

## Separation of judiciary

Govt's obligation to deliver increases

THE separation of judiciary from the executive still seems some way off. The government sought four more months' time, the fifteenth such request for extension of deadline, to implement Supreme Court's 12-point directive on the subject. And the government has got it, like on all the previous occasions since the highest court gave the directions almost four years ago. We understand that implementing such a huge task is not possible overnight, but the procrastination cannot be shrugged off either. Haven't some years already gone by? Both the major political parties, Awami League and BNP had pledged in their election manifestoes that when in power they would take necessary steps to separate the judiciary from the executive. Had they done so during their tenures since 1991, then we would not have been labouring with the unfinished agenda.

We simply hope that this time the government will prove that its pledge, assurances and commitment are not just rhetoric. The latest extension of the deadline by four months, hopefully, would prove enough for the government to comply with the directives. How else could one justify the repeated requests for extension from the Supreme Court? Especially since the court itself observed that the government's apprehension about the criminal justice system collapsing in case the magistrates exercising judicial function opted for other service, does not have any 'tangible basis.'

In our reckoning, all that is needed now to deliver on this still unfinished agenda is an unwavering political will. We hope the government realises the amount of pressure it's taking on by requesting for extensions from the court to implement the directives. In other words, the obligation on the government's part to implement the directives is increasing with each passing day, in this case with each passing month.

## Indo-Pak relations

No roadblock to talks now

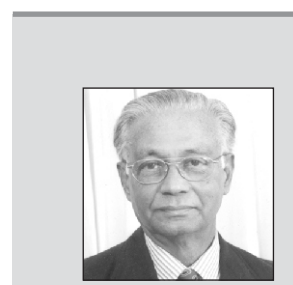
THE prospects of relations between India and Pakistan being normalised through talks have been brightened further by Indian Foreign Minister Yashwant Sinha's assertion, in an interview with Britain's *Financial Times*, that a "halt to cross-border militant strikes is a precondition of a successful outcome of the talks, but not a requirement before talks can begin." It is a marked shift from India's position on the issue that cross-border attacks must come to an end before talks could be held.

Yashwant Sinha's words will add substance to the optimism that the two arch rivals might be making real progress towards sorting out bilateral problems, revolving primarily around Kashmir. There are visible signs of the two neighbours softening on the question of resumption of talks. India, by budging from its position, has removed a major obstacle on the way to resumption of talks, which political observers have long been describing as the only option open to the two countries if they want to settle the long standing disputes.

There are significant developments in Pakistan also. Measures like banning the chief of the outlawed Jaish-e-Mohammad, a militant group, from entering the Pakistan-held zone of Kashmir and charges brought against the bodyguards of the commander of the Hizbul Mujahedin are an indication of Islamabad taking a stand against the extremist groups, albeit in its own cautious way.

The two countries have attained nuclear capability which is now a major global concern, particularly because they came dangerously close to full-blown hostilities on at least two occasions in the recent past, leaving aside the three wars they fought over Kashmir. So India and Pakistan shoulder the responsibility of convincing each other, and the world at large, that they will sincerely try to normalise bilateral ties. Obviously, both sides have to make concessions and show a deeper understanding of each other's problems. The latest bid to normalise ties has so far produced some tangible results as is evident from the two countries' willingness to adopt more flexible positions on tricky issues. What they must make sure is that the possibility of war is not kept alive.

# Legalising an illegal war!



MUSLEHUDDIN AHMAD

PRESIDENT Bush said -- 'We shall prevail'. He prevailed not only over Iraqi regime, but also over the UN and the international community. It is only arms that matter in this unjust world. The UNSC has approved the resolution, sponsored by the US and the UK, though with 90 amendments, to lift 13 years' sanction against Iraq. Apparently, France, Germany and Russia could not resist any more; after all these countries do have economic and financial interest in Iraq and in its reconstruction deals. The present idea -- 'put Iraqi issue behind' and move forward and bring a sort of unity in the world body. But at what cost? A sovereign country with its vast treasure of civilization stands virtually destroyed. Should the world accept it as a *fait accompli*? The resolution recognised the US and the UK as occupying forces but did not condemn the illegal war against the expressed will of the international community. The occupying forces have also been given the status of a political body that can rule Iraq initially for 12 months, which obviously will be extended. This only opened the way for other mighty powers to go to war against any sovereign state and get such a war and consequent occupation legalised by the same UNSC. This has created a dangerous precedence in the world.

