

Law and order

Government's action not reflecting citizens' concern

THE surge in the instances of crime has begun to touch the raw nerve of the society once again. Not a single day goes by without major incidents of political assassination, bank robbery, spousal abuse, truncating of people's right to move freely by extortionists and goons, etc. In the capital itself, police seems to be either helpless, or incapable, in the face of countless crimes committed every day.

The Operation Clean Heart witnessed a dramatic reduction in the instances of such crimes. But that was an emergency measure to put out of circulation the top terrors and their henchmen. As a democratic nation, we want the institutions of our law enforcement agencies to come of age and adapt their skill to meet the challenges posed by the criminals. Military forces can not -- and shall not -- be brought out of barracks time and again to fight criminals and hoodlums.

We also want our political leaders to help police in reining in criminal activities by being non-partisan in matters of criminality by their stooges. Despite repeated assurances from both the major political parties, the criminals with political identity still roam at large under the patronage of our political leaders.

We also haven't seen the implementation of a joint commitment made by the secretary generals of the AL and BNP-- in the Centre for Policy Dialogue (CPD), *The Daily Star* and *Prothom Alo* sponsored roundtable a few weeks ago-- whereupon both the leaders made a public assurance not to shelter criminals expelled from one party into the other.

Our leaders must remember that this aggravation in the instances of criminality is creating a sense of social anarchy; dampening the confidence of the people on the governability of the leadership in power; dissuading people from conducting day to day businesses and personal activities; and tarnishing the image of the nation to the prospective foreign investors willing to invest their hard earned money in the economy.

We urge all concerned -- police, politicians and the bureaucrats -- to embrace the problem of this exacerbation in the law and order situation more seriously. For, history testifies that our quest for establishing a society on the foundation of democratic values faced major obstacles in the past when the law and order situation nose dived to the point of no return.

Rain disrupts life, again

Vulnerability of the city is far too manifest

THE onset of monsoon is always accompanied by a host of problems as far as the residents of the city are concerned. The city planners have not yet found any effective way of handling the destabilising effects of rain or gusty wind on civic life.

A lot of things get upset when nature turns a bit inclement. A strong wind, not having the velocity of a storm, can send the bill-boards crashing down on the roads with branches of trees; snap the electricity wires; and give the city the look, at least for some time, of being overrun. And a moderate rain usually creates water-logging in many places. Regrettably, this is true about the other cities also.

It seems there is nobody to look after the capital where more than nine million people live. Rather, the problems are made more complicated by the poor sense of timing that the City Corporation and other utility service providers show when it comes to matters like road digging. It is not clear why the rainy days are chosen for undertaking development or repair work. A lot has been said and written about this problem, but there is yet no sign of the DCC responding to the needs of people.

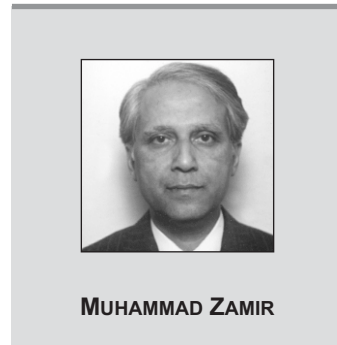
Water-logging is a major problem for a metropolis where traffic congestion often slows down the pace of life. The situation worsens when big patches of muddy water appear in the middle of the roads. The risk of accidents also increase considerably since there are holes and furrows which become difficult to spot if the roads remain submerged.

That is in short how vehicular traffic faces trouble during the rainy season. As for pedestrians, the problem could be almost insurmountable when they have to make their way along the inundated roads.

Now, the problem stems essentially from the poor drainage system. The agencies concerned often complained in the past that dumping of polythene bags and other insoluble substances was responsible for clogging of drains. With the use of polythene being reduced drastically, the situation should have improved. But in reality there has been little change for the better.

That said, it is imperative that the city's resistance to the natural phenomena like rain and gusty wind is bolstered to avoid the great inconvenience that they cause to people.

Doha development agenda and the Cancun ministerial



MUHAMMAD ZAMIR

TWO inter-governmental associations of states are in a manner of speaking facing a similar dilemma. Enlargement is making their search for consensus that much harder.

The scenario has assumed significance given the fact that a queue of countries are today waiting WTO membership. Added to this is the complexity of coming American elections and a new European Commission in 2004. All these factors require that the Doha Round start showing results before summer next year. This is necessary, and it is this factor that necessitates that the forthcoming Cancun Ministerial not be seen as a point of either success or failure. It needs to be perceived more as a stock-taking exercise in a highly complex negotiation.

