

And now the judiciary?

Unnecessary and regrettable escalation

THE recent sedition case filed against eminent lawyers Dr Kamal Hossain, Barrister Rokonuddin Mahmud, and Barrister Amir-Ul Islam, among some 200 others, has left us perplexed and incredulous.

It seems to us that the incidents that took place at the Supreme Court premises on November 30 that led to the sedition charges being filed, while extremely regrettable and should be subject to investigation, and warranting action against those found culpable, hardly rise to the level of such a grave charge as sedition. Can it be possible that a man of Kamal Hossain's stature will do something seditious?

Now that a First Information Report (FIR) has been issued by the police, paving the way for arrest warrants to be issued, the matter takes on an even more serious tone, and once again raises the issue of the political use of the law enforcement mechanism. We are compelled to wonder how justifiable is the charge and to what extent this unfortunate episode is another example of the entire legal apparatus being made controversial.

Indeed, we would have hoped that such eminences as the justices of the Supreme Court would have acted in this situation with greater sagacity and temperance. It seems to us that to raise so inflammatory and questionable a charge as sedition is unnecessarily adding fuel to the fire, and will serve only to escalate the crisis when all should be working towards defusing the situation.

The last thing the country needs now is another crisis and another national institution dragged into controversy beyond functionality. Where have we come to that this is now the way things stand? Perhaps, when things have come to such a sorry pass, the time is here to re-examine the entire situation.

We sincerely and fervently hope that our higher judiciary still remains above all taints of controversy, but recent events suggest that we may be heading in that direction if we are not already there. The issue of what could be called the miscarriage of justice is no less important than the vandalism of the seat of justice. In fact, considerably more so.

The apparently political and certainly injudicious filing of cases, to say nothing of political decision-making, cannot continue if the Court is to retain its credibility and the position at the pinnacle of public esteem that it has enjoyed and must continue to do if it is to remain effective.

Better data to combat poverty effectively

Polices and strategies will suffer for lack of it

AT a seminar on "What works for poor" held the other day in the city a number of local and international experts on poverty alleviation pointed out the need for proper and extensive data in order to be able to focus more on the broader issues of socio-political concerns that aggravate poverty. It was observed that currently researchers, planners and academics are working with poorly collected and often incomplete or questionable data.

To this day there is no reliable data on the total number of the ultra poor and people living at various levels of poverty. Mere micro-credit alone will not be able to address all the complex issues of poverty. As was rightly pointed out in the seminar alongside the economic aspects, seeds of change also have to be sown to be able to effectively deal with market-based economy or political solutions for the poorest.

We are in full agreement with the observations and concerns expressed by the experts. With the growing all round economic disparity and the increasing gap between the rich and the poor, there is but no alternative to formulating proper policy planning and intervention strategies in order to effectively and comprehensively deal with the various issues of poverty alleviation. The cycle of poverty is not only complex but also becoming endemic in nature.

The need for proper data is thus unquestionable and vital in order to be able to formulate an effective planning and action programme aimed at escaping the cycle of poverty by the ultra poor.

We therefore urge all agencies concerned of the government to come forward and commit themselves to collecting and assimilating credible data. In this effort the expertise and the experience of various private research organisations including a select group of NGOs could also be utilised. We should all remember that investing in poverty alleviation of the ultra poor is, in the long run, linked to the very survival of the nation at large.

Take note of the rumbling in the hills



Brig Gen
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EVERY year since the CHT Accord was signed on 2 Dec 1997, the PCJSS led by Shantu Larma has been calling upon the government to fulfill its part of the deal. We have noticed the upping of the ante every year over the last several years. In 2004 Larma had laid a six-point demand related to the fulfillment of the Accord on the government's table. The ante has been graduated further up this year when he threatened reverting to guerrilla war if the CHT Accord remained unfulfilled any longer.

Perhaps any other person in the place of Mr. Larma would have had no other alternative but to suggest taking to the jungle and taking up arms, given that he has risked his credentials as a leader of the tribal people of the CHT, to a section of his people, when he decided to join hands with the government in 1997 to put an end to the quarter century of tribal struggle for autonomy or self-rule, settling for an arrange-



ment that falls short of what they had initially wanted, but which does ensure a measure of devolution of power through the various clauses of the agreement. The CHT Accord has divided the indigenous people of the hills, with the opponents of the deal feeling let down by what they feel is a "sell out" to the government.

