"ALL CITIZENS ARE EQUAL BEFORE LAW AND ARE ENTITLED TO EQUAL PROTECTION OF LAW" - Article 27 of the Constitution of the People's Republic of Bangladesh

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LAW analysis

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the name of universal values aiming to benefit all human beings in the world.

HE war against Iraq has already begun after passing the deadline given by the President of the American empire. Some three hundred thousand men and women, using the most advanced weapons in the history of war, are attacking Iraq, another country, aiming to change its political leaders and regime. In the past few nights, thousands of missiles set Baghdad alighted, $sending \, "shock \, and \, awe" \, to \, the \, regime \, waiting \, to \, be \, "decapitated" \, by \, the \, sword \, of$ the empire. According to figures given by both sides, the number of lives lost from the attack have been strikingly low as a result of the advanced technology of killings used. It goes without saying, however, to assume that as war continues, number of civilian casualties will rise. Saddam Hussein's crimes for this "punishment" include being a violator of international order, alleged possessor of weapons of mass destruction, liar to the world about the secrets of these weapons, and being a cruel tyrant who puts his own people to immense sufferings.

The issues that occupy the minds of many include not who will "win" this war, since this is almost a certainty, but how long will this war last? In what ways are this war fought? What latest technology are used and with what devastating results? Others worry about the effects of this war on "us", especially "our economy ". Policy makers are wondering how their countries should behave under the circumstances? Those with a little longer perspective, or perhaps left with no other choices, begin to ask questions about the reconstruction of Iraq and their roles in it.

The American Empire

The attack on Iraq in 1991 led by President Bush- the father, was important because it represented the US as the only power capable of managing international justice, not as a function of its own national motives but in the name of global right. Now in March, 2003, President Bush- the son, argues that in addition to assure the country's national security, the war to disarm and dethrone Saddam Hussein is necessary at this moment precisely to "enforce the just demands of the world" in pursuit of "the security of the world". Writing in December 2002, Brian Urguhart, former under-secretary of the United Nations, pointed out that even if the war against Iraq is successful, its immediate political consequences could still be disastrous. Among other things, it might distract the international effort in a war against terrorism at a dangerous moment. In the confusion of battlefield, chemical and biological weapons, believed to exist, may easily fall into the hands of terrorists. It might well destabilise weaker governments especially in the Middle East, and create dissension between the people and their governments, which would in turn strengthen extremists' politics. It would certainly provide a new generation of recruits for some terrorist organisations.

During the last century and especially after the end of cold war, the US has been increasingly expected to assume the central role in the emerging new world order by serving international organisations, including the UN, international monetary and humanitarian organisations, in pursuit of public good. The US was called in to intervene militarily in regional conflicts from Haiti to the Persian Gulf. from Somalia to Bosnia. In other words, the American "empire", as the embodiment of universal values in pursuit of global right, has come into existence by the world context that has continuously called it into services through time. Under the present circumstances, where the exercise of its almost limitless power has been made possible by technological supremacy, combined with a close to religious self understanding that it is in possession of "ideas that conquered the world", namely: a particular kind of peace, democracy and Freedom-especially free market, the US has developed and committed to a sense of mission to advance human liberty which, according to Bush- the son, "is felt in every life and every land". It therefore went into this war against Iraq believing that the times of containment and deterrence were over and the only option left is to quickly "decapitate the regime" without listening to dissenting voices, not in the UN nor

Autour rights

President Bush 's decision to go to war against Iraq has generated so much outrage in the Muslim world. After the first day of attack against Iraq, the headline in the popular Malay-language Utusan Malaysia reads: "America fights Islam". Pakistan's Nawa-I-Waqt, the second-largest Urdu daily, said, " America has sown the seed of discord among the Islamic Ummah (community of believers)". An Imam at Jakarta's Al-Azhar mosque told his congregation this Friday that "a superpower (the US) is attacking a weak country. These people will not stop waging war against Islam." An Imam at a local mosque in Bangkok, which I attended, offered his du'a (supplication) after the Friday prayer for the victory of the Iraqi mujahideen (fighters in the cause of religion). Despite vehement denial by US officials, most recently by the US secretary of Defence, that this is not a war against any people or religion, it could very well be seen as dangerously giving

risks of inaction would be far greater" since "the power of Iraq to inflict harm on all free nations would be multiplied many times over" in one or five years, it was setting a precedent, not only that "might is right" but also that "might used as preemptive measures is right."

