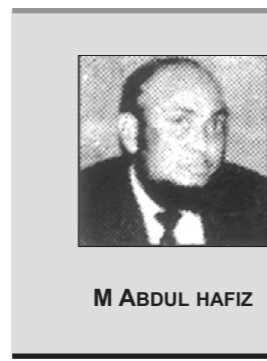
It was specifically agreed at the Delhi meeting that the foreign secretaries of the two countries would meet in April to discuss the 'illegal immigration issue' in detail.

Meanwhile, the Bangladesh foreign secretary has said in clear terms that Dhaka would like Delhi to go by the 1992 communiqué on cross-border immigration.

Recently, in an interview with The Daily Star in New Delhi, Yaswant Sinha gave us to understand that the 1992 agreement will be followed.

The broad understanding that was reached between the two foreign ministers in New Delhi, and the foreign secretary level meet that is scheduled for April both require that India keep its part of the bargain in maintaining peace at the border.

Is Britain missing its 'finest hour'?



MORE often than not Britain justified its colonisation of last two centuries as 'white man's burden' and imperialistic war as that of peace.

Take up the white man's burden (wage) savage wars of peace (for the sake of) your new-caught sullen peoples.

half-devil and half-child fill full the mouth of Famine, and bid the sickness cease.

During the grandiose Victorian era of nineteenth century the philosophy behind the empire-building at least in the subcontinent was frequently enunciated by Kipling that white English men were uniquely fitted to rule the "lesser breeds without law."

It is an irony that Tony Blair, the prime minister of Britain -- the nation that abandoned its imperial dream and handed back India the 'jewel of British crown' to its natives, just because it thought that hour had struck to do so -- would be privy to an empire building, an anachronism at the dawn of 21st century.

collaborator in a new empire-building process initiated by George W Bush, the US President.

Eversince the days of the fifth US President, every chief executive of that country has been adding bricks to the high handed theory of Monroe doctrine that now seems to have arrogated each corner of the world as part of an American turf.

However from early last month the messages from the British

perceives to be a threat to the US and its allies, Tony Blair did not back off and his support for the Bush Administration's game plan remains rock-solid.

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need them on its side and that gives Britain significant political leverage.

The Whitehall, however, gives Blair the credit for helping to persuade Bush to go down the UN route. But to many Britons, it was too little, too late.

prevented a potentially disastrous war and fought, as one Whitehall official puts it, simply to prevent Bush from having egg over his face?

For that Tony Blair has to shun sophistry, playing with the words and come down in the plains. He has to ask himself whether he backs Bush's real motives in going to war: domestic political ambition, revenge for Junior George Bush and, of course, oil.

use of military force in Iraq. Yet Washington has made it amply clear that it will go to war even if it violates international law.

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Even if that scenario does come off it will not address the fundamental questions -- about the future conduct of relations between the states, the role of the UN, international law, peace in the Middle East, disarmament and the proliferation of WMD.

Brig (ret'd) Hafiz is former DG of BISS.

PERSPECTIVES

Tony Blair is showing signs of being aware of, and responding to the anti-war movements: addressing a gathering of British diplomats early last month he promised he would never "commit UK troops to a war that I thought was wrong." He also expressed his respect for the public opinion with regards to war.

resolve to be the master of the globe. As a result, the entire human race has now become the 'white-man's burden'.

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missions abroad are fervently urging Blair to step up pressure on President Bush to pull back from a war against Iraq.

The warnings are coming from the British envoys and Defence attaches stationed not only in the Arab capitals, they are coming also from the capitals of the First world including Washington.

not the causes for which Blair should be smearing his face. Even the overt reasons advanced by Bush to attack Iraq are open to questions.

In his biography 'the politics of diplomacy' the former US secretary of state James Baker unabashedly admits how, before the 1991 Gulfwar, he met the Security Council counterparts "in an intricate process of cajoling, threatening, extracting and occasionally buying votes."

NAM summit: Needed new vision



THE 13th Non-Aligned Summit will be held in Kuala Lumpur, Malaysia on February 24-25 and the overwhelming majority of 114 member countries that represent the Movement are likely to attend.

Bangladesh became a member of the Non-Aligned Movement in 1973 and attended all the summits since that time. The principles of Non-Aligned Movement suit Bangladesh because it retains the flexibility to decide an issue on its merits.

Non-Aligned Movement was established in 1961 in Belgrade in the background of the Cold War era.

An important aspect of the Kuala Lumpur summit from South Asia's perspective is the presence of India's Prime Minister Vajpayee and Pakistan's President General Musharraf.

Pandit Jawaharlal Nehru underscored the rationale of the Non-Aligned Movement in the following words: "If all the world were to be divided up between the two blocs.....the inevitable result would be war.

India, Indonesia, Egypt and Yugoslavia conceived the idea of "non-alignment" to keep developing countries away from the rivalries of the two super powers.

The world was split between the two camps -- one led by the US and the other by the Soviet Union. Many nations outside the two blocs refused to fall in line with either the US or Soviet Union.

an indispensable role in world affairs during the Cold War period. It acted as a "Third Force" in global affairs and expressed its voice in union at the UN and other multilateral forums.

subject poverty and Non-Aligned countries exist on the periphery of industrialised countries. Their economies are weak and they are powerless in the world arena.

Now that the rivalry between the two super powers disappeared in 1989 with the disintegration of the Soviet Union, the question is how the direction of the Non-Aligned Movement will be focussed.

Ethnic or religious conflicts in developing countries have been sapping their resources. Furthermore people are becoming more militarised that adds a new dimension to conflicts.