The question is, after nine years of the signing of the Accord, why has no substantive progress been made in implementing it? Not only is there a polarisation in the hills on the Accord and its potential to meet their demands, the plains too have been split on the rationale of the Accord itself, with a segment feeling that much too much has been acceded to the tribals to the detriment of the Bengalis. In fact, the signing got off on a very negative note with the then opposition, the BNP, rejecting the deal out of hand as a "sell out" by the AL since the treaty impinged on the unitary nature of the state as laid down in the Constitution. And since December 1997, in the more than three years of the AL rule during

STRATEGICALLY SPEAKING

which the Accord was signed, and the five years' of the BNP, very little worth the mention has been done to implement the Accord, except for some cosmetic actions.

Waging peace in the hills was not an AL agenda only; it was also pursued with a degree of intensity during the BNP's first term in office. A nine-member team consisting of the members of the parliament was entrusted with negotiating with the PCJSS, and as many as thirteen dialogues were held until mid-1994 when perhaps political problems diverted its attention elsewhere. It was during this period that PCJSS declared unilateral cease-fire (Aug 10, 1992) following the then PM's expression of the hope that it would be possible to find a solution within the framework of the constitution.

Thus, lack of substantive follow-up action during the AL tenure in office, and soft-peddling on the issue by the BNP, which has now toned down its initial idea of scrapping it totally to changing certain provisions of the Accord, is what

riles the hill people, and quite rightly so. The accord is not any one party's baby to tend and ensure its maturity. What our political leaders tend to forget is that the Accord was concluded between the state and a group of people in Bangladesh. And it was only possible as a result of negotiations whose groundwork was laid by the BNP, and even before the 80s. Therefore, no one individual can claim to be the architect of the peace deal in the CHT, or personalize the achievement, as one has been given to understand by the AL, and that is perhaps why the reluctance of BNP to own to it and do little about its implementation. By the same token, since we all have a stake in the Accord, it should be for all the parties to ensure that it is implemented fully, and the blame must be equally shared for failing to do so.

It would also not be out of place to ask whether the details of the Accord were penned in a hurry, and whether all the major parties should not have been taken into confidence

before finalising the details. No doubt there are aspects that need to be addressed in the light of the constitutional provisions. Whether there is need to change the relevant clauses of the constitution, or whether there is need to renegotiate on certain issues which might allow us to retain the spirit of the Accord without having to change the constitution, is something we ought to consider. What is very disappointing is that there has been no palpable effort on the part of successive governments to approach the matter with the intention of resolving those issues that stand in the way of implementation of the accord. At least we are not aware of any move to involve the PCJSS in discussions on clauses that needs to be re-framed. We cannot keep the matter on the backburner any longer.

What is disconcerting also is the perception of some tribal leaders. Some of them continue to consider the CHT still under "military occupation." One fails to understand how one's own territory can be under the "occupation" of one's own army. Unless, of course, the protagonists of such an idea think that the army is not in its own territory. Therefore, the underlying thoughts and the fine nuances of the statements cannot be overlooked. It is trust and confidence, that have been eroded by government inaction, that we must restore among the people of the CHT if such perceptions are to be removed. Surely, we cannot have a situation where the hill people feel

that the land is not theirs. But by the same token can the plains people be made to feel that they do not belong to a part of their own land?

It is clear that the Accord must be made acceptable to all concerned. The government must ensure that the apprehensions of the Bengalis are allayed and any devolution of power does not go against the grain of natural justice and the rights of a citizen. We must also not keep the commitment made to the hill people unmet. As for Mr. Larma, he must make sure that the tribal infighting over the agreement is ended, because even if we were to have the full implementation of it, would it assuage the UPDF?

Mr. Larma's unhappiness is not without reason, but his warnings are not without basis either. We must take both seriously. It is quite another matter how much will the new strategy be efficacious in helping the implementation of the accord. Should that not happen more blood is likely to flow in the CHT, and it will be Bangladeshi blood that will flow.

There are anomalies in the peace accord, which must be reconciled keeping intact the integrity of the country. No doubt we will have to compromise and give ground, which will need great political will. The question is, how much are we willing to give for the sake of peace and justice.

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The progenitor amongst the pompous



MUHAMMAD NURUL HUDA

IN the course of the civic reception accorded to our Nobel hero a few days ago, some novel proposals were made by him with a view to overcoming the apparently intractable political problems facing the nation. The reactions to his proposals have been mixed as expected. There is, however, no doubt that the professor speaks with genuine conviction, for he has worked with people and continues to do so.

If, indeed, democracy means people's power then Dr Yunus has convincingly demonstrated the near irrelevance of our mainstream politicians as against people's empowerment. So when he speaks of rapprochement and reconciliation in a perilously polarised polity and does not get mature responses, one can only regret that the anguish of an altruistic heart has not been appreciated.