There were 111 armed-conflicts in 74 locations around the world from 1989-2000. Some analysts suggest that from 1989-1997, Asia-Pacific could be seen as the area with "the largest number of major armed conflicts than any other region" Since an empire also rules by setting rules in cultural practices, imagine now the world where the UN has little or no role left in coping with deadly conflicts; where conflicting countries are relying more on violence and war since "the last resort' can be reached quickly; and where the speculations of the other's motivation is sufficient to justify "our side's use of force" in cases plagued with histories of longstanding conflicts



There are two conditions conducive to the future(s) of peace in this world at this moment in history: avoiding despair and refusing hatred. Working towards the first condition, the legitimacy of the UN needs to be strengthened while providing space for peaceful protests against the war. The world still needs space for states to engage in dialogues and setting rules that would constitute a civilising process of international order not unlike the historical establishment of the Universal Declaration of Human Rights. Choosing sides for governments cannot but take the problem of UN's legitimacy into serious considerations. Common people, regardless of their religious beliefs, also need to engage in politics by ways of voicing their disagreements. Giving space for dissension in their own societies would render them out of despair. When facing an emerging empire, both of these spaces are crucial to bring the world out of the state of despair characterised by a sense of powerlessness, which breeds violence in all shapes and forms including

terrorism

Deceptions and demonisation of the others are war's close siblings. Both effectively generate hatred of the others. In refusing hatred, I can't help but think of a little known American woman. Rachel Corrie.

Rachel is a 23-year old woman from the town of Olympia in Washington. Her parents, Craig and Cindy, wrote later that Rachel was raised to appreciate the beauty of global community and that she was filled with love and a sense of duty to her everyone wherever he/she lives. As a member of the Grassroots International Presence for the Protection of Palestine, she went to Southern Gaza to do her work of protecting others with non-violence. On March 16, 2003, she tried to prevent the Israeli army from destroying the homes of Palestinians in Rafah refugee camp by laying down in front of the vehicle to block its path. She was killed when one of the bulldozers piled sand on her body. Cindy and Craig Corrie wrote that they were proud their daughter was able to live her convictions of giving her life trying to protect those who are unable to protect themselves.

On March 17, the refugee camp in Southern Gaza saw an American flag. Ofter

The American Empire and the future of peace Slum girls are worst victims of poverty NASRIN AKTER

> Barely 13, Noorjahan Begum sells tea on the streets of Dhaka. She has taken it as a profession two years ago as her mother, divorced by her first husband, was unable to run the family. Her father lives with his second wife in a separate place. With her mother and younger brother, Noorjahan lives in a slum on Mohammadpur embankment. After coming to Dhaka from their village, they took shelter on the embankment where thousands of homeless, low-income people live in small shanties

"My father is a rickshaw-puller. Two years ago suddenly he left us and married another woman in our slum. Since then, I have been on the streets to help my mother," says Nooriahan

Noorjahan's mother works as a domestic help but her little income is inadequate to meet the day-to-day expenses of the three-member family. That's why the little girl is on the streets while she should have been in school. She has to stay on the street under burning sun for a small amount of money

Sultana Begum, 23, lives in Taltola basti, another big slum in Dhaka city, along with her distant uncle. Finding no job, she sells coconut shells after grinding. It's a laborious work for a woman but Sultana also has no alternative. She feels she must earn to help her family and uncle who brought her to the city.