The sanction was lifted without

necessary certification from the UN Security Council to the effect that Iraq does not have any weapons of mass destruction. The adoption of the said resolution meant that Iraq did not have any weapons of mass destruction. This makes the war all the more illegal as the most important cause i.e. Saddam's possession of weapons of mass destruction was not there. In other words, the threat

countries -- the US and the UK and also on the collaborating states like Australia and Spain. It is unfortunate that the people of these countries are likely to suffer because of the ill conceived actions of their leaders. The world stood against the war, but Bush-Blair did not listen. Indeed, Al-Qaeda has come out stronger after Iraq war. It has now very wide support base not

The US and the UK are now the "occupiers" of Iraq. The world should note the bizarre political developments in the M-E. Israel is the "occupier" of the large parts of West Bank and Gaza and US, Israel's greatest friend and protector is the present occupier of Iraq. The world has been watching identical behaviour of all these "occupiers" in the M-E -- killing,

place in Iraq and West Bank and Gaza.

President Bush has achieved the military victory, but made the Americans and America's interests all over the world extremely vulnerable. 'Americans have lost their freedom' in the process of bringing so-called freedom to Iraqis. Terror attacks level is going up. One hopes that the Americans who supported

remained untouched. As various reporters show -- this clearly reflected the real intention of the US and the UK in Iraq.

The US and the UK have exposed themselves too nakedly to the world and in the process made them the targets of all terror attacks. Indeed, the take-over by the UN might have indirectly legalised the war but most importantly, the Al-Qaeda would not have been able to cash in so quickly from the devastation. The opportunities have been lost.

America's neo-colonial approach to the world issues would not work in the 21st century as opposite forces are too dangerous and devastating. They are indeed too many to be wiped out. The world must find out different means to deal with them; military force is no answer. In order to deal with the situation effectively, the UN General Assembly and not UNSC has first to set the definition of terrorism and apply it across the board regardless of whether states, organisations, groups, or individuals are involved.

The actions by US Administrator Paul Bremer for dissolving Iraqi military, government ministries, Iraqi political Baath Party and all government establishments for the purpose of establishing American government will only create more anger and frustrations among Iraqis. Indeed such actions will firmly establish Al-Qaeda in Iraq and other parts of Middle-East. When death is of no concern to the Al-Qaeda and other extremists, American might obviously means nothing to them. They appear to be more determined than Bush-Cheney-Rumsfeld and Blair-Straw axis. Only victim would be the innocent civilians regardless of nationalities. For the sake of the civilized and peace-loving people on earth all savage wars and occupations must stop.

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## SPOTLIGHT ON MIDDLE EAST

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of weapons of mass destruction did not exist.

The Chief UN Weapons Inspector Hans Blix said ".....I am beginning to suspect there possibility was none. ....The main justification for the war was weapons of mass destruction and it may turn out that in this respect the war was not justified". All intelligence reports from both the US and the UK were apparently prepared with a view to justifying the attack. In the process the people and the parliamentarians of these two countries were misled. As the recent reports show there is already some severe tension between CIA and Pentagon on these issues. The Democrats have already started questioning the validity of such intelligence reports and whether White House "manipulated" the intelligence reports to justify the war. But 'what is done is done' -- who bothers? Iraqis have suffered and will continue to suffer.

But this would have, as various reports show, a serious and devastating consequential effects on the global peace and security and particularly on the occupying

only in the M-E but also in many countries around the world. This is most unfortunate. The very countries which declared war against international terrorism have themselves torpedoed the entire international war against terrorism.

