

# Yasukuni debate reemerges as Koizumi prepares to leave

## CLOSEUP JAPAN

Controversies surrounding Yasukuni and efforts by various groups to use the issue for their own political benefit have turned the whole political debate surrounding the shrine utterly complicated. But it is interesting to note that the business leadership of Japan is well aware of such complications and came to a conclusion that it is now time for Japan to take bold steps to resolve the complicated problem. And they also made a clear suggestion on how to solve the problem.

### MONZURUL HUQ

WHAT is wrong with Yasukuni? The question is definitely not an easy one to answer for those who know little about Japan's imperial ambition that went miserably wrong with country's humiliating defeat in the Pacific War. During the pre World War II period Yasukuni Shrine was at the heart of the religious practice of State Shinto patronized by the Japanese government. It was at this sacred shrine that Japan's war dead were and are still venerated. With the rise of nationalistic sentiment war dead certainly assume a special status and this was widely felt in Japan until everything turned wrong in 1945.

As Japan's post war constitution made a clear demarcation between religion and politics, the importance of Yasukuni diminished radically during the period immediately after the war. It was presumed, therefore, that a shrine built in the days after the Meiji restoration with the aim of fanning nationalistic sentiment based on state religion Shinto, had lived its days and was bound to become part of Japan's past history. But the subsequent developments surrounding the shrine seem to be giving a clear indication that the issue of nationalism and the need to fan nationalistic feeling among citizens never take into consideration any moral or constitutional binding. Politicians fretted that narrow road of popularity always find

their way to outmaneuver such obstacles. Tokyo's Yasukuni shrine now stands as a shining example of that reality. Ever since the early days after the war important political figures belonging to Japan's political right had always been to the shrine to pay homage to the fallen victims and they paid that homage in strict Shinto style. As long as they did not do that officially, and as long as they did not hold any important public position, it was no problem at all for them in general or for the country in particular to go to the shrine to pray for the dead, as the constitutional binding does not put any restriction on religious practices of individual citizens. But crossing the border of decency was

marked for the first time in 1978 when the Shrine included in the roster of spirits the class A war criminals. As a result, the list of names of the fallen heroes to whom the shrine is dedicated was extended to include a few more names of those who unfortunately were tried by an international tribunal and found guilty of war crimes in Asia. The controversy surrounding the shrine had its origin precisely in that particular step, not on what Japan did in other parts of Asia in 1930s and 1940s. The controversy intensified further when in 1985 the then Prime Minister Yasuhiro Nakasone visited the shrine on August 15, the day Japan declared her unconditional surrender paving the way to end the war.

The shrine that standing the heart of Tokyo has gained international fame precisely because of such controversies it ignited ever since the names of Japan's wartime leaders were included in its list of honored fallen souls. Yasukuni is a Shinto shrine and the souls of Japan's war dead venerated there itself carries the message of a very religious nature. Those who visit the shrine, no doubt, pray for the salvation of the souls following a strict religious ritual. The problem with Yasukuni, hence, may be seen as three-fold. First, by honoring a number of convicted war criminals, the shrine and those who regularly visit there to pray for the salvation of all souls venerated in the shrine are defying openly the international mechanism that was in place soon after the World War II. No doubt, those politicians who go to the shrine to pray for the salvation of all souls also fall into the same grouping. For them it should now be considered to be the right time to announce in a clear and open voice if they do see the Tokyo War Crimes Tribunal as an illegal set up that needs a through

reassessment so that those convicted by the Tribunal get their names cleared. It should be noted that until now nothing of that sort have been uttered by them, though their acts precisely indicate that this is what they might be thinking about. The second problem with Yasukuni, and probably a more serious one, is the violation of constitutional provision that makes a clear separation of religion and politics in Japan. Politicians going to the shrine and praying for the salvation of souls following a strict Shinto practice are no doubt deviating from the path that the constitution had laid very clearly. Moreover, using the issue as a political propaganda is also can be seen as a gross violation of the same constitutional provisions. It is interesting to note that at least two leading candidates aspiring to succeed Prime Minister Junichiro Koizumi after his retirement in September are using Yasukuni as a tool for their propaganda. One of them even suggested that if elected, he would not only go to the shrine to pray for the salvation of Japan's past fallen