This writer is in no position to advise, but has to point out the inevitability of pluralism as an admitted reality of a democratic polity. That this pluralism does not become an obstacle to the unity and prosperity of a democratic polity is amply illustrated by the stability and maturity of the western democracies and, closer to home, of the Indian experience since 1947. As against the above backdrop, the unfortunate reality in Bangladesh, as of now, is that on almost every aspect of national life the people are being ominously divided into two hostile groups.

The tragedy is that when consensus is the need of the hour, at least on fundamental national issues, the two main political parties are constantly venturing to impose their partisan dogmas on the public, and are not hesitating to brand the dissenters as traitors to the national cause. Dissent, according to them, is an unpatriotic act. Such a mental frame is taking us on a suicidal course, thereby obstructing national integrity and encouraging confrontationalist postures leading to violence.

We are losing sight of the fact that democracy cannot be limited to the holding of elections, convening of the parliament, and formation of council of ministers only. The reality is that democracy is a way of life wherein we must have the courage to listen to a different opinion, the tolerance to respect the views of everybody on religion, culture, language, and the patience to obey the rule of law. A free media, an independent judiciary and strong regulatory institutions in their rightful glorious places are the hallmarks of a free society.

The unfortunate reality in Bangladesh today is that, to lead an honourable life, one has to be partisan. To retain one's proprietary right over land, to secure contracts for development work or to even safely build a house on one's own property, one would need the support of the local powerful group or coterie, and barring few fortunate exceptions this powerful group enjoys the active patronage and blessings of the political powers that be. Newspaper accounts tell us about the unfortunate plight of the political workers of the defeated party following the national election. Such accounts depict the pathetic, fugitive existence of the hapless workers who, in the absence of their leaders, are forced to live a miserable life. Their miseries are further compounded by the filing of politically motivated criminal cases with a view to psychologically and



socially cripple the opponents. As result, a political identity is becoming a hazard for some individuals and groups and, consequently, politics is turning into a dangerous business where annihilation of the adversary becomes the principal preoccupation.

Under such circumstances, there is a desperate and perverted bid to amass money without caring at all for the legality of such acquisition. Politicians of different descriptions make the pragmatic assessment that such ill-gotten money would be handy for self-protection during the likely event of being out of power in the not-too-distant future. The trend, to say the least, is deplorable.

Barring honourable exceptions, politicians of different shades of opinion in our society do not socialize amongst themselves; do not enquire about each others' welfare, and some are not even on talking terms. Many such politicians, despite their being related to each other, are not discharging their social responsibilities which, needless to mention, are setting unhealthy precedents. On account of such precedents, the future scenario would be one in which our leaders in all walks of life will have little respect for each other, and the whole atmosphere will be vitiated by revenge replacing healthy competition. Such an acrimonious environment will not augur well for the nation.

The polarisation of different occupational and service organisations along political lines has assumed fearful proportions. There were times when only a handful of occupational organisations were politically motivated but, currently, the political alignments of such organisations are so disconcertingly

STRAIGHT LINE

manifest that many consider them as shameful adjuncts of the political party. The professional organisations have, unfortunately, moved away from the hallowed objective of advising the authority with their enlightened counseling. By forsaking their intellectual independence they have made an unconditional surrender to the politicians. The partisan behaviour of the opinion-makers has further degraded us as a nation. One may like to know that if we have to continue to indulge in nurturing and promoting the fatal game of inferiority will the persons devoid of self-respect will be able to truly lead.

One area of heightened concern is the polarisation of the public servants, because a biased person cannot truly become a servant of the republic. Allegations are there in the newspapers that politically active public servants are succeeding in cornering the upright, meritorious ones. The appointees of particular years are considered more loyal and pliable than others, and are being rewarded as such. As a result, the environment of friendship and camaraderie among public servants is narrowing.

Distrust and doubts are sapping their morale. The difference between the government and the state is being deliberately diluted, and the distinction between government service and personal service is not understood. Consequently, public servants are reluctant to act fearlessly in an upright manner. The denigration of services is definitely not in public interest because it cuts across the very glorious spirit of impartial and lawful public service. Meritorious students are losing interest in a career of public service, which is so vital in the backdrop of our socio-

economic reality, with particular reference to the need of non-partisan field administration which is required to ensure free elections, and nurturing of the institutions. There is not much noticeable concern in this regard.