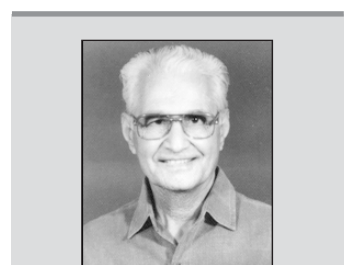
assassinations, destruction of homes and public buildings (except the oil Ministry building in Iraq) road blocks, humiliating the people of the land by blind-folding them -- often detaining them for weapons search. All these are openly taking

President Bush on Iraq attack will ultimately see the madness that led to this unnecessary and illegal war and the evil that is bound to be unleashed. Al-Qaeda has already expanded its terror net as the ground in the M-E and elsewhere has been made fertile by these military excesses of the US and UK and their abuse of human rights in the process.

To limit the damage the US and the UK should have agreed to vacate Iraq without any delay. The UN could have taken over the responsibility of bringing law and order through UN peace keepers. The very announcement of the departure of US and UK forces within weeks and taking over by the UN peace keepers would have created different environment in Iraq. In any case, US and UK forces failed totally to restore law and order in Iraq. The world watched with horror the 'could not care less' attitude of the mighty US and UK forces with devastating killing power in hand, while the looting was going on. Despite repeated request, Iraq's Museum was not protected, but Oil Ministry was fully protected and



## Are nukes invincible?



M B NAQVI  
writes from Karachi

IT is exactly five years since Pakistan blasted its way into the nuclear club. It is not that Islamabad's nukes did not exist earlier. Mian Nawaz Sharif, the then Prime Minister, merely made a convincing demonstration of a largely known nuclear capability. Pakistan formally announced possession of one nuclear device's components in early 1990s while Dr. Abdul Qadeer Khan's *Nawai Waqt* interview in early 1984 had announced the mastery of the technology that was to enable it to fabricate atomic weapons.

At any rate, Pakistan has had what is described as a minimal nuclear deterrent -- enough to keep India, with its larger stockpiles and infrastructure, at bay. The test explosions in May '98 were only a confirmation of that. Pakistani decision makers, mainly generals, had already made the characteristic policy decisions that were based on the assurance of an amply invincible defence: they were pursuing a Forward Policy in Afghanistan, making and unmaking governments in Kabul since early 1992. Pakistani military decision makers had already made in 1990 the decision to convert the Kashmiris' spontaneous protest movement in 1989 into an Islamic Jihad which was non-violent, non-religious and one based on the ideology of *Kashmiriat*. Both policies required an insurance of a high order that the nuclear capability had provided.

Now two sets of policy statements are emanating from Islamabad that are hard to reconcile with in any realistic view of

what might happen in the short run: One emphasises the crucial importance of nuclear weapons and their delivery vehicles; they are crucially important for national security. They will take care of India which is seen as a permanent and radical threat. Behind this line lies much pride and assurance.

The other is Pakistan's readiness to denuclearise if only India will do the same. Pakistan has again reverted to Nuclear Weapons Free South Asia idea, coupled with a No-War pact with India. Earlier (in 1980s) Pakistan had offered five options to resolve the then uncertainty regarding the nuclear capabilities of the two countries. India found them unacceptable.

that forces Pakistanis to rethink their assumptions and assertions.

After five years, it is anyhow necessary to reassess the value of nuclear weapons especially after what has happened in 2001 (after 9/11) and 2002 in the grand confrontation with India. In the autumn of 2001, Pakistan, in order to save (a) its stance on Kashmir and (b) its nuclear "assets", decided to betray its Taliban friends and sided with the US against them. Nuclear weapons failed to provide enough backbone to Islamabad's rulers to resist American demands. After all Islamabad was being asked to reverse a 25 years old policy and the concrete gain of 'strategic depth'

has stopped all infiltration across LOC and has been meekly asking for talks, preferring peace to war. He has renewed the promise again. Why haven't the nuclear weapons bolstered his position so as not to force him to go on giving assurances to India and to seek talks? The fact that India credibly dared Pakistan to make the first nuclear strike proves that the deterrent value of the nukes was absent.