heroes, but he would also like to see that the Emperor too makes it his annual ritual to visit the shrine and pay homage to Japan's fallen victims. And the third problem with Yasukuni is the position being held by the shrine and its patrons on Japan's wartime atrocities and on the leadership that directed the country towards that treacherous path. In addition to justifying the position being taken on the shrine and its veneration of the wartime leadership, a group of political leaders also have clearly suggested that they do not believe Japan had done anything wrong to her neighbors or to other Asian countries by invading and occupying territories. Some even went step further to say that they consider Japanese occupation as a blessing for the occupied. Controversies surrounding Yasukuni and efforts by various groups to use the issue for their own political benefit have turned the whole political debate surrounding the shrine utterly complicated. But it is interesting to note that the business leadership of Japan is well aware of such complications and came to a conclusion that it is now time for Japan to take bold

steps to resolve the complicated problem. And they also made a clear suggestion on how to solve the problem. Keizai Doyukai, the influential Japan Association of Corporate Executives, has urged the prime minister to refrain from visiting war-related Yasukuni Shrine. Its proposal was contained on Japan-China relations, which are in a deplorable state mainly due to Koizumi's repeated visits to the shrine. The corporate executives also urged the government to build a new memorial to honor all victims of war. But Koizumi was swift to reject the call by saying he would not abide by and the business group was commenting on a strictly political matter. The frontrunner for the race of the premiership, Chief Cabinet Secretary Shinzo Abe, too rejected the call and said that efforts should be first taken to solve misunderstanding if there is any. Yasukuni, as a result, is heating up the arena of political debate as the race for leadership draws nearer.

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# Why Soeharto's trial should continue

From a legal point of view, the issuance of the Attorney General's letter dropping charges against Soeharto is legally flawed. According to Article 140 of the Criminal Law Procedures Code such a move is possible only when a case is being investigated by either police or prosecutors. Soeharto's corruption case had already passed that stage and been handed over to the court. Accordingly, the termination of Soeharto's prosecution has to be revoked in the name of the law. Although the former president has not recovered from his illness, Article 38 chapter (1) of the 1999 Law on Corruption Eradication allows for an in absentia trial.

### AGUNG YUDHAWIRANATA

ATTORNEY General Abdul Rahman Saleh has announced the termination of former president Soeharto's prosecution, citing his ill health over the past six years. The decision to close the multi-million-dollar corruption case involving the former strongman deals the country's reform movement a major blow. This is because the People's Consultative Assembly ordered a just and fair legal process against Soeharto, his family, and his cronies in its 1998 decree on corruption, collusion and nepotism-free state administration. The controversial move by the Attorney General capped systematic efforts to foil Soeharto's prosecution for alleged graft, stretching back to 2000 when the case was opened. From a legal point of view, the issuance of the Attorney General's letter dropping charges against Soeharto is legally flawed. According to Article 140 of the Criminal Law Procedures Code such a move is possible only when a case is being investigated by either police or prosecutors. Soeharto's corruption case had already passed that stage and been handed over to the court. Accordingly, the termination of Soeharto's prosecution has to be revoked in the name of the law.

Although the former president has not recovered from his illness, Article 38 chapter (1) of the 1999 Law on Corruption Eradication allows for an in absentia trial. The exemption given to Soeharto violates the amended Constitution, specifically Article 28 D chapter (1), which explicitly says that every citizen has equal rights to legal treatment, assurance, protection, and certainty, and that every citizen is equal before the law. The government's plan to grant amnesty or absolution to Soeharto should be considered an infringement of the independence of the judiciary by the political branch. It will derail other efforts to develop cases involving Soeharto, such as those dealing with gross human rights violations, political crimes, and economic crimes. The plan also contradicts Article 14 A and B of the amended Constitution, which say the President has the prerogative to grant absolution and amnesty after considering the opinion of the House of Representatives as a political institution. The President can award clemency and rehabilitation after consulting the Supreme Court as a legal institution. Soeharto's case certainly falls under the jurisdiction of the judiciary power (Supreme Court); therefore offering amnesty or absolution is not appropriate.

