women and children in refugee

camps in Sabra and Chatila in

Lebanon. He had to resign as Defence Minister in 1983 after an

Israeli judicial enquiry to the inci-

dents. His act of acceptance of the

peace plan may remove some of his

negative image he has built around

LATE S. M. ALI

**DHAKA WEDNESDAY JUNE 4. 2003** 

#### **Dhaka Declaration**

A document of despair and hope

HE LDC trade ministers' conference has ended in the city on a note of unified positions being adopted on issues affecting their trade interests. These in turn impacted on their national development agenda. That they could reach a comprehensive consensus on wide-ranging moot points cutting across geographical regions was to be only expected. But the sense of unity and collective purpose displayed in Dhaka will be tested at the Cuncun summit scheduled for September, if past experience is any guide. However, a common forum exists now to take up any new concern that may arise at the Cuncun summit.

The Dhaka Declaration is a blend of a recital of failed commitments on the part of the developed world to liberalise trade for the LDCs and an impassioned call for the industrialised North to abide by 'binding commitments' from this point on to offer equitable trade terms to the LDCs. The trade ministers have rephrased the familiar demand for duty-and quota-free access of all their products to the developed markets: they want it "on secure, long-term and predictable basis with realistic, flexible and simplified rules of origin to match the industrial capacity of LDCs to raise their market share in world trade." Not only is the focus on free movement of goods on a durable basis but also on migration of labour from LDCs to the developed world in an unfettered manner. The integrated framework is sought to be strengthened by adequate funding from the industrialised countries so as to enable the LDCs to overcome their supply side constraints and expand their

There is an expression of solidarity with the African LDCs affected by subsidies on cotton provided by developed countries and an endorsement of remedial actions initiated by some African LDCs in the WTO.

That the world trade regime is heavily tilted towards the industrialised world is proven by one fact, if any proof is needed: the LDCs' share in the global trade has been on a continual decline since the 'sixties. This goes to basically underline the difference between what have been touted as commitments and what basically are rhetoric. What is of the essence here is the lack of political will on the part of the developed world; unless that is forthcoming, equitable trade will remain a far cry. If they can summon enough political will to build a just economic order, the LDCs will not be wanting in bringing about the required reforms.

#### That port deadlock

An avoidable mistake corrected belatedly

T last the government has decided to exempt foreign container vessel operators from obtaining 'waiver certificates' before their loading and unloading operations. If the decision was taken a bit earlier or if the circular had not been issued in the first place, there wouldn't have been the crippling glut at Chittagong Port, a lifeline to the country's economy, we have had the misfortune of witnessing.

The Bangladesh Flag Vessel (protection) Ordinance was introduced way back in 1982, but was never implemented. Recently a local company moved to the court seeking application of the law. The court deciding on a point of law, the government issued a circular about the waiver requirement on the part of foreign shipping lines. All major foreign vessel operators suspended operation from May 31.

What the government failed to realise earlier on is that the rapid increase in the volumes of export and import, subsequent to the promulgation of the ordinance in 1982, overtook the latter. That means the government did not do home work before issuing the circular on waiver certificate. They should have held meetings with the stakeholders before deciding on such a course of action. If they had done so, they would not have had the need to retract, much to their embarrassment and loss of port handling hours. For all we know, the commerce minister had tried to persuade his cabinet colleagues on the question. Now, thanks to the reality check, the cabinet has decided to amend the ordinance.

Knee-jerk reactions were better avoided in the first place that is the lesson to draw from the experience. The concern for protection of a local industry has to be balanced out with the imperative for liberalisation of

# Why did Sharon agree to the road map to peace?



HARUN UR RASHID

RESIDENT Bush visits the Middle East by cutting short his participation in the annual G-8 meeting of industrialised nations in Evian (France) and on 4 June he is scheduled to meet in Jordan Prime Ministers of Israel and Palestinian Authority -- assuming that suicide bombers do not intervene. This is for the first time the President has engaged himself in peace negotiations since he assumed office in January 2001 Earlier he was very reluctant to invest his time in Israeli-Palestinian conflict. After easy victory on unwarranted war in Iraq, President Bush wishes to placate Arab leaders in pushing peace in the Middle East. Furthermore the continuing conflict has been one of the causes of destablishing effect on security of the US mainland and its interests over-

The right-wing Prime Minister of Israel Ariel Sharon has been lately making efforts to become a "messenger of peace". He said that the 'occupation" of Palestinian lands "is a terrible thing" for both Israelis and Palestinians. He is being perceived as a man who has changed from his earlier hard-line stance to cede Palestinian occupied territory for peace.