It is anyhow necessary to make a cost-benefit analysis of the nukes. One doesn't mean in purely financial terms, though financial angle is not altogether irrelevant. But let us keep money out of something that is supposedly extraordinarily valuable to national defence. But

opposed the tests in May '98, there were and are many responsible Pakistanis who are not impressed.

On the debit side the entries are many. The very first consequence of the two countries going nuclear was to freeze the Kashmir's status -- because neither side can or should go to war. It will have to remain 'as is where is'.

Second, so long as nuclear-tipped Pakistani missiles stand aimed at Indian targets no Indian government can trust Pakistan. Similarly so long as nuclear tipped Prithvi or Agni stand aimed at Pakistan, nobody among Islamabad's decision-makers can trust Indian intentions. It is the

movement in stockpiles, in the case of the Soviets and America, took them to over 50,000 -- an absurdity that was inescapable.

Fifth, real peace is scarcely possible between two rival nuclear powers who have to watch and assess each other's 'true' capability, with ample caution not to be over-confident. Neither peace nor stability can come to India and Pakistan so long as they are competitively building a deterrent -- which does translate into an arms race, slow or fast.

So long as militaristic thinking has a hold on decision-makers in both countries, their national priorities will always leave out adequate provision for the poor and the weak. Beneficiaries of the current economic system and of the nukes will go on being enriched. Quality of life for the majority will continue to deteriorate.

The conclusion must be emphasised that India and Pakistan may have landed themselves in a cul de sac: trapped in a nuclear as well as conventional arms races. A great deal of dispassionate and creative thinking is required. It is easy for an average Indian nationalist to dismiss Pakistanis' worries about the Indian Bomb as misplaced: India is a big power, it has to face China; maybe it may have to face down other major powers. Pakistan's ultra-rightwingers propagate that Indians -- they mean Hindus -- are unreliable; they are inimical; they need a deterrent, even one that is not 100 per cent effective.

With such mental baggage neither will go anywhere. The call for Indians and Pakistanis who can discard national stereotyping and can think positively and dispassionately without being carried away by nationalist hubris, may be in an all Asian setting or may be in South Asian context. It has to be done if the region has to have a hopeful future.

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## PLAIN WORDS

The call is for Indians and Pakistanis who can discard national stereotyping and can think positively and dispassionately without being carried away by nationalist hubris. May be they can bottle back the nuclear genie in an all Asian setting or may be in South Asian context. It has to be done if the region has to have a hopeful future.

the people must be convinced that there is actual value addition to national security by untold expenditures. Mere hype will not do.

Who can forget George Fernandes' arrogant theory: nuclear weapons deter only nuclear weapons; India can wage a conventional war. The conclusion, in the India-Pakistan context -- Pakistan's nukes' *raison d'être* -- is that Pakistan could actually be threatened with a purely conventional invasion, knowing that it was nuclear power. What was implicit in the threat was an invitation to use its nuclear weapons first and then wait for Indian riposte. India would then take out all its major industrial-urban centres and send it to the Stone Age. Isn't the scenario credible? Pakistanis have to assess whether these precious nukes are really invincible.

The nukes' only benefit was rulers' self-assurance and a sense of achievement. That boosted national morale, though, going by the number of people who deprecate these weapons and who

nature of nuclear weapons to destroy trust in a radical fashion.

Third, geography is decisive. A missile between the two countries will take no more than 2 or 3 minutes. That leaves no time for verification of a report or rumour about the other's strike. Thus in any crisis, may be all the time, the two will have to be on a hair-trigger alert: launch on first report, whether true or false. That will be a built-in destabilising factor, taking no cognisance of an accident or misperception; there were scores of such alarms during the east-west cold war. But they had at least 27 minutes to check up.