To make matters worse, President Susilo Bambang Yudhoyono is holding up the process of establishing a truth and reconciliation commission by delaying the appointment of commission members. The commission is needed to complement the already established human rights court to deal with past atrocities in this country, which were rampant under Soeharto's rule. This shows the government's lack of commitment to upholding justice and protecting human rights in Indonesia. If this momentum is wasted, the chain of impunity will continue and efforts to respect, protect, and promote human rights in Indonesia will not bear fruit. The state's denial of the responsibility to settle gross human rights violations from the past is ironic, since Indonesia was recently elected as a member of the United Nations Human Rights Council. From another point of view, the discontinuation of Soeharto's prosecution is a form of injustice for the former president himself, because his right as an Indonesian citizen to legal certainty and justice has been denied. Soeharto's case should therefore continue for the sake of humanity. Why? Because in a bid to lay a concrete foundation for a new democratic society, Indonesia has to deal with the legacy of oppres-



sion, restore the rule of law and establish a culture of respect for human rights. Indonesia must democratise the institutions of the country, and establish an accountable government and an independent judiciary. The government of the Republic of Indonesia is responsible for systematic human rights violations that occurred during the past regime, namely Soeharto's New Order. The atrocities, which resulted in a large number of casualties and caused many other people to suffer, have not been legally addressed. Therefore, the new government has a moral obligation to repair the damage. Most of the victims and their families have not gotten their rights back. In this context, they are the ones who have the right to determine whether the legal pro-

cess against Soeharto should continue, or whether Soeharto should be pardoned. A new or reinstated democracy is a frail construction. In order to move forward with dignity toward a better future, Indonesia needs a strong foundation. Pressures are mounting for moves to cleanse the present government of the influence of the past regime, and at the same time to uphold justice and make sure that the law is enforced. For that reason, the continuity of Soeharto's trial as a way to settle past abuses is a prerequisite for the survival of the democratic process in this country. The writer is a researcher at the Jakarta-based Institute for Policy Research and Advocacy. (c) The Jakarta Post. Reprinted by arrangement with Asia News Network.

# Electro-medical equipment protection

### SA MANSOOR

MODERN electro medical devices are critical for proper diagnostic function in healthcare practices. These equipments provide the needed diagnostic information and clue for the effective treatment of diseases. A US study reveals the proliferation of electro medical equipment in modern hospital practices. From an average of four devices per bed in the early 1980s today the level has reached close to fifteen devices per bed. A four fold plus growth recorded in about a quarter century. The trend is still growing and will keep on growing in future. However in comparison the Bangladesh hospital scenario particularly in the ICU and CCU levels may possibly average around four electro medical devices per bed; possibly reflecting our development level in the sector. Along with the benefits that these devices provide; they bring new areas of problems and issues that needs to be addressed. With more electro medical devices in use, there is greater possibility of electro magnetic interferences (EMI). These are invisible waves and pulses that move through space, interfering with the electrical and emission function of the devices. EMI problems usually tend to be difficult to identify, and are generally transient in nature. Both the utility power supply as well as the hospital facility electricians can be the cause of EMI related problems. Some of the common potential sources causing EMI problems among others are the following: -- Radio transmitters, paging units, walkie-talkie units used by personal in hospitals. -- Television receivers and equipment video monitors. -- Analog and digital cellular and wireless telephone.