The problem, in a world of increasing unpredictability but intertwined destinies is how to structure the future of a global economy and establish fair rules for all nations, large and small. The answer lies in strengthening multilateralism and keeping it alive. This is the only way to maintain lasting world peace. Multilateral solutions are required to tackle economic slowdown, with enhanced market access to help the poorest countries participate in a multilateral trading system.

The WTO, we must understand, in its own way is trying to enhance international understanding. Just

like the EU, the WTO has embarked upon a dynamic enlargement programme, with more than 20 nations, including Saudi Arabia and Russia, lining up to join the current 144 Member States.

However, during this ongoing evolution of dynamics, the focal point continues to be the challenge of the Doha Round Agenda and the need to pull together issues such as manufacturing, agriculture and rural development, as well as dealing

financial crisis in Asia, the general economic downturn or problems in some WTO countries with parliamentary procedures. This has been one of the most thorny issues because of the attempted extension of 'geographical indicators', a protection still demanded by the 'old world' countries and whose end is sought by the 'new world' group of States.

The fifth issue was the Disputes Settlement Understanding Review

faster and more efficient, and apply it to environmental issues as well as trade.

Dr Supachai, in a recent meeting, held in Brussels has acknowledged that the WTO has a solid history of missing deadlines. He has tried to explain that this was not for lack of trying and has pointed out that it was not easy to achieve consensus on time, as many countries are involved in negotiations on a wide range of detailed issues. However

the farm negotiations will be expedited. Otherwise, a large part of the WTO process is bound to be affected.

One is tempted to point out that while there has been strong progress in the Services sector, there still remains complicated problems. Sorting out rules issues remains technical and hundreds of cases are still pending on subsidies, fisheries and anti-dumping. Unfortunately, China remains the 'world champion'

tiations with the desire for a final, overall single package of agreement.

One hopes that the coming months leading to Cancun will see further consolidation in the progress with regard to TRIPS. Many poor nations, particularly in Africa stand to benefit from waiving the trade related intellectual property rights commitment. These countries are facing public health problems with malaria, tuberculosis and HIV/AIDS and they need all the help that they can get. We must understand that the benefits of assisting such countries would extend eventually to the whole world. Today, this project of TRIPS waiver has assumed great value, given the fact that another virus has appeared on our horizon SARS. This round could possibly raise this aspect and discuss as to whether TRIPS could apply equally to countries affected by this new disease.

It would be equally important to note that while the WTO process deals with Governments and also NGOs, it is business which is directly affected by trade negotiations and their decisions. As such it is also important for the business sector to be able to represent their own interests. This has not always been possible. The governments need to appreciate this. We must not forget that up to 70 per cent of GDP and more than 50 per cent of job creation world wide are centred one way or the other on the Services sector, particularly in area like transport, insurance and telecommunications.

Another area that requires to be attended to is the need to regulate non-tariff barriers as well as tariff barriers. This should particularly be part of the non-agricultural negotiation that is currently underway. Dr Supachai has correctly suggested that unless we regulate this area, the emergence of non-tariff barriers will be a future source of more disputes.

Muhammad Zamir is a former Secretary and Ambassador.

POST BREAKFAST

For Cancun to succeed, many impediments will need to be removed... The Cancun Ministerial, it must be understood should not be seen as an end in itself, but simply as part of the Doha Round work programme. Cancun will allow Ministers to take stock of the last two years and establish 'roadmaps' for the remaining part of the Round.

with Uruguay Round leftovers.

Solutions need to be found to these questions and preferably by the end of 2004. Doha was a very multifaceted agenda, with market access still the main issue. Getting rid of quotas, looking at high tariffs (still up to 40 per cent in some cases), and addressing the rules issue were paramount.

It may be recalled that the four major areas of Doha Round discussion were market access, rules, development related issues and implementation. Development issues posed a particular problem with the 49 LDCs that had little to trade and claimed a total world trade share of only about 0.4 percent. It was also understood that the situation was not hopeful, unless Doha got a grip on labour-intensive industries, such as agriculture and textiles.

Implementation has also assumed certain difficulties. Contributory factors have been the application of existing commitments entered into under the Uruguay Round but not yet applied for various reasons, including the recent

(DSUR) -- the backbone of WTO work. That review is now due, four years after the DSUR was first applied. The current Director General of WTO Dr Supachai has emphasised recently that more than half of WTO credibility rests on the reliability of the DSUR. It may be noted that there are hundreds of disputes cases pending and the aim of the review is to make the system

there appears to be only partial truth in this approach. More can be done and should be done.

