

## Question for the interrogators

FAREED ZAKARIA

A fierce debate over military tribunals has erupted in Washington. This is great news. The American constitutional system is finally working. The idea that the war on terror should be fought unilaterally by the executive branch — a theory the Bush administration promulgated for its entire first term — has died. The secret prisons have come out of the dark. Guantanamo will have to be closed or transformed.

The president and the legislative branch are negotiating a new system to determine the guilt or innocence of terrorism suspects, and it will have to pass muster with the courts. It is heartening as well that some of the key senators challenging the president's position are senior Republicans. Principle is triumphing over partisanship. Let's hope the debate will end with the United States' embracing a position that will allow America to reclaim the moral high ground.

The administration's policy has undergone a sea change. The executive branch has abandoned the idea that "enemy combatants" — that is, anyone so defined by the White House or Defense Department — may be locked up indefinitely without ever being charged, that secret prisons can be maintained, that congressional input or oversight is unnecessary and that international laws and treaties are irrelevant. The Geneva Conventions, in particular, were dismissed during the administration's first term by the then White House counsel Alberto Gonzales for their "quaint" protections of prisoners and "obsolete" limitations on interrogations. Donald Rumsfeld publicly announced that the Conventions no longer applied. The Bush administration's basic legal argument, formulated by officials like the Justice Department's John Yoo, was that this was a new kind of war, that the executive branch needed complete freedom and flexibility, with no checks or balances.

"There has been a paradigm shift on this whole issue," a senior administration official told me last week. "The whole legal framework that underpinned the



administration's approach in the first term is gone. John Yoo's arguments are simply no longer applicable. You may disagree with where we draw the lines, but we're now using concepts, principles and approaches that are familiar, within the American legal tradition and that of other civilized nations."

The administration was forced to do much of this by the Supreme Court's recent Hamdan decision and by the bold opposition of senators like John McCain and Lindsey Graham. But several officials, wishing to remain anonymous because of the sensitivity of the matter, said Secretary of State Condoleezza Rice and national-security adviser Stephen Hadley had been urging movement in this direction for some time. "We concluded that this whole structure of prisoners, interrogations, trials and tribunals

had to be placed on a sustainable basis," said one official. "That meant Congress had to be involved and the president had to explain the programs and procedures publicly."

The crucial issue, on which former secretary of State Colin Powell and other distinguished military figures have stood up to Bush, is the treatment of prisoners under the Geneva Conventions. Powell explained to me his deep concerns about safeguarding American troops if "we start monkeying around with the common understanding of the Conventions." The administration claims that it merely wants to provide specific guidelines, but the real aim appears to be to let CIA employees engage in "rough" interrogations without fear of legal sanctions.

Powell and the senators argue

that the guidelines are better left as they are — with a kind of calculated ambiguity that deters U.S. interrogators from testing the limits. "Clarifying" our treaty obligations will be seen as "withdrawing" from them," warns Senator Graham, a former staff judge advocate in the Air National Guard. He's right. No other nation has sought to narrow the Geneva Conventions' scope by "clarifying" them. Does the United States want to be the first? Why not retain the status quo and then consult with other countries that are also grappling with terror suspects and arrive at a genuinely "common" clarification of the Conventions? If we "clarify" the Conventions to allow, say, waterboarding and other "rough" procedures, what happens to a CIA operative who is captured in a foreign country? Can that country "clarify" the Conventions and torture him? If it does, would

the United States have any basis to condemn it and take action under international law?

Powell made another argument to me. "Part of the war on terror is an ideological and political struggle," he said. "Our moral posture is one of our best weapons. We're not doing so well on the public-diplomacy front. This would be the wrong signal to send the world." The administration seems blind to this political reality. After Guantanamo, Abu Ghraib, Haditha and more, America desperately needs a symbol that showcases its basic decency. Quibbling with the Geneva Conventions is the wrong signal, by the wrong administration, at the wrong time.

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## Restive NDFB Banks on Sovereignty

The NDFB has already expressed its willingness to accept a solution within the Indian Constitutional framework. Despite this, it is surprising that the Government is not attaching the desired importance to the group. It is clear now that the Government attaches primary importance and acknowledges those groups who carry out the maximum violence and manage to keep the security establishment on tenterhooks.

RANI PATHAK

THE National Democratic Front of Boroland (NDFB), Assam's best-known insurgent group other than the United Liberation Front of Assam (ULFA), is still talking sense despite being restive over the long delay initiating the peace talks by the Government of India. The two sides entered into a ceasefire on 1 June 2005 and eighteen months later, the Bodo rebel group, after months of quiet, has made it clear that its demand for 'sovereignty' must form the 'core issue' of any peace talks.