-- Microprocessor based patient monitoring devices like electrocardiographs, BP monitors, hypothermic machines and security detectors. -- Radiating equipments like fixed and mobile x-ray and electro surgery equipment. Some of the EMI problems encountered in USA are summarized below. Unfortunately there is no corresponding record or report of such events in Bangladesh as our awareness on the subject is not widespread. In this matter unfortunately this particular electrical disease of equipments has neither been diagnosed nor treated in Bangladesh hospitals. Some example of US experiences are provided here to serve as reference and guide: -- Anesthetic gas monitor displaying error in gas concentration readings during surgery. It was subsequently revealed that the culprit was the electronic knife used during surgery. Radio-wave interference which caused malfunction of breathing monitor alarms, even from cellular phones when used close by. -- High frequency "noise" or interference from electronic equipment within the hospital disrupting the hospital appointment clock setting. -- CT Scamier failure occurring during the time when capacitors where switch on at the hospital incoming power switchgear. The switching caused an oscillatory transient affecting the CTS scanner. These and many other power quality issues have an important impact on the reliability and diagnosis provided by a clinic or hospital. Quite often; unknown to us we inadvertently blame the physicians for giving wrong diagnosis which is the result of their interpretation of faulty images or signals directly or indirectly caused by the quality of

electrical power supplied and electrical interferences. Hospitals in Thailand and Singapore are aware of these issues and hence we often see that their diagnosis is different from ours, not because of our physician's mistake in interpretation of data; but due to deficiency in electrical power quality and protective measures that are usually absent resulting in data errors. This writer had the opportunity to go round a CT, X-Ray and Radio Imaging section of a hospital in Bangkok. He was shown the protective and corrective electrical and electronic devices installed; and was told that the cost of the protecting and power filtering devices represented over forty percent of the cost of the total set up of the electro medical equipments. This is a somewhat new area for our growing electro medical facilities, which directly affects the reliability of the outputs from electro magnetic diagnostic equipment, due to its high sensitivity to the quality of power available. This is beyond voltage fluctuation, high and low voltage surges and flickers which are normally noticeable and visible even to the eye. I believe that this awareness and the solutions to overcome it should be available at our hospitals and clinics and the physicians and relevant staff involved in the use of these facilities are provided required knowledge on the subject. This will result in better performance of medical diagnosis by our physicians, and avoid many problems unnecessarily caused by unknown external factors. The writer is Director, Engineering, Partex Group.

# The effects of EU and US subsidies on developing countries

The poor countries should not be required to liberalize their economic policies in return for reductions in the current high and unfair level of EU protectionism. The World Bank and IMF should stop attaching trade liberalization conditions to their loans and WTO should not be pressured to include new liberalizing agreements on investment, competition, and procurement and their agenda. However, these measures might give developing countries too much freedom and may result in government policy failure and further create economic inefficiency. Thus, there must be a check and balance system to even out the affects of the massive subsidies paid out by the USA and EU.

### SHOURO DASGUPTA

THERE is a great emphasis on improving competitiveness in developing countries; but the reality of the situation is that subsidies to European, American and Canadian farmers are negatively impacting Third World industries especially farmers in the global market. Some are ruined by cheap imports as governments reduce their tariffs. Others find stiff competition in export markets as the subsidized products of the rich countries take away their market share. The plight of Third World agriculture is linked to a system of unfair global rules that allow rich countries to protect and subsidize their big farms and food companies, at the same time pres-

surizing developing countries to open their markets to cheap food imports. For many developing countries, investment in agriculture has been declining since the '80s. External assistance to agriculture has also been declining, as have government expenditures in developing countries. However, the reverse is true for OECD countries, which has spent \$6.5 trillion on agriculture since 1980. This huge excess has created the off-loading of surplus products on the world market and the consequent decline in international prices for most agricultural products since the '60s. Meanwhile, for many developing countries, investment in agriculture has been declining since the '80s. Under the current WTO-brokered

global trading system, wealthy countries spend billions of dollars each year to support their domestic agriculture sectors. In 2002, direct support to farmers by countries belonging to the Organization for Economic Co-operation and Development (OECD) added up to around \$235 billion -- three quarters of the total OECD support estimate of \$318 billion. Subsidies by this group of countries account for over 90 percent of trade-distorting domestic support and export subsidies reported to the WTO (Food and Agriculture Organization Annual Report). Subsidies to farmers in the developed world have negative ramifications for agriculture in the developing world in a number of ways. By enabling farmers and