It would also be pertinent to note here that agriculture was certainly at the heart of the Doha negotiation. This was because although it only accounted for 10 per cent of world trade, its political weight was seen as being far greater. One can only hope that the peace of progress in

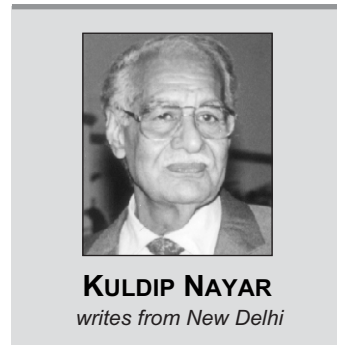
in the number of alleged rules breaches.

For Cancun to succeed, many impediments will need to be removed. Nonetheless, one should not lose heart. The Cancun Ministerial, it must be understood should not be seen as an end in itself, but simply as part of the Doha Round work programme. Cancun will allow Ministers to take stock of the last two years and establish 'roadmaps' for the remaining part of the Round. One should remember that the purpose of the Doha Round is to use it to help stabilise the global economy. To achieve this, all important groups and some countries will have to work together, particularly the EU and the USA (who have a significant share of global trade and good understanding of world trade issues).

Fortunately, the Iraq war has not affected the desire to develop cooperation. One agrees that managing such a complex trade round remains difficult. Nevertheless, progress will be possible if efforts are made by all parties to balance the need for sectoral nego-



What was wrong then is wrong today



KULDIP NAYAR

writes from New Delhi

I cannot make out why the Congress has not said "sorry" even 28 years after the emergency. The then Prime Minister Indira Gandhi imposed it on June 25, 1975, to save herself from a judicial verdict that her election was invalid because of misuse of government machinery. The party knows about the excesses which some of its leaders and public servants committed at its asking. The Justice JC Shah Commission has told it all -- who did what -- in black and white in its three reports. But none has been punished. Nor has the party expressed any regret over the unwarranted actions which caused untold human misery and suffering. Yet it is known how helpless Sonia Gandhi, now the Congress president, and her husband, Rajiv Gandhi, felt at that time. Then why is this reluctance to say "sorry"? In the land of Mahatma Gandhi, any move to make amends lessens anger.

If Sonia Gandhi could express sorrow even now, she would do a good deed to the party which has not been able to live down the reputation of being authoritarian. She would not be denouncing Indira Gandhi but telling the nation that she (Sonia Gandhi), for one, would never condone the misuse of power. When she criticizes the BJP-led

government, justifiably, for making inroads into the field of people's rights and freedom, it sounds one-sided. During the emergency, the Congress government had extinguished all freedoms, personal, judicial and the media's. It is an irony that many BJP ministers, who suffered during the emergency, should be copying Indira Gandhi's methods. They are changing the concept of liberty itself as she did and they are concentrating power in

telephone to implement the fiat. Their stock explanation is that in the circumstances which prevail, they have no alternative. A similar plea was made by the errant police and other officials before the Shah Commission. Recently when I talked to the State Chief Secretary and the Home Secretary at Gandhinagar within a few days of the Gujarat carnage, they did not hide the laxity and even the complicity of the administration and police,

punished. The rule of law has become a relative term.

It is apparent from the manner in which the Lok Sabha has passed a bill on the Central Vigilance Commission that all political parties are riding the same boat. They favour prior government permission even to initiate an inquiry, let alone acting against officials of the rank of joint secretary and above. This is despite the Supreme Court's judgment which struck down the prior permis-

faces the same danger. The ruling BJP is saffronising every aspect of life and every tier of the administration. For example, Human Resource Development Minister Murli Manohar Joshi is not only rewriting history but selecting the Gandhian institutions for his attack because they still teach the truth. Take the attack on the Gandhian Institute of Studies at Varanasi which represents an attempt to link Gandhian pluralism with social

They must know the limits which they cannot cross. Otherwise, the nation cannot be safe. Nor can the working of a democratic system. Without the awareness of what is right and a desire to act according to what is right, there may be no realisation of what is wrong.

This consciousness has to permeate all strata of our society. Otherwise, even with the best of intentions, the recurrence of the type of tragedy like the emergency may not be prevented. The first thing is to restore the institutions. They were beginning to recover from the trauma of authoritarian rule during the emergency. But the BJP, which had fought against the rule, is not letting the recovery take place. Leaders like Home Minister LK Advani and Joshi love to wield power to the detriment of institutions.