On June 1 this year, the truce was extended by another six months, and on November 28, 2006, the Government has just about managed to extend the truce by another six months beginning December 1. That, too, after the NDFB started talking tough and threatened to snap the ceasefire. However, unlike the ULFA, the NDFB has not made its 'sovereignty' demand a precondition for peace talks. In effect, what the NDFB means is that New Delhi must hear out the group's argument in favor of its 'sovereignty' demand and then come up with responses. This indeed is a sensible and practical approach by the NDFB, which like the ULFA, has trans-border linkages and cannot be ignored.

Now, the NDFB is threatening to pull out of the truce if the Government does not fasten the peace process. Its leaders feel that New Delhi is pursuing the strategy of trying to tire the group's top brass so that they would agree to sign on the dotted line on the Government's terms. If

that is true, it is a dangerous idea; anything short of an honorable or acceptable solution would force a section of the NDFB leaders and cadres to split and form a splinter group and continue with its armed campaign.

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New Delhi's stand vis-a-vis the NDFB has also sent wrong signals to other militant groups in the region, which could be on the verge of arriving at a truce with the government. The militant groups may now think that a ceasefire could be seen as weakness. In so far as the NDFB is concerned, both the Union and the Assam governments have been maintaining that the group has not put forward its main demands. Now that the two sides are likely to meet for talks by this month-end, this is a welcome development.

New Delhi must avoid any deliberate delaying tactic with the NDFB. In recent weeks, security forces have killed several NDFB cadres, who are supposed to be on a truce-mode. Authorities maintain that they were killed in shootouts under various circumstances, but the NDFB leaders say their cadres were killed without any provocation. But the fact remains that the lower

rung NDFB men are getting restless and the leaders are finding it rather hard to contain them within their designated camps. There are a total of 1,027 registered NDFB cadres but only three designated camps exist. The group is unhappy with the Government's refusal to set up additional designated camps for its men to stay during the ceasefire period.

With the NDFB saying that 'sovereignty' must form the 'core issue' at peace talks and still not making it a precondition for the negotiations to begin, the Government has got a rather clear signal that it must come up with a fair deal for the outfit to consider. But the main problem is to work out a deal that would not clash with the agreement that the Government had clinched with the Bodo Liberation Tigers (BLT) in 2003 that has led to the creation of the Bodoland Territorial Council (BTC), an elective politico-administrative structure with a yearly allocation of Rs 100 crore.

Whether a new deal with a new Bodo insurgent outfit will be able to work in harmony with the existing deal is the big question. The challenge before New Delhi is to work out an agreement with the NDFB that would not disturb the existing Bodo accord. If an agreement is to be reached with the NDFB for the sake of it, chances are that Assam's Bodo heartland will plunge into fresh turmoil, even a civil war.

By arrangement with IPCS, New Delhi.

The author is a Research Associate, Centre for Development and Peace Studies, Guwahati.

## The 'Taliban' factor in Pakistan-Afghanistan relations

SHANTHIE MARIET D'SOUZA

Bilateral relations between Afghanistan and Pakistan are presently marked by heightened mistrust and acrimony. This is essentially a consequence of the increased levels of Taliban related violence and instability in Afghanistan. Since May 2006, the resurgent Taliban with its leadership ensconced in Pakistani cities like Quetta, has launched a series of lethal attacks in Afghanistan including a number of suicide bombings. More than 500 people — mostly insurgents, soldiers and civilians — have been killed in the southern parts of the country. In 2006, roadside bombings and suicide attacks in Afghanistan killed or injured 700 people. According to the

Associated Press, at least 2,800 people have died so far this year in nationwide violence, about 1,300 more than the toll for all of 2005. Consequently, security and development work in Afghanistan has been severely undermined.

Afghanistan has consistently provided Pakistan with evidence of the support that the Taliban enjoys within its territory only to be categorically rebuffed by the Pakistani military regime, which seems to be keeping its Taliban option alive. While such an option becomes viable in the case of the possible withdrawal of the United States from the region, it also accrues huge military and economic aid from the US for Pakistan's role in the Global War on Terrorism (GWOT). In fact after 9/11, Pakistan has emerged

as one of the world's leading recipients of US aid, obtaining more than \$2.6 billion in direct US assistance for FY 2002 to FY 2005, including \$1.1 billion in security related aid.