On 29 May Sharon met for two and half hours the Prime Minister Mahmoud Abbas (Abu Mazen) of the Palestinian Authority for the first time after 31 months of violence to discuss ways and means to implement the ambitious peace plan, a 7page document known as the road

After the meeting Prime Minister Abbas said the meeting was frank and positive. Israel is reported to have agreed to withdraw restrictions on movement of Palestinians in some areas and to transfer security control to the Palestinians in the owns of the West Bank and the Gaza. They also agreed to issue a ioint statement on the road map at the Jordan summit. The actions were aimed to show some progress in peace negotiations before they meet President Bush.

The plans of the Road Map The road map to peace brokered by the Quartet -- the US, European Union, Russia and the UN has three

Phase one: Ending of terror and violence from both sides and Israel withdraws from Palestine areas occupied since September 2000. Both sides issue unequivocal statements guaranteeing the other's right to statehood.

US-Britain unleashed an unprovoked war on Iraq to remove the Saddam Hussein regime that was perceived to pose danger to Israel. Once the regime has gone, Israel is in a difficult position to reject the peace plan. Furthermore Israel receives annually US\$ 3 billion in aid from the US and an Israeli request for US\$ 10 billion loan has been under consideration by the Bush administration. Sharon can ill

Second. Sharon may be banking on the Palestinians failing to carry

Authority to disarm the militant organisation, Hamas because Israel will not first withdraw from Palestinian areas unless violence completely stops. This would hold the peace process hostage to anyone with a bomb or gun. Essentially Israel rejects concept of both sides implementing commitments in parallel. Instead it wants "performance bench-marks" from Palestinians and the right to decide if these have been reached

Fourth, Israel, strongly supported by the Bush administration, has

ian leader Abbas. It also gives signal to the US that Sharon is a "man for peace'

Fifth, the road map does not refer to a "right of return" for Palestinian refugees but calls for a "fair and realistic solution to the refugee The word "realistic" employed in the document may be interpreted to mean that no Palestinian refugee will be able to return to Israel but may receive compensation for loss of lands. It must be borne in mind that Israel is no ordinary state and wants to make it loud

and clear that it remains a Jewish

one. This means that in no way

Jewish population can constitute a

minority in Israel. If Palestinian

refugees are allowed to return,

Israel fears that it will lose its status

of Jewish state. The language used

Sixth, politically Sharon took a

shrewd move by accepting the plan.

If the right-wing party members abandon him, he might form a

broad-based government with his

opposition Labour Party. Sharon

recently said that the "occupation'

by Israel of Palestinian lands had to

was perceived by

n the plan suits Israel.

Conclusion

On two critical issues, namely the status of Jerusalem and the right to return of Palestinian refugees, the two sides are sharply opposed to each other. Israel is opposed to allow East Jerusalem as the capital of the Palestinian state and rejects the right of Palestinian refugees to return to Israel.. It appears that incompatibility of objectives of two sides is so strong that one set of goals of one party cannot be achieved without extinguishing the goals of the other party. In such nstances, no final peace settlement is possible unless both sides are willing to make compromises on their stance on the issues. It is a pity that the followers of two great monotheist religions have been engaged in senseless violence when both Judaism and Islam profess peace and justice for humankind.