Imagine the height to which the institutions would have risen if the two had resigned from the government when the CBI had filed the charge sheet against them on the demolition of the Babri Masjid. They should have quit at least when a supplementary charge sheet was submitted before the Special Court a few days ago.

The moral is that those in power do not respect any norm or value when it comes to them or their party. It is all the more necessary for Sonia Gandhi to say at least "sorry" so that the process of owning responsibility begins. The BJP may learn from her example. Let me tell them what Martin Luther King said: "The day we see the truth and cease to speak is the day we begin to die."

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BETWEEN THE LINES

Both politicians and officials have to confine the operation to their acknowledged fields. They must know the limits which they cannot cross. Otherwise, the nation cannot be safe. Nor can the working of a democratic system. Without the awareness of what is right and a desire to act according to what is right, there may be no realisation of what is wrong.

the hands of bureaucrats and the police.

Pliable as they are to carry out the errands of ministers, they have made the system increasingly intolerant and oppressive. The Prevention of Terrorism Act (POTA), like MISA during Indira Gandhi's regime, is being misused. One wonders whether any case has been referred to the much-publicised RS Saharya committee for review. A large number of officials -- District Magistrates and Commissioners of Police -- who had appeared before the Shah Commission admitted they carried out the instructions emanating from politicians and administrative heads obediently. Orders were issued on personal and political considerations. What is happening now is not very different. The police and officials at the centre and in the states are at the other end of the

Both both of them expressed helplessness. The Sri Krishna report on the Mumbai riots even named the guilty officers. But no action was taken. Only now, nearly a decade later, has some movement taken place. Gujarat is under the BJP and the action on the Sri Krishna report was stalled by the Shiv Sena-BJP coalition in Maharashtra. These instances are no different from what happened during the emergency. They too reflect the bias, prejudice and disrespect of law. Scores of inquiry reports remain unimplemented.

In fact, from the days of the emergency, a new culture has developed whereby public servants, particularly the police, anticipate the wishes of rulers and act. Whenever there is an uproar against the state's excesses or complicity, the rulers, their godfathers, see to it that none in the administration or police is

sion part.

One can understand steps to immunise public servants from pressures or threats. But one cannot understand a law which will throw them to the whims and fancies of the ministers. Those who do not display courage to face the truth when they are under pressure, they simply do not have the character to face the truth. Safeguards can be given to officers against wrong proceedings. How can a minister, primarily a politician, say whether action should be taken or not?

Why pick on the officials alone? What happened during the emergency was the subversion of the system. It was not excesses committed by a few individuals. It was a general erosion of democratic values. It was a takeover by a few who enjoyed extra-constitutional authority. Democracy was assaulted then. Now secularism

sciences. Indira Gandhi too attacked during the emergency the Gandhian institutions like the Gandhi Peace Foundation at Delhi. Had those who derailed the democratic structure between 1975 and 1977 been punished, both politicians and civil servants would have learnt a lesson. There might have been a serious thinking on why the administration collapsed. The distortions in the system might have been sought to be corrected. Instead, Indira Gandhi withdrew every case of complaint of excess when she returned to power in 1980. The few officials who had done a spot of honest work and had resisted political pressure were hounded and harassed. Every trace of resistance to the emergency was effaced. What was wrong then is wrong today. Both politicians and officials have to confine the operation to their acknowledged fields.

Oligarchy rules world affairs!

BILLY I AHMED

FORMER Cabinet Minister Clare Short early this month accused Tony Blair of duping the nation over Iraq's WMD. The resignation of short created not only a ripple amongst the Labour Party but a massive wave -- a wave that is still rocking Tony's political boat. It is difficult to say whether Blair will be able to steer through the raucous roar of criticism both from his party and opposition ultimately. More than 70 Labour members in the House of Commons signed a petition demanding Blair's resignation.

Blair has been under fierce pressure in recent days, in part from members of his own party, since fresh doubts surfaced about his claim that Hussein's government possessed weapons of mass destruction. Katherine Baldwin of Reuters said, in her report Blair that risked his premiership and split his party by defying public opinion to send troops into Iraq. The failure

however to discover any of Iraq's suspected chemical, biological or nuclear weapons -- the original Anglo-American motive of war -- put him in the dock.

Fueled by hostile press coverage -- the *Sunday Mirror*, for example, denounced Blair's earlier claims on Iraq as "rubbish" -- the charges seem to have struck a deep chord in Britain. Blair struggled far more than Bush to build public support for the war, and in a poll published in the *Daily Telegraph*, 44 percent of respondents said they felt misled on the weapons issue.