On 5 September, Pakistan signed a peace deal with 'Taliban militants' or, as the Pakistani Government claims, with the Utmanzai tribe in North Waziristan. The timing of the peace deal remains important as it is directed at curbing 'Pushtun nationalism' as well as appeasing important Pushtun elements in the Pakistan army. While Pakistan has witnessed severe internal strife, the deal could be a tactical move in shifting the blame and pushing the Taliban back into Afghanistan.

Since the signing of the infamous deal, Pakistan has set free 132 imprisoned Taliban fighters, and has approved cash compensation of 230 million rupees (\$3.8 million) for the material losses suffered by tribesmen. The deal has evidently provided the Taliban a license of sorts and as a result, Afghanistan has witnessed a three-fold increase in 'Taliban activity' since its signing. There is little doubt that the situation will worsen in the Afghan provinces adjoining the Durand Line, such as Helmand, Nangarhar, Kandahar, Khost, Kunar, Pakitia and Paktika.

Amidst squabbling and cross accusations between the two important allies, Afghan President Hamid Karzai unveiled the idea of parallel jirgas (tribal councils) on both sides of the Durand Line in October. Pashtuns have traditionally used jirgas, to resolve internal disputes. President Karzai noted that the jirga was "a very efficient way of preventing terrorists from cross-border activities or from trying to have sanctuaries." This approach, involving local solutions to negate insurgency, would necessitate the grass root support from communities who have the power to eliminate or assimilate the insurgents. Pakistan's Foreign Minister Khurshid Mahmood Kasuri is supposed to visit Afghanistan soon to finalize the modalities for convening the grand jirgas.

Analysts, however, are skeptical of the utility of such a move and warn that the proposal could backfire with a chance that delegates who are likely to include Islamist tribal leaders will

make demands that are unacceptable to the government and its international allies. There are also doubts that the jirgas would make headway against the Taliban, which is supported by the Al Qaeda, particularly in Pakistan where tribal structures have been increasingly replaced by Islamist models.

While the Taliban remains a constant irritant in the Pakistan-Afghanistan relationship, narcotic trafficking and smuggling along the Pakistan-Afghanistan border also remains a serious problem. Afghanistan has emerged as the world's leading source of opiates, supplying three quarters of the global market in 2003. The UN estimates indicate that nearly 80 percent of the income from narcotics did not go to the farmers but rather to the traffickers themselves, some of whose profits support armed groups and warlords. In addition to covert state support, armed groups including the Taliban-Al Qaeda have relied on a combination of cross-border ethnic ties, the parallel economy, and the drug trade where this has resulted in an unending vicious cycle of conflict.

While Pakistan-Afghanistan relations remain plagued by multiple security issues, the economic dimension of the relationship, however, has shown improvement in the recent past. In the last three years, Pakistan has emerged as Afghanistan's leading source of imports, claiming nearly 22 percent of the Afghan market. Similarly, the oil pipeline project involving Turkmenistan, Afghanistan and Pakistan could create 100,000 jobs in Afghanistan while raising US\$ 100-300 million annually in transit fees. This would almost double Afghanistan's current domestic revenue.

However, in lieu of Pakistan's reluctance to abandon its objective of finding strategic depth in Afghanistan, mutually beneficial security and economic agreements with Afghanistan that override strategic considerations seem a remote possibility.

By arrangement with IPCS, New Delhi.

The author is a Security Analyst.

## Tale of two cities

MICHAEL HASTINGS

A dust storm blew over Baghdad as I tried to leave last month, kicking up enough sand to clog my nostrils and cancel all flights for the day. I spent the night at the airport — the guest of a 19-year-old friend named Ahmed, who lives there in a second-floor office with a view of the parking garage. Ahmed's father, a Sunni, is in charge of airport security; the job makes it too dangerous for the two of them to live in the city itself, where they would be targets of both insurgents and Shiite militias. Ahmed's cousin was killed this summer — for "being a Sunni guy," he says — and his mother and sister are among the thousands of Iraqis living in exile in Syria. We spend the evening listening to Eminem and watching "Scrubs" on satellite TV. Ahmed asks me to bring back the final season of "Friends" (the original DVDs, "no bootlegs," he says). When does he think he'll get to enjoy a normal life? I ask. "Man," he says, sighing. "In 10 years, 15 years... maybe never."