"I'm the second of five children of my parents. My father and mother still live in village. I've come to Dhaka to have a job in garment factory but could not yet manage t," says Sultana. "Life is very difficult here but I can't go back home. My family members now depend on my income."

Like Noorjahan and Sultana thousands of little and young girls living in slums of Dhaka city are fighting with poverty by doing various odd jobs like domestic helps and street vendors. Some of them are working in garment industries with low-paid

According to available data, over 15 lakh people work in the country's readymade garment industry and 90 percent of the workers are young women. They contribute to the national economy which depends on the foreign exchange earned by the RMG sector but the return is insignificant.

The garment workers work whole day or whole night to earn an average monthly salary of Tk 1000-2000. They do not have weekly holiday, festival bonus or any other facilities at their workplaces. The female workers are the main victims of inadequate facilities

Another alarming fact is that many girls living in slums are forced to take the profession of prostitutes in absence of enough job opportunities. Besides, they were fallen victims to various types of violence -- rape, physical abuse, torture and repression in their families and society.

According to a survey, 37 percent of the young girls living in slums do not have any work, except helping their mothers in domestic work. They roam around the





substance to the prevailing myth in the Muslim world that this is a war against Islam. In this sense, these headlines and remarks reflect a common perception among Muslims that "we" are abused by the mighty empire engaging in a profoundly unjust and unauthorised war.

President Bush, however, points out in his March 18 speech, that the US and its allies "are authorised to use force" in attacking Iraq under UN Security Resolutions 678 and 687 issued in the early 1990s. That the US chose to enforce it is 'not a question of authority" but "a question of will."

It is important to note, however, that the question "by what authority?", asked by many, goes beyond the legality of UN resolutions because the question itself is religious. According to The Bible, when Jesus was walking in the temple in Jerusalem, the chief priests and the scribes and the elders came to him with the question: "What authority have you for acting like this?" Jesus replied with a question: "John's baptism, what was its origin, heavenly or human?" (Mark XI: 27-30: Luke XX: 2: Matthew XXI: 23)

ar has been opposed even before it started by so many. Musl non-Muslims alike, as evident from all kinds of peace protests around the world because it is overwhelmingly believed to be unjust. It is unjust because of at least two conditions: it fails to convince people that it is necessary; and the US empire decided to drag the world to war by itself without the UN Security Council. A question of legitimacy posed in religious terms might be: by what authority have the empire is seeking to reinvent the nations of the world in its own image? Functioning as an empire, believing in its unmatched might and "eternal" value of freedom, and seeking to reinvent the nations of the world in its own image, the US is charting a new course in world affairs because it has produced a de-civilising process of the international system. First, this war has seriously weakened the UN system so much so that there are people in the streets who begin to question the benefit of its continued existence. Second, it has upset an accepted international norm of positioning the use of force as the last resort. Third, when President Bush-the son, said on March 18 that the US was acting now because "the





elsewhere in the world.

If this is indeed the case, the continuing perception of the US as the most powerful country on earth, in terms of its military might and economic supremacy pursuing "national interest", may be conceptually inadequate. Perhaps, an alternative would be to conceptualise the US in the process of metamorphosis from a country into an empire. In Empire (Harvard University Press, 2001), Michael Hardt and Antonio Negri explained that this concept is characterised by a lack of boundaries which posits a regime that effectively encompasses the spatial totality. The empire rules over the entire "civilised" world without temporal limit as a result of its sacred understanding as having reached its "end point". Its rules operate and penetrate all dimensions of the social world through economic and cultural practices so extensive that there are those under its rule who yearn to be its subjects. Empire also claims to dedicate itself to a perpetual and universal peace outside of history. In contrast to a country, it has a sense of mission which is beyond national interest, but carried out, in many instances almost religiously, in burned as a sign of protest, this time some 1,000 Palestinians marched through the refugee camp, holding a stretcher draped with an American flag as a sign of mourning. A Palestinian farmer said: "We fly a US flag today to show our support to all American peace lovers, those like Rachel." That day, the line dividing people into piles to be convenient objects of hatred was gone. Rachel Corrie has done a great deal to fight hatred with her courage. She paid for it with her own life. Her story needs to be told and retold of an American, and there are others, who give their lives for peace without harming nor hating others.