Fourth, so long as nuclear weapons' stockpiles are there, they will go on being updated, improved upon and secretly augmented, with a view to giving more options or advantage to a side. An arms race properly so called is inescapable. Mr. Abubakar Sattar holds that no fixed numbers can be assigned to the "minimum" deterrent and enemy's added capabilities will have a direct impact. Upward

# WTO's Mexico round: Developing countries should put up a bold show

AMM SHAHABUDDIN

IT will perhaps be another round of unequal fight at the forth-coming WTO Round at Cancun, Mexico, between the most powerful developed nations, comprising just one fourth of the total WTO (World Trade Organisation) membership of some 146, and the poor developing countries which make up three-quarters of the total membership, covering about 85 per cent of the world population. It is not a new phenomenon for the poor developing countries, including some 45 LDCs (Least Developed Countries, of which Bangladesh is one) in their long-drawn struggle against 'hard rocks' to get their due share in global trade and commerce, but it has been a dismal failure for them.

During the last five decades or so, since the establishment of a UN related body, GATT (General Agreement on Tariffs and Trade) in 1948, later replaced by the WTO in 1995, as the only international trade body under the shadow of the UN for over-seeing and regulating global trade, there has been no lessening in the difficulties and obstacles faced by the poor nations to improve their industrial production, expansion of their commerce and trade as equal partners of the rich nations. Proverbially speaking, the rich countries have been enjoying their 'ice' in summer,

while the poor countries getting their 'due share' of 'ice' in winter only.

The past experiences have shown how the developed countries, call it First World, had been successful to curry favour for themselves at the cost of the poor developing countries, the Third World. WTO had held several 'rounds' of global trade talks such as, 'Kennedy Round', 'Tokyo Round', 'Uruguay Round' and the last one 'Doha Round', for trade liberalisation but the benefits of such trade talks had been harvested mostly by the First World countries, leaving a few 'bones' for the 'underdogs' (Third World) as 'charity', perhaps for supporting their trade proposals en masse. But 'a bone to the dog is not charity, charity is the bone shared with the dog.' Will the First World ever learn it?

### WTO chief's optimism

However, new hopes had been raised by the WTO Director-General, Supachai, former trade Minister of Thailand, while addressing an international trade conference held earlier this year in Hyderabad, India, when he expressed his optimism that "a successful round of (WTO) ministerial talks to deepen free world trade is possible in Mexico scheduled for September this year,"

despite "missed deadlines" in completing objectives set at Doha Round in 2001. He, however, cautioned saying that "we need to make amends and compensate for the missing deadlines" of Doha Round. Thus the up-coming Mexico Round of WTO is going to be held in the background of unfinished agenda set at Doha in 2001, following the WTO Seattle fiasco in 1999. The Doha agenda remained unfinished because of the 'traditional' difference of opinion between the First World and Third World, the attitude of the former being 'head I win, tail you lose.'

The cancerous differences now seem to be spreading over wider areas, rather than getting reduced, as they had shown more vehemently when America opposed recently a provision of giving the poor nations access to cheap medicines for serious diseases, like AIDS, TB and malaria. This time the 'differences' were on the question of the 'definition' of seriousness of the diseases, when the WTO member countries, including the developing countries belonging to EU, tried in December last to reach an agreement to relax patent rules so that the poor countries could import cheap generic copies, or 'copy cats' of patented medicines. But America took a stand to block it. Hence there is a growing concern that the up-coming WTO trade talks, may end in another

Seattle type fiasco unless the developed countries abandon their traditional 'war-path' and make a common cause with the developing countries.

### Light at end of tunnel?

However, in the midst of currents and cross-currents of hopes and frustrations, about reaching another WTO trade accord by the end of next year (2004), another spate of fresh hopes have been raised both by the WTO Director General and the US Trade Representative Robert Zoellick, after attaining a ministerial meeting of the OECD (Organisation of Economic Cooperation for Development), held in Paris recently. While the WTO chief told newsmen that the 'Doha Round' of trade negotiations on a new WTO trade accord were "on course to conclude next year as planned", the US Trade Representative opined that he was "more optimistic" that a new trade accord could be reached by the end of 2004, as he had gathered from the recent Paris meeting of trade negotiators. But facts are always stranger than fictions. The poor developing countries had heard such pious wishes and sermons many times in the past several decades. But these have never been fulfilled.