International Development Secretary Clare Short's resignation speech and sequent statements inflicted serious damage on Prime Minister Tony Blair and his closest allies and brought issues to the fore that would plague the government in the months to come.

She now argued that her support for the war had been secured in return for promises made by Blair and Foreign Secretary Jack Straw that the UN would be given respon-

sibility for setting up a postwar administration. She also claimed that advice from the Solicitor General that she had been shown, but which Blair was quashing, had raised serious questions as to the legality of the war and urged that the UN be brought in at the earliest opportunity.

What finally convinced her to resign was the way Blair and Straw had gone behind the Parliament to draw up, together with Washington, a resolution to be put to the UN which now gives the allies almost total control of Iraq's new government -- including the country's oil resources and the assigning of commercial contracts.

In a letter to Blair, Short wrote, "I agreed to stay in the government to help support the reconstruction effort for the people of Iraq. I am afraid that the assurances you gave me about the need for a UN mandate to establish a legitimate Iraqi government have been breached. The Security Council resolution that you and Jack have so secretly

negotiated contradicts the assurances I have given in the House of Commons and elsewhere about the legal authority of the occupying powers, and the need for a UN-led process to establish a legitimate Iraqi government. This makes my position impossible."

It may be recalled that in her 15-minute resignation speech to parliament, she criticised the government for joining the US in "bullying the Security Council" into agreeing to "only a minor role for the UN", and warned that Britain was now making "a grave error in giving cover to US mistakes". She said: "I am ashamed that the UK government has approved the resolution tabled in New York."

In the *Guardian* interview, Short said, "The cabinet is now only a 'dignified' part of the constitution. It's gone the way of the Privy Council ... various policy initiatives are being driven by advisers who are never scrutinised, never accountable, in No 10 [the prime minister's official residence]."

"So you've got presidential style with a very narrow underpinning, with the built-in majority you get from the parliamentary system. I think we're getting a real deterioration in both scrutiny and the quality of decision making."

Another issue raised by Short explains her readiness to attack Blair's style of leadership. In her *Guardian* interview she made clear her desire to see the prime minister replaced as party leader. She said that she had discussed her resignation with Chancellor Gordon Brown, whom she is known to be close to politically, and he had tried to dissuade her. Her desire now was that Blair should only serve two terms in office and that an "elegant succession" be organised. "I think Tony Blair has enormous achievements under his belt and it would be very sad if he hung on and spoiled his reputation," she said.

In the backlash of her resignation, the party apparatus and a supportive media have been working hard to dismiss Short as a miffed

woman motivated by rife and so dismiss the issues she raised.

Robin Cook, previously the most high-profile critic of Blair's support for Bush's war, defended the prime minister's governmental style, telling the *Independent* that "he had always found the Prime Minister accessible and patient". He said it was "odd" that Short had complained about power being in the hands of the premier and a handful of advisers when she was an ally of Brown, "who has achieved for the Treasury the same independence from No 10 that he himself has conferred on the Bank of England."

Firstly, her statements on Iraq raised serious constitutional issues as well as questions of international legality. Though dismissed by the government, her comments have been seized upon by Conservative Party leader Ian Duncan Smith who demanded that the government publish the Solicitor General's advice.

There is also the ever present danger for Blair -- those others more

dangerous than the Tories would take up this demand. Antiwar sentiment in the British population has not gone away and hostility to Blair is widespread. Two days before Short's resignation speech, the prime minister was voted the most hated Briton in a Channel 4 poll -- beating his idol Margaret Thatcher into third place out of 100 nominees.

Secondly, whatever her intentions, what Short said about Blair's style of government not only placed Labour had been essentially destroyed as a political party. What remains of Labour is a rump dominated by a clique around Blair. Having lost well over half its membership, those who remain -- even when occupying leadership positions -- have no say over policy.

There is a name for the form of rule outlined by Short, which neither she nor any other bourgeois com-

mentator would utter -- an oligarchy.

Blair declared his refusal to abide by the wishes of the people to be his governing principle. Short was one of those who supported him in this stand when he went to war in opposition to every conceivable expression of the popular will. But this does not mean that Blair himself calls the shots. He has his own masters. He and his clique -- Straw, Defence Secretary Geoff Hoon, Home Secretary David Blunkett, et al -- are answerable to the most powerful sections of the capital, and to Washington as the prime representatives of the semi-criminal corporate elite that now rules world affairs.

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