Between the conducts of taking lives by an empire and giving life by this young woman, which of these two Americans' actions could better bring the world and American society a sustainable security and long-lasting peace?

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slums, footpaths and streets giving a chance to the anti-social elements to grat them

About 10 percent of these girls are engaged in earning money through prostitution. They are floating and part-time prostitutes. It's not their profession but they have no other work to earn money

It is difficult to say how many people live in slums in Dhaka City as most of them are floating. They cannot live in a slum for long due to extortion by local mastans, frequent fire incidents, eviction by government authorities and many other reasons. However, the number of slum dwellers may be about 30 lakh, according to information gathered by NGOs. The number of girl children is not less than five lakh.

Moniruzzman, programme officer of the Society for Urban Poor, says the slum girls are deprived of education and health facilities. As a result, they cannot attain mental growth. "The discrimination against women is greater in urban slums," he says

He points out many slum girls are raped or physically abused during eviction but the victims never get justice. Some of the victims become prostitute some commit suicide and others leave the place. But this violence against women remains untold without any redress

Dr Keramat Ali of the Institute of Food and Nutrition Science of Dhaka University says almost all the girls of slums suffer from malnutrition and anemia. These malnourished girls later become mother and give birth to malnourished children. "It's a cvcle of malnutrition," he adds.

This state of reproductive health of young women in slums is also vulnerable. According to Dr Keramat Ali 85 percent of them suffer from various diseases related to reproductive health. The number of girls having sexual diseases is also significant, he says

Although lakhs of socially-disadvantaged girls are leading inhumane life in City slums, the government or NGOs hardly think about them. There is no remarkable programme for the development of the situation of these girls. They are deprived of rights as well as care from their families and society.

Human rights activists say the government and NGOs must undertake effective programmes for providing education, health and other facilities to the slum girls so that they can lead a normal life.

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IRAQ WAR *lexicon*

The Devil's Dictionary Yet some more thoughts about the war

URI AVNERY

The Coalition

No name could be more appropriate to the cooperation between the United States and the United Kingdom against Iraq.

In "The Devil's Dictionary" of the American humorist Ambrose Bierce, published some 100 years ago, "coalition" is defined as (I quote from memory) the cooperation between two thieves who have their hands so deep in each others pockets that they cannot rob a third person separately.

Reconstructionists

The problem of the British and the Americans is that they are possessed by an unquenchable thirst for reconstructing. They dream about it day and night. They cannot think and speak about anything else. Trouble is, in order to rebuild some thing one has to demolish it first. No destruction, no reconstruction

Therefore the British, together with the Americans, are occupied with destroying Iraq systematically. Missile and bombs, tanks and artillery, ships and infantry everything is employed in order to facilitate the reconstruction of the country.

The main objective of the urge for reconstruction is, of course, Baghdad. A city of five million people, miles upon miles of buildings and streets, which can be reconstructed after their demolition. If Baghdad becomes indeed the site of Stalingrad-style street fighting, house after house, street after street, there will be indeed a lot to reconstruct.

The New Mongols

The appetite for rebuilding separates the new conquerors from their predecessors, the Mongols, who conquered Baghdad in 1258. killed the Caliph (who had already surrendered) and destroyed the city completely, after butchering all the inhabitants, men, women and babies. They did not bring with them reconstruction crews, but laid waste to Iraq. The irrigation canals that had been built throughout thousands of years of civilisation were devastated. The event has gone down in history as one of the biggest disasters ever to befall the Arab world.