As for the Bush administration, it has moved swiftly to deal with sraeli-Palestinian conflict to show to the Arab world that it is seriously engaged in restoring peace, given the new environment in the Middle East after Iraq war. This will demonstrate to substantiate its claim that the war on Iraq was not against Muslims but to remove an oppressive regime. This is more so at a time the US-British leaders have been placed in an awkward position of misleading their country's men and women because no weapons of mass destruction have yet been found in Iraq, the ground for waging

Meanwhile, the US Deputy Defence Secretary Paul Wolfowitz one of the hawkish Jewish figures in the Bush administration, let the cat out of the bag reportedly saying in issue of Vanity Fair magazine that the US decision to use the existence of WMD in Iraq was taken for "bureaucratic reasons". Furthermore he said that another reason for the ousting of the Saddam Hussein regime was to allow the US to remove its troops from Saudi Araoia, where their presence had long been a major grievance for Islamic militants. It seems that truth has finally come out.

Barrister Harun ur Rashid is a former

# afford to defy the wishes of the US.

out a pledge to crack down the

# BOTTOM LINE

The US Deputy Defence Secretary Paul Wolfowitz, one of the hawkish Jewish figures in the Bush administration, let the cat out of the bag reportedly saying in July issue of Vanity Fair magazine that the US decision to use the existence of WMD in Iraq was taken for "bureaucratic reasons". Furthermore he said that another reason for the ousting of the Saddam Hussein regime was to allow the US to remove its troops from Saudi Arabia, where their presence had long been a major grievance for Islamic militants. It seems that truth has finally come out.

Phase two: An international conference (June-December 2003) to launch peace

negotiations with all parties nvolved.

Phase three: A second international conference ( 2004-05) to endorse agreements reached on a Palestinian State and launch final status agreements on tricky issues such as dismantling of Jewish settlements on Palestinian lands, status of Jerusalem and return of Palestinian refugees.

On 25 May, Ariel Sharon, persuaded his cabinet to approve the above peace plan. It was approved by 12-7 vote, with 4 abstentions and with a list of 14 reservations. The reservations included that the Palestinian state would have limited sovereignty and Israel would control over its air space and communications and that Palestinian refugees would not be allowed to return to Israel. Sharon reportedly said after the cabinet meeting: "This was not a simple day. This was not a happy

Why did the hard-liner Sharon agree to the road map? There are many possible reasons

and some of them are enumerated

First. Israel was under tremen dous pressure from the Bush administration to accept the plan under the changed environment of the Middle East after Iraq's war. The militants such as Hamas and that will give him excuse to avoid in implementing the plan. Sharon hopes that Palestinians will "blow the whole process by carrying out suicide attacks so that he does not have to withdraw Israeli troops from Palestinian areas according to

Third Sharon's acceptance shifts responsibility back to Palestinians and he knows that under the oppressive circumstances of the occupation of Palestinian lands, it

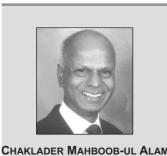
the plan

nsisted on reforms of structure of Palestine Authority and thereby marginalisation of role of Chairman Yasser Arafat in peace negotiations because of his alleged complicity in terrorist acts. Sharon and Arafat have long-standing personal feuds and Sharon has been able to diplomatically corner Arafat. Now that the Palestine Authority has undergone reforms and created a post of Prime Minister and Abbas has been appointed in the position, Sharon has no other excuse but to accept

> end and for the first time an Israeli Prime Minister has used the word "occupation". It angered his party members and later he backtracked and chose the words "control of disputed lands". But the fact that Sharon described Israel's long hold of Palestinian lands since 1967 an "occupation" many political observers to give other political parties in Israel a strong signal that his earlier hardline policy has changed. Finally, Sharon is now 78 and it is natural that he wants his name recorded in history as one of the statesmen who has gone an extra mile for peace. His enthusiasm for peace plan could be motivated by the fact that in the past as Defence

