

Looking into 1999...

The Big Questions — Now for the Answers

Most of the main themes of 1999 may be predictable enough and so may be the questions that will have to be answered, one way or another, by this time next year. But the nature of the answers waits for the curtain to go up on the last year of the 20th century. Gemini News Service takes a quick look at what will make the 1999 headlines. **Derek Ingram** writes from London

WE have had 1998. Seen this. Done that. Surfing the internet. Read the headlines. Even some of the stories. So what comes next?

As we slip into the dying days of the 20th Century two of the biggest question marks for 1999 are obvious enough: Will Saddam and Clinton still be in place?

The betting is that both will be there. But a great many other conundrums are waiting to be answered in the next 12 months.

Such as: Will the euro (European Monetary Union) take off as the world's most successful regional single currency?

Will Africa come together to settle the Congo war or will the conflict deepen into its first continent-wide civil war?

Will Anwar Ibrahim lose his trial in Kuala Lumpur or will Mahathir Mohamad lose power as prime minister of Malaysia — or will both things happen?

Will there be international panic over the millennium bug

in the last months of the year? Or will it turn out to have been the biggest of all scares?

Will Northern Ireland go the final mile to peace with weapons destroyed and a parliament in Belfast firmly established?

Where will General Augusto Pinochet find himself as 2000 is rung in?

Can Yeltsin last out the year, or will there be a huge political explosion? And what will be the Russian people's lot in 1999?

Will General Obasanjo become the President of Nigeria in the February elections?

Who is to lead Indonesia, the world's fifth largest country, after the 7 June elections and will there be peace?

Will Israel choose a more moderate leadership in the elections in April-May?

Will Yasser Arafat unilaterally declare a Palestinian state on 4 May?

These are the really difficult questions. Simple to answer is what will happen on the ground in relations to Sri Lanka, Alge-

ria, Kosovo, Sudan, Cyprus, Angola, Burma. It is, alas, all too predictable: more of the same.

The launch of the euro will be the first big story of 1999 because the arrival of a new currency for a group of states as powerful as the European Union is bound to affect economic relations all over the world.

Britain will be standing on one side biting its fingernails. It hardly has a choice since its economy cannot yet be synchronised with those of the other EU countries. But the issue will once more bitterly divide the political parties internally as well as between themselves.

In Britain, too, a historic event will take place in 1999: the first parliament in Scotland for almost 300 years will sit in Edinburgh in June after May elections. The Welsh will have an assembly for the first time soon after their elections at the same time.

If Clinton stays in place he

will be the lamest of ducks and the US will begin early to shape up for the 2000 presidential elections. By December the country could be indulging in an agonising debate about itself, arguably, as long and bitter as the one on Vietnam.

What has gone wrong, the American people will be asking, that the nation can have elected in modern times two presidents who have led them to waste millions of hours and billions of words on domestic scandals like Watergate and Lewinsky?

Many will be saying that while people died in Nicaragua and Bangladesh, starved in Sudan the world stood by and laughed at the thought of the president of the world's great most powerful country exposing himself in the White House. In the 2000 presidential elections the people of the United States are going to ask how they had got into such a situation.

The retirement of the year will be that of Nelson Mandela,

who steps down in three months time as President of South Africa. It will be the occasion for tribute, sadness and celebration of a man who will almost certainly end up high on the lists — everyone will be preparing for 31 December of the ten outstanding figures of the 20th Century.

Almost certainly his successor will be Vice-President Thabo Mbeki. All eyes will be on the conduct in May-June of the