The unbridled arrogance and intolerance-ridden postures of our leaders with regard to different national issues amuse and disappoint the foreigners. The failure to arrive at a consensus on such matters discourages our real well-wishers. Many among them wonder how Bangladeshis, who have framed such an admirably lofty constitution, could be so foul-mouthed in political exchanges, and behave so immaturely on the social circuit.

The question our actions on the treatment of criminals from a political viewpoint, and cannot comprehend as to why the criminal liabilities of a particular time are condoned at another time without undergoing the test of legal process. The integrity and veracity of our regulatory institutions appear less than desirable.

The Bangladeshi nation looks forward to Dr. Yunus, and the like, before absolute cynicism corrupts us absolutely, because he has proved that the private initiative of the citizenry can go a long way towards counteracting the deficiencies of the government. There is no doubt that the human raw material in this country is as fine as can be found anywhere else on earth. However, the sad reality is that even 33 years after the constitution came into force, a very large part of our population is literally illiterate, making meaningful democracy impossible, but making it easily possible for politicians to have a vested interest in illiteracy and public ignorance. One has to remember the memorable words of Thomas Jefferson when he said: "If a nation expects to be ignorant and free, it expects what never was and never will be."

As a nation we are politically disintegrated and, thus, we do not have the inner strength to sustain us in adversity or in progress towards prosperity. This is so because our basic freedoms have been eroded, the strength of our political institutions has been sapped and

our public life degraded. We have very dangerously subordinated the individual to the State.

Elections and their corruption, injustice and the power of tyranny of wealth, and inefficiency of the administration have made our political freedom meaningless. However, hope perhaps lies in education, by which right conduct and the fear of God can be developed among the citizens. Microcredit has facilitated emancipation partially but the big push forward is likely to come from education because the present crop of politicians is only preoccupied in maintaining a system which is poisoned by collective bad faith and polluted by individual avarice. In fact, we are at our eloquent best when our public affairs are in the worst condition.

Since our priggish politicians are unlikely to feel energised will Dr. Yunus take the lead in the field of education, because we need to break from our tradition of being collectively ignorant despite being individually intelligent? It is perhaps time to change from privilege to talent, and from accident of birth to accent on caliber, and to realise that there is more to success than money. We have to stop our society from disintegrating into factions and divisions. The electorate needs to know, and realise through education, that the entire destiny of the country is in their hands, and that there is no substitute for knowledge and integrity in public life. We need to appreciate that the government can really achieve success by unleashing the energies of citizens. The above are matters, which at the time of elections specially, have to be weighed and discussed, instead of slogans and claptrap.

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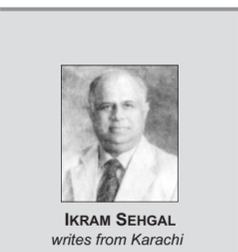
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Muhammad Nurul Huda is a former Secretary and IGP.

Geo-political changes, again



IKRAM SEHGAL
writes from Karachi

DURING the 19th century geo-political changes were to be expected every 50 years or so, during the 20th century it came down to about 25 years. With technology racing forward in making the world a global village, this period is now down to 5-10 years.

Events of the past year, viz (1) the situation in Iraq and Afghanistan (2) North Korean nuclear blast (3) Iran's uranium enrichment process (4) the Darfur crisis (5) the Somalia problem etc., are indications that US ability to influence events as the sole superpower in the world has diminished from what it was 5 years ago. Elections to the US Congress reflected the frustrations of the US



Geo-political changes may cause Pakistan to feel some of the heat. We cannot avoid the march of democracy, that is something that we already seem to have to come to terms with. We have a host of opportunities to grasp, and a bucketful of challenges to deal with, both can (and must) go hand-in-hand.

electorate at the shortcomings of the Bush administration's foreign policy. With neo-cons wielding absolute power in the US after January 2001, 9/11 gave a powerful excuse to pursue a narrow parochial agenda, with scant regard to any dissent, both within and outside the US. After the geo-political changes because of one September morning of horror, the world is now ready for another course correction. The question remains as to which quagmire the US must get out from, and which one to concentrate on.

The bi-partisan James Baker III-led "Iraq Study Group," will come up with its findings in the next 2-3 weeks. One need not be clairvoyant to surmise what they will recommend, a phased and graceful exit from Iraq. While no schedule will be

recommended, it is difficult to see US troops in strength post-2008. Republican-strategist Baker is a wily fox, a Bush-loyalist (he served Bush Sr as Secretary of State) he has been brought out of the closet to pull Junior's (President George W. Bush, Jr) presidential chestnuts out of the fire. Will Baker be able to convince the Democrats go along with the study group recommendations?