# Due process: Prisoners at Guantanamo and elswhere

ANOTHER ROADBLOCK THAT SHOULD HAVE BEEN REPLACED



writes from Madrid

HF protection of individual rights is one of the pillars of the United States Constitution and due process is the means by which this protection is effectively better definition of due process than the one given approximately eight nundred years ago in the 39th article of the Magna Carta (1215) that "No freeman shall be taken or (and) mprisoned or disseised or exiled or in any way destroyed ... except by .... the law of the land." The Fifth Amendment to the US federal constitution, ratified in 1791 states. 'No person shall .. be deprived of life, liberty, or property, without due process of law." It must be mentioned here that it took the United States another seventy-eight years a civil war, the assassination of a president (Abraham Lincoln) and a lot of courage on the part of its reform-minded legislators to extend this fundamental right to the people of other races. In order to invalidate the ignominious Black Codes passed by many of the southern states, which severely restricted the due process rights of the newlyfreed slaves, the Congress not only passed the Civil Rights Act in 1866 overriding the veto exercised by Presidenť Andrew Johnson, who by the wav. was the first US president against whom the impeachment procedures were initiated, -- but also ratified the Fourteenth Amendment in 1868 bringing the southern states under federally enforceable due process restraint on their legislative and procedural activities.

Human Rights, which was adopted by the General Assembly of the United Nations in December 1948 would never have been completed and accepted as a Universal Bill of Rights by the world community if it were not for the active support and co-operation of the United States. The Declaration reaffirmed " rights such as life, liberty, and security of the person; freedom from arbitrary arrest, detention, or exile; right to a fair and public hearing by an independent and impartial tribunal". Article 5 of the Declaration clearly " No one shall be subjected

question is even more relevant particularly because of its being a very Christian nation"

This is neither the place nor the time to discuss whether terrorism can be defeated purely by military means ( massive bombing and indiscriminate killing) without addressing the root causes which engender terrorism. However here, in the context of this article it is relevant to examine the way the United States has treated and is treating the prisoners ( some of them as young as 13) at an obscure naval base at Guantanamo Bay in Cuba. Actually, when the first photothe settler community, which had become enormously rich because the flourishing slave trade and the success in sugar industry started claiming political autonomy from the metropolis. Spair responded by increasing taxes and dispatching a sizeable army to the island. Soon the first war of independence broke out. It was at this time that the United States saw its opportunity and started showing increasing interest in the political affairs of the island. It even made several unsuccessful bids to purchase it. On and off the hostilities etween Spain and the settlers

Afghanistan to Guantanamo, their legal status, i.e., no status, remains exactly the same. Recently a court in Washington has ruled that the inmates of the cages in Guantanamo have no legal rights in the United States because Guantanamo is in Cuba and not located in the United States of America. Cuba has no authority over the base .These prisoners exist in a kind of legal limbo. Therefore, according to the US administration. the prisoners at Guantanamo are beyond the reach of any court and so effectively beyond law. They have no rights. The Bush adminis-

Minister he allegedly committed

crimes against humanity when in

1982 he was responsible for massa-

been given access to their governments and families. As far as the human rights abuses are concerned, besides the Guantanamo aberration, there are

other disturbing signs in the United States. Some of the provisions of the Patriot Act, for example the prosecutor's power to hold people often of specific ethnic or religious groups) indefinitely without charges under the guise of "material witnesses" go against the long-cherished principle of due process The Pentagon's surveillance programme called Total Information Awareness (now renamed as Terrorist Information Awareness) raises the spectre of bygone days of McCarthyism. According to newsis transferring prisoners to other countries, often with little respect for due process, to conduct interro

I wrote in an earlier paragraph

that it was comforting for many

ordinary people across the world that the US had appointed itself as the global protector of Human Rights. But now that we have seen that it violates Human Rights on a massive scale whenever it suits its purpose and that it has appointed itself to the sinister position of judge, jury and the executioner with the right to launch preventive wars, it is time to reassess the situation. In the long run, these arbitrary and inhuman acts do not really advance the cause of fighting terrorism, but they definitely undo the achievements made in the field of Human Rights with so much hard work and sacrifice from so many people over such a long period of time. As Amnesty International has recently pointed " What would have been an outrage in Western countries during the Cold War--torture, detention without trial, truncated justice--is readily accepted in some countries for some people". seems that the United States intoxicated with power, has decided