agro-companies to sell on the international market at prices far below production value, they leave growers in the developing world unable to compete. They also encourage excess supply, which further lowers world agricultural prices -- reducing the money that poor farmers make, or pushing them out of the business entirely. Small-scale farmers in developing countries have a hard time competing against subsidized products that are dumped on their local markets. One more kilogram of subsidized sugar in the European Union could very well mean one less kilogram produced in Kenya or Guatemala. Another bale of subsidized cotton in the United States may mean less production in Mali. Or another ton of subsidized rice in Japan can have the same displacement effect in Vietnam. Although the framework for international trade does not guide the work of poverty reduction, it can provide opportunities or put a brake on its efforts, depending on how it is applied. The current framework is inequitable for developing countries and for small farmers. Essentially, the framework was created by the US and the EU, and

developing countries accepted it for many reasons. A number of significant problems emerged when the framework was implemented, among them domestic support through the issue of subsidies, which governments of developing countries provide when they can afford to. The vast part of these subsidies goes to big farmers, who are prominent in international competition. The small farmers from developing countries are not able to compete in the international market with this type of competition. Moreover, the subsidies are immune from any reduction. In fact, they have increased over the past ten years. Obligations of subsidy reduction in agriculture have been implemented in letter but fully violated in spirit, because the subsidies are increased through other means. These subsidies protect the farmer and provide an incentive to the farmer to continue with unviable farming and production. Europe's sugar-production costs are among the world's highest but, paradoxically, the EU is the world's second biggest sugar exporter. This is made possible by setting the domestic sugar price at three times that of international prices, and

subsidizing exports of excess production onto the world market. EU consumers and taxpayers are forced to pay the hefty bill of \$1.97 billion, but the impact falls hardest on developing countries. This is because the EU sugar regime has the following effects: -- It blocks developing-country exporters, including some of the world's poorest countries like Mozambique, from European markets. -- It undercuts developing countries in valuable third markets, such as the Middle East, by subsidizing exports to prices below international costs of production. -- It depresses world prices by dumping subsidized and surplus production, so damaging foreign-exchange earnings for low-cost exporters such as Brazil, Thailand, and Southern Africa. Let us consider the Indian dairy sector, now one of the largest milk producers in the world and a potential exporter. Even if it could overcome EU tariffs of 144 per cent on butter and 76 per cent on milk powder, it could hardly compete in Europe with domestic producers, half of whose income is derived from subsidies. Nor can it compete with EU milk-powder exports, sold

at about half the cost of production in third markets such as the Middle East and southern Mediterranean. It not surprising that Europe is the world's largest exporter of skimmed milk powder. Ironically, the EU was one of the aid donors that supported the development of the Indian industry in the first place. For many developing-country producers, reaching an EU customer involves running a marathon with hurdles. First there are the tariff barriers, averaging 20 per cent on agricultural products, with peaks rising to 250 per cent. For example, Brazilian chickens cross the Atlantic with a 46 per cent surcharge; the corresponding surcharge for orange juice is 34 per cent. In the case of textiles and clothing, the EU maintains quotas on most important product lines, while liberalizing marginal items such as parachutes and umbrellas. But when quotas cease, as they eventually all must under existing multilateral commitments, high tariffs will remain, further deferring genuine access. The possible measures that the US and EU administration could undertake are: -- The interests of poor Third World producers should be taken

into account in a radical reform of the Common Agricultural Policy. -- A clear timetable should be agreed for phasing out export subsidies and ending dumping. -- Developing countries should be able to protect their smallholders from unfettered and often unfair international competition. The poor countries should not be required to liberalize their economic policies in return for reductions in the current high and unfair level of EU protectionism. The World Bank and IMF should stop attaching trade liberalization conditions to their loans and WTO should not be pressured to include new liberalizing agreements on investment, competition, and procurement and their agenda. However, these measures might give developing countries too much freedom and may result in government policy failure and further create economic inefficiency. Thus, there must be a check and balance system to even out the affects of the massive subsidies paid out by the USA and EU. Shouro Dasgupta is a Bangladeshi student studying in Oklahoma City University.