By the way, two years later the Muslims annihilated the Mongol army in the battle of Ein-Jalud (today's kibbutz Ein-Harod), a major chapter in Palestinian history. That was the end of the Mongols in the Middle East, but the region never

recovered from the Mongol devastation to this very day.

Demolish and profit

Apart from the idealist aim of helping the Iraqi people, there is also a more mate rial side to reconstruction. It will be huge business. The big American corporations some of which are connected with the paladins of the Bush administration are already quarrelling about the spoils. They will, of course, allow no foreigners to come into this. To quote an American saying: "To the victors belong the spoils". A rather obnoxious sight: even before the Iraqi towns are destroyed, corporate giants are dividing among themselves the profits of their rebuilding

Humanitarians

The unquenchable idealism of the Anglo-Americans finds its expression also in the drive for humanitarian aid. This is becoming quite an obsession. Humanitarian aid must be brought to the Iraqi people, whether they want it or

The inhabitants of Basra do not want the promised aid? Ha, we'll see about that. We shall bomb them, starve them until they open their gates and allow the humanitarian aid in. After all, one cannot aid people as long as the city is controlled by the evil Saddam, cursed be his name, whose only aim is to prevent humanitarian aid from reaching his people

The coalition could, of course, drop food and water - instead of bombs - from the air. One could also arrange for a short cease-fire, so as to bring the humanitarian aid into the besieged city. But that has been forbidden by Donald Rumsfeld, another great humanitarian. So there is really no alternative but to bomb them until they are ripe for aid.

Masters and natives

As a preview of the humanitarian aid to come after the occupation of Basra, the British have distributed a film about the arrival of aid to a village on the way. They were so satisfied with this piece of reporting that they ran it dozens of times on TV. It looks like this: a British truck brings food and water. The villagers, mainly desperate women and children, besiege the truck. They beg for water. The soldiers distribute mineral water to the maddened crowd one bottle to every child and woman. After days of thirst, one (one!) litters per family.

The whole scene is nauseating. The hunger and thirst of the population, caught in the middle of the fighting, are exploited for crude propaganda. The

British look again as they have always looked in Iraq: overbearing colonial masters, doing a favour to the natives. For every Arab beholder, this is the ultimate humiliation

Robbing for the robbed

In order to finance everything the destruction, the reconstruction, the humanitarian aid and what not money is needed. Where will it come from? From the Iraqi oil, of course. Therefore, it is the humanitarian duty of the Americans to take hold of the oil fields as quickly as possible. Not for their own good, perish the thought, but for the Iragis. In order to help them and do good.

Every child knows by now that this war is about oil. The US intends to take possession of the Iraqi reserves, the second largest in the world (after the Saudi reserves), and control the neighbouring reserves of the Caspian Sea, Iran and the Gulf. Now it appears that it is all for the benefit of the Iraqi people themselves. So that they shall have something to eat and medicines for the children.

All this after the UN sanctions, imposed as demanded by the Americans, that have for many years caused general malnutrition, the death of hundred of thousands of children from hunger and disease and the destruction of the Iraqi infrastructure - all in the name of "oil for food"

Oh, Orwell, Orwell. What would he have said about this war?

In his book "1984", he had the Ministry of Truth coin phrases like "War is Peace", Freedom is Slavery" and "Ignorance is Power". He would be right at home in this war

Occupation is Liberation, War is a Humane Duty, Toppling a foreign government is Regime Change, Starvation is Humanitarian Aid, Struggle against a foreign invader is Serving a Tyrant, Bombing a city is Service to the People.

Truth is always the first victim of any war. But it seems that in this particular war it suffers even more than usual. Mendacity, hypocrisy, dis-information and plain brainwashing are having a ball. Four-star generals parrot manifestly mendacious slogans, star-journalist from all over the world accept them eagerly, world TV networks repeat them diligently and the Israeli media lap it all up.

Courtesy: Law Watch, a center for studies on Human Rights Law