## LETTER FROM EUROPE

The US had appointed itself as the global protector of Human Rights. But now that we have seen that it violates Human Rights on a massive scale whenever it suits its purpose and that it has appointed itself to the sinister position of judge, jury and the executioner with the right to launch preventive wars, it is time to reassess the situation. In the long run, these arbitrary and inhuman acts do not really advance the cause of fighting terrorism, but they definitely undo the achievements made in the field of Human Rights with so much hard work and sacrifice from so many people over such a long period of time.

degrading treatment or punish-

Until recently, from a legal point of view, there were few countries in the world, where a person's individual rights were better protected than in the United States. The Americans were very proud of this fact -- and quite rightly so. The United States is also the selfappointed quardian of human rights all across the globe. In this capacity, it keeps a careful watch on all violations of human rights everywhere in the world and monitors them regularly. If it is comforting to know that the most powerful nation on earth spends so much time money and human resources to monitor human rights violations everywhere in the world, it inevitably follows that in the first place it protects human rights in its own sphere of influence with equal zeal. Now the question is : Does it really practise what it preaches? The

graphs of a number of hooded and shackled (both wrists and ankles) prisoners at Guantanamo released, people wondered what Cuba ( no friend of the United States government) had to do with the prisoners captured by the United States in a remote place called

Although Guantanamo may be considered as an historical aberration, it lends proof to the fact that the United States had nurtured imperial inclinations as early as the end of the nineteenth century. Cuba was discovered by Christopher Columbus during his first voyage in 1492 Very soon the original inhabitants of Cuba (the so-called American Indians) were enslaved by the Spanish settlers under the 'encomienda" system. In the eighteenth century, increasing sugar cane cultivation induced the settlers to engage in African slave trade. By the middle of the nineteenth century,

continued until 1898, when the United States openly entered the war on the side of the Cubans "to liberate" them, (does it ring a bell?) and militarily occupied Cuba. The Spanish American war of 1898 in Cuba virtually brought the Spanish empire to an end and gave rise to new American empire, which took control of not only Cuba but also Puerto Rico and the Philipoines.. Although the Treaty of Paris (1898), in theory granted independence to Cuba, under the Platt amendment (1901), the US retained the right to oversee Cuban affairs and to establish a naval station at Guantanamo Bay. Thus the American base at Guantanamo came into existence and after a hundred years it is still there. ( wonder how many Guantanamos will be established in Afghanistan Now eighteen months after the

prisoners were forcibly taken from

tration has denied them the status of prisoners of war. It has invented a new term called "unlawful combate ants" to deny them the protection of the Geneva conventions. Now several questions come to my mind: If Article 6 of the Universal Declaration of Human Rights says, " Everyone has the right to recognition everywhere as a person before the law", does this mean to say that the US does not consider the prisoners as persons or human beings? If they have no legal rights, what law allows them to be held as prisoners? If Article 10 of the same Declaration guarantees everyone " full equality to a fair, and public hearing by an independent and impartial tribunal in the determination of his rights and obligations, why the prisoners have not been given during this long period any access to "lawyers or any semblance of due process" ? Actually during this long period of eighteen months they have not even

### **OPINION**

## Rethinking the BCS Examination

MD. PARVEZ AKHTER and SK. NAHID NEAZY

existina procedure of Bangladesh Civil Service examination conducted by the Public Service Commission whose credibility has now become a question to the nation, is now considered backdated, questionable confusing and time-consuming. The whole thing has recently been politicised, with no ray of hope left for the students cherishing for a long time to join the BCS. Dreams of many deserving candidates are being shattered by the flawed process of the examination. Since 1972, no government or the PSC itself made any attempt to reform the system. The so-called preliminary test, old-fashioned written test and viva-voce carrying 200 marks,

encourage the evil-doers to manip

ulate the process and make it to the final merit list. The system cannot be a good indicator to evaluate the ndidates' merit or aptitude.