A week later I see what Ahmed can only hope Baghdad will become. As my Vietnam Airlines flight touches down at Tan Son Nhat airport in Saigon, now known as Ho Chi Minh City, the detritus of war is still visible — military hangars and mortar proof retaining walls left over from the time when thousands of American C-130s and F-5s thundered into the city. But 30 years after it ended, war has become a tourist attraction in Vietnam. My hotel, Graham Greene's Continental, is filled with suited Asian businessmen rather than sweaty American spies. The nearby Cu Chi tunnels are now a chance for out-of-shape tourists (myself included) to huff and puff their way through claustrophobic underground channels. Deadly Viet Cong booby traps are displayed aboveground; the sound of rifle fire comes from the shooting range where, for \$1 a bullet, you can fire rounds from AK-47s, M-16s and M-60s.

I can't quite imagine what a "Lonely Planet: Iraq" might read like three decades from now. "Stay in the Paul Wolfowitz Suite at the Al-Rashid Hotel, where the U.S. deputy secretary of Defense survived a rocket attack in October 2003!" Would museums house IED displays? "Here's the infrared sensor, garage-door opener and 60mm mortar shell that 'the honorable resistance' hid among the trash; on the left is the EFP, or explosively formed projectile, supplied by Iran, which could pierce even the toughest American armor; up above is the famous DBIED, or



donkey-borne improvised explosive device."

The point is not that the weapons are deadlier in Iraq, or the fighting more grisly. On some weeks in Vietnam as many as 500 American soldiers were killed; about 3 million civilians died in the war, and one out of every 10 Vietnamese was a casualty. But Baghdad is unlikely ever to look like Saigon, for more than one reason.

Once the right policies were in place, Vietnam had a diverse enough economy to recover from war. Like Iraq, it's got oil. But it's also the world's second largest rice exporter and a leading coffee producer, and it's blessed with a cheap, educated and hardworking labor force. Saigon has a long-standing entrepreneurial culture; everyone you meet seems a hustling capitalist-in-waiting.

Iraq, on the other hand, is addicted to petrodollars. The population is accustomed to a heavily subsidized life; before the war the state was Iraq's largest employer. And even if the security situation improved, it would take a generation to recover from the brain drain that has already taken place, both under Saddam and more recently, after the U.S. invasion.

Then there's the demographics. Vietnam has a relatively homogeneous society, which was involved in a clearly nationalistic struggle. A unified Vietnam is a more or less natural state. In Iraq, a bloody sectarian war is now mixed up with apocalyptic jihadism and

centuries-old tribalism. Iraq is three countries, not one, and even opposition to the United States is not enough to unify it.

Not that reconciliation was easy in Vietnam. Plenty of Southerners suffered after the war — like many others, my guide's father, a South Vietnamese officer, was put in a re-education camp — but there was also a dedicated, and genuine, effort on the part of the conquerors to put the past behind them. Today two of the three most powerful leaders in Vietnam are from the South. By contrast, Iraq, as a U.S. military officer once pointed out to me, suffers from a "culture of revenge." Grievances can be as recent as the car bomb that killed 50 people in Sadr City last month, or as old as the seventh-century murder of Imam Hussein. They will not easily be put to rest.

Nor are Iraqis — and not just the jihadists — eager to forgive the Americans they blame for the chaos. During the Vietnam War, Ho Chi Minh sent a message to the Americans, according to David Lamb in his book "Vietnam Now": "We will spread a red carpet for you to leave Vietnam. And when the war is over, you are welcome to come back because you have technology and we will need your help." He was not kidding — Intel signed a \$1 billion deal just this month. Bill Gates and Bill Clinton rank only behind Uncle Ho and Gen. Vo Nguyen Giap as the most popular figures in Vietnam. "We welcome our American visitors," a 30-year-

old guide at the Ap Bac battlefield told me. Her uncle had been a Viet Cong fighter, killed in 1963. "We just ask that you please sign our guestbook."

Having a clear resolution no doubt helped Vietnam move on. As Neil Sheehan notes in "A Bright Shining Lie," Ap Bac was a rarity — "a decisive battle... in a conflict of seemingly endless engagements." Today in Iraq, Marines go out on patrol simply to draw the fire of insurgents, towns like Ramadi and Fallujah are savagely taken only to revert to their Islamist overlords, and whole neighborhoods in Baghdad suffer under the terror of nighttime militia raids. It is also a country in a notoriously unstable region, and its neighbors haven't proved too helpful yet. Peace is years, if not generations, away, and may be hard to recognize.

Conservative commentators often criticize the media for comparing Iraq to Vietnam, blaming a liberal bias and a desire to see America fail. That's not true — I want America to succeed, of course — and it misses the point. Baghdad would be grateful to turn out like Saigon. I hope in 30 years I can take snapshots under Saddam's Crossed Swords monument and pay too much for a soft drink in one of his palaces. I think Ahmed would agree.

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