Because fulfilment of such high hopes and tall talks depends to a

great extent on the attitude and policy of the developed countries, particularly America, regarding so many 'its' and 'buts' planted by them deliberately to block the negotiations for a settlement of core issues, like agricultural products, and supply of cheap generic copies or 'copy cats' of patented medicines to the poor countries, etc.

It may be mentioned here that the trade negotiators missed a deadline in March this year to strike a deal on agricultural trade, the main bone of contention being the high rate of subsidies provided by the developed countries to their farmers which ultimately goes against the interests of the poor developing countries. That is why they have been opposing such subsidies consistently.

### Complaints against high subsidies

Meanwhile, some moves have been initiated by the developing countries as well as EU countries in the WTO against injustices caused by some unethical subsidies to achieve their selfish ends. Four African cotton producing countries, namely, Chad, Mali, Benin and Burkina Faso, have recently decided to file complaints to the WTO against America and the EU for granting high subsidies to their

cotton farmers. According to an estimate, America, a major cotton producer and exporter, provided in 2002 to its cotton farmers 3.9 billion-dollar subsidies, which is said to be three times of the amount of annual US economic aid to the African countries!

The EU had already lodged complaints with WTO against America's decision to raise tariff wall against imports from EU by 100 per cent, as a retaliatory measure against EU's decision to import bananas from the Caribbean countries, known as 'banana republics', instead of from USA. WTO has come down on America with a heavy hand asking it to pay compensation to the EU for the loss sustained by it because of the high tariffs.

There has been another encouraging development, WTO, in its latest ruling on "tax breaks" for US exporters, had authorised EU to go ahead for a record from billion US dollars in trade sanctions against America, which is reported to have agreed to comply with the WTO ruling.

So America should learn some lessons from such moves in order to achieve proper globalisation of trade. The developed countries, particularly America, should have got the 'message' much earlier from the Seattle fiasco (1999)

when the developing countries threatened not to sign any trade deals unless they were involved in the decision-making process. This seems to be the core issue now, raised earlier by Supachai himself prior to his assumption of duties as DG from his power-sharing predecessor Mike Moor, former Prime Minister of New Zealand, on the eve of 'Doha Round' in 2001. Mr Supachai then strongly pleaded for giving the developing countries "a longed-for-voice" at the top table of the global commerce to ensure them a place along side the West and Japan. But the question is: Will Supachai be able to bring about such a change by breaking through the stumbling block of the vested interests? Perhaps it depends more on the strength and unity of the Third World countries to snatch their legitimate rights in regulating global trade along side the First World.

### Mahathir hits the right chord

In conclusion, I would like to draw attention to the recent statement by that most outspoken Asian leader, Dr Mahathir Mohamad, Prime Minister of Malaysia, who told a business seminar held in Kuala Lumpur recently that the developing countries should "keep up their fight for fairer global trade,"

and also advised the rich countries to help them grow. He criticised, what he called, the unfair trading environment in which the rich and the poor countries are bumped together "without rules and regulations." Mahathir further opined that "cities don't compete with villages, nor adult athletes with children." Referring to the West's much-orchestrated rule-based trading under WTO, Mahathir rightly pointed out that there was still no fair competition, as 'rules were skewed in favour of rich and big corporations.'

Therefore, to achieve a good amount of share of the 'ice' for the Third World countries in summer, and not in winter, they would have to continue their fight against injustices perpetrated by the rich nations who, as dominating force, have practically turned the WTO into a 'Western Club' to thrust their views on the Third World countries, so far compelling them to carry the Whiteman's burden. Time has now come to get rid of this burden and take the lead to find a brighter future for them. The world would be waiting cross-fingered for the outcome of the WTO Mexico Round. Ultimately, there would have to be 'equal partnership' in the interest of both the parties.

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