An initial increase in troop levels may take place as per Senator John McCain's advice, to stop the strife (particularly within Baghdad) from degenerating into a full-fledged civil war. A gradual handing-over of responsibility to Iraqi forces would still require a covering force of possibly four fully integrated Brigade groups, two in Baghdad,

one each in Ramada and Tikrit areas with adequate air force and aviation units, as well as a strong training support group, about 50000 troops at maximum strength stabilising eventually to around 25-30000 for the long haul. Two days before he was shunted out, even Rumsfeld was born-again to this idea. If the fighting weters, there may be a strong move to pull the US and coalition forces out of harm's way in a hurry, and damn the consequences.

US involvement in Afghanistan has greater consensus among the domestic US population. The recent Nato summit in Riga got some pledges for allied troops moving into combat situations, the French and Germans are still reluctant to enter combat. The British and Canadian

troops are presently sharing casualties with the US. Will the Dutch govt. (and others) be able to withstand domestic public dissent if the numbers of their dead and wounded mount? The policy initiative in Afghanistan should go the FATA way, talk more and fight less.

Iran is the linchpin for Iraq. Notwithstanding a 180 degree course correction, indications are that the Bush administration and Iran may be headed to some sort of an uneasy compromise. The US will continue to protest Iranian nuclear ambitions but may not vociferously pursue the UN sanctions route. In return Iran will attempt reining in Shia militants in Iraq, at least those over whom it has some influence.

The situation is very complex, one scenario calls for dividing Iraq into what has become de-facto, a Kurd area, a Shia area and a Sunni stronghold, with Baghdad divided along sectarian lines. A strong Shia bloc, Iran and a Shia Iraq (or a portion thereof) will be perceived as a potent threat by the Sunni-majority Arab states in the region, particularly Saudi Arabia and Egypt. That apprehension has potential for disaster, could lead to a far wider conflagration, nobody (least of all

the US) wants the Gulf area to become a theater of war.

The biggest blunder of all times was sending the existing Iraqi military and bureaucracy home, carte-blanche, instead of purging them of Saddam loyalists, the Iraqis would have done that dirty work themselves gladly, given the chance. Loyalties takes years to build up, the US sweepingly applies contractual conditions to relationships when, in fact, one must give greater priority to human resource factors. Corporate processes tend to deal coldly in dollars and cents, loyalty can be bought, but only temporarily. Fidelity must be the prime factor when dealing with potential allies.

The Middle East has potentially three civil wars in the making, Iraq, Lebanon and Palestine. Not since 1976 (and the start of the Lebanese Civil War) have the lines been drawn so clearly. Luckily the Lebanese people (and their leaders) are used to living with each other despite their deep dislike for each other. With both Israel and Syria out of the immediate equation, it is quite possible that they will work out a reasonable compromise, even though political assassinations are

testing their patience to the limit, more such provocations may be in the offing.

One good thing about the Israeli-Hezbollah conflict is that the contesting parties realize that because of the costs in human and material damage on a pro-rata basis, an armed truce may be better than engaging in permanent conflict. The rise of Hezbollah's Shaikh Nasrullah is worrying friend and foe alike. He has become the most popular leader in the Middle East, for Shia and Sunni alike! Is that why a new pragmatism is seen in Israeli policy towards Palestine e.g the ceasefire in Gaza? Hopefully this will lead to substantive Israeli-Palestine negotiations.

Even Hamas has shown a willingness to sit down and negotiate. It remains to be seen whether this falls prey to deliberate provocations instigated by the vested, ie those interested in keeping the conflict going for their own narrow, selfish reasons. Irrespective as to what happens in Palestine, Israel will always be wary of Iran's increasing nuclear potential. Will they be able to resist the temptation for a surgical aerial strike on Iran's nuclear facilities?

With the Democrats now in control of both Houses of Congress, and President Bush clearly recognising the need for a substantive change in the go-it-alone and damn-the-consequences posture since 2001 policy, to one recognizing the real-politik of the expected "Iraq Study Group" recommendations. While one cannot, wholesale, condemn all US policies as failed initiatives, the US should have been sensitive to fidelity and real-politik, both of individuals, groups, and even states. At the end of the Afghan war, Pakistan found itself out in the cold in 1991, only being "re-discovered" as a "cornerstone of US policy in the region" when needed again in 2001.

Geo-political changes may cause Pakistan to feel some of the heat. We cannot avoid the march of democracy, that is something that we already seem to have to come to terms with. We have a host of opportunities to grasp, and a bucketful of challenges to deal with, both can (and must) go hand-in-hand.

Ikram Sehgal is an eminent Pakistani political analyst and columnist.