It is imperative that the leaders of the Non-Aligned Movement organise themselves to consider that development must be people-centred. It calls for not only better economic performance but also for action to spread the benefits of economic growth more widely among people.

Barrister Harun ur Rashid is a former Bangladesh Ambassador to the UN, Geneva.

BOTTOM LINE

It is imperative that the leaders of the Non-Aligned Movement organise themselves to consider that development must be people-centred. It calls for not only better economic performance but also for action to spread the benefits of economic growth more widely among people...Twenty-first century presents problems and challenges different from those of the last century.

lines will take place. However their meeting face to face is significant in some ways.

The 13th summit takes place in a difficult and fissiparous political environment. First is the backdrop of the 21 September terrorist attacks on the US, second the impending threat of war against Iraq by the Anglo-American alliance with or without the UN approval and third the increasing gap of income between rich and poor nations.

Success and failure of the Movement The Non-Aligned Movement played

the world which may be called the unaligned area is a dangerous step and leads to war. It reduces that objective, that balance, that outlook which other countries without military might perhaps exercise."

The concept of Non-Alignment is to be distinguished from that of Neutrality. Neutrality borders on isolationism in world affairs while Non-Aligned Movement relates to active involvement with international issues.

leading towards the goal of general and complete disarmament. Consistent with the resolution the two super powers signed many Treaties from 1972 to 2002 reducing their strategic and conventional weapons.

Non-Aligned Movement has also its limitations. It concentrated on political and neglected economic and social issues. It failed to halt arms race in developing countries, to run good national governments and became ineffective in resolving regional conflicts.

that since its rationale has gone, the Movement has become irrelevant and passed its use-by date. In order to be relevant one may argue that the objectives of the Movement need drastic change.

Another matter the Movement needs to focus is the establishment of mechanism to resolve conflicts.

A quiet success that deserves praise

MONZURUL HUQ writes from Tokyo

JAPAN has quietly achieved a praiseworthy success in recent days that can be considered in every respect as a significant gain towards ensuring peace in the world at a time when the sounds of war no longer remain distant.

being taken by the Japanese government in recent days run contrary to the feelings of the majority in Japan and elsewhere. A big step forward towards ensuring a safer world was taken by Japan on February 9, when Prime Minister Junichiro Koizumi issued an order from the platform of a ceremonial event organised at Shiga Prefecture.

The Japanese prime minister watched the blast that took place at a water tank in Bibai on a large screen at the venue of the ceremony in an air force base and later in his speech reminded the world that it's children who have no connection whatsoever to wars are becoming victims of land mines. He also pledged to foster a mood that for the benefit of humanity land mines must

be eradicated. Japan's step towards the eventual destruction of all land mines stockpiled by county's self defence forces is in line with an international treaty banning anti-personnel mines that Tokyo has signed. But despite such open gesture of goodwill, it's

This small achievement at a time when the world is getting ready for another all out confrontation is doubly praiseworthy not only because it reflects the fulfilment of an obligation by a country that signed the anti-personnel mine convention, but also because it shows that it's not at all impossible for us to get rid of inhuman mechanisms still in practice if the leadership wishes to do so.

clear that Japan alone cannot create a world free of deadly mines. The treaty banning the use of anti-personnel mines came to effect in March 1999 and 131 nations have so far ratified it. According to the provisions of the treaty, signatories must eliminate their stockpiles of mines by March 2003, and destroy all active mines in their territories by March 2009.

But if we look at the other side of reality, there are obvious reasons for disappointment too. Nations with the biggest stockpiles of mines have not signed the treaty and there is no indication that they are going to do so quite soon. Moreover, an esti-

children despite the end of bloody conflicts of the past. The land mine prohibition treaty is officially known as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction. The Late Japanese

Prime Minister Keizo Obuchi signed the treaty in Ottawa in December 1997. Obuchi was at that time serving as country's foreign minister and took specific interest on the issue. It has been reported later in the Japanese media that the foreign minister was under pressure from Japan's defence agency as well as from foreign office bureaucracy to refrain from joining the agreement.

country's defence capability if the country signed the treaty. They had repeatedly tried to convince policy makers that as an island nation Japan has no other option but to keep the possibility of mining the shores open in case an emergency

situation arised. Obuchi, however, insisted that Japan's own involvement in de-mining efforts around the world would be seriously undermined if Tokyo refused to ratify the treaty. Japan eventually signed the treaty and destroyed about one million mines since 1999.

But despite such praiseworthy efforts by Japan and a few other nations to free the world of deadly anti-personnel mines, the treaty still faces serious obstacles as a num-

ber of leading mine producing and mine using countries are refusing to sign the convention. The United States, China and Russia together hold a much larger stockpile of land mines than the rest of the world, and by refusing to join the convention they remain out of that international mechanism.

At the special ceremony commemorating Japan's conversion into a mine-free country the prime minister expressed hope that all nations of the world would join the collective effort of mankind to make sure that no one in the future would have to be killed or maimed by land mines. There is no doubt Koizumi intended to use the occasion to send a clear message to nations with large stockpiles of mines that Japan has abided by the bindings of the treaty and contributing to peace, and now it is their turn to follow the example.

countries that have been seriously affected by widespread mining of lands resulting in regular casualties of innocent civilians. Japan's demining involvement is particularly visible in Cambodia and more recently Afghanistan is also reaping the benefit of such initiatives.

The small achievement at a time when the world is getting ready for another all out confrontation is doubly praiseworthy not only because it reflects the fulfilment of an obligation by a country that signed the anti-personnel mine convention, but also because it shows that it's not at all impossible for us to get rid of inhuman mechanisms still in practice if the leadership wishes to do so. It's now, therefore, the turn of those remaining outside the treaty to follow the example of Japan.