Meanwhile, the quota system is another stumbling block for the meritorious students. This is the right time to rethink on the issue and make necessary changes so as to keep the selection procedure above question and confusion.

Besides, if we look at the guestion papers of the preliminary test, we find some questions very ridiculous and irrelevant for a person who is going to be an officer in the Bangladesh Civil Service. We can give some examples from the 24th BCS preliminary objective test that was cancelled following leakage of

In set 3, the guestion number 33 is, Who is Bibi Pori? (Will this sort of rmation help the person who will

soon join the civil service?)
Question 7 -- On which date of the following did the bomb explosion take place at the island of Bali in Indonesia? (This sort of question only encourages the candidates to

The Universal Declaration of

Question 82 -- Handy means? a. comfortable b. useful c. convenient to handle or use. d. necessary (Both and c are found in the Oxford Advanced Learner's Dictionary)

Question 84. Gullible means? a. foolish b. willing to believe anything or any one. C. simple d. easily deceived. (Both b and c are found in the Oxford Dictionary)

Like the preliminary test, the second phase, that is, the written test is also not above controversy This test carries 800 marks of which 500 is allocated for compulsory subjects like Bangla, English, Math, General Knowledge (Bangladesh

affairs) and General Knowledge (International affairs) and 300 for optional subjects chosen by the candidates. These 300 optional marks have room for making discrimination among the candidates from various backgrounds. For example, candidates having a background of any subject belonging to the arts or social science faculty are a victim of this discrimination. If he or she is a student of English or international relations or sociology, he or she is likely to choose three optional qualitative subjects from psychology, history social welfare, archaeology, urban political and rural development, science and Islamic studies. Needless to say, it is very unlikely for students of arts and social science backgrounds to take optional subjects like math, statistics, soil science, bio-chemistry and so on

which help candidates carry 70 to 90 per cent marks (if the candidate can do well in the exam). And these quantitative subjects are the trodden fields for the science graduates. On the other hand, it has been proved that it is very tough for the candidates of arts or social science background, having some qualitative subjects, to secure more than 65% marks on an average even if he or she can secure the highest mark in the examination. Does it not encourage only the science graduates to sit for the examination? Viva voce, the third phase of the

selection procedure, is another obstacle to making the recruitment process fair. As it carries 200 marks t can give an opportunity to some dishonest politicians, PSC members, or some powerful persons holding a high social stratum to resort to nepotism to manipulate the

entire process prior to making the

final merit list for recruitment. A few weeks back, a new initiative garding a pre-requisite for the BCS examination has been introduced by the PSC. According to the new rule supposed to be effective from 25th BCS, proposed by the PSC, a candidate must have 45 per cent marks in both Bangla and English in the SSC and HSC to be eligible to sit for the preliminary test. Does 45 per cent marks in Bangla and English prove a person's lanquage proficiency? Cannot a person having less than 45 per cent marks in those exams be able to improve the degree of his or her language proficiency during the

nigher studies? Here we would like to recommend the following format for the BCS exam that the PSC can con-

a. The conventional preliminary test and the time-consuming written test should be cancelled. Instead only one examination consisting of the general subjects like language and communication (Bangla and English), general knowledge (Bangladesh affairs), general knowledge (international affairs) and mathematics should be held. Analytical ability and writing skill tests could be included in it so that students from all backgrounds get the same confidence to sit for the exam.

b. The whole examination has to be objective type except for the writing skill test so that with the help of technology the examination process can be conducted in a very short time to avoid unnecessary

c. Marks have to be reduced for the viva voce to avoid nepotism and any sort of manipulation

 d. The existing quota system should be abolished completely. e. The marks distribution of the oposed format of the exam could

be as follows-Language and communication (Bangla and English)-30 General Knowledge (Bangladesh and international) 20 Mathematics-10 Analytical Ability- 10 Writing Skill (Bangla and English)-30

Viva Voce-20 We hope the PSC and the government will consider the aforementioned recommendations so that the really meritorious and suitable

candidates are encouraged to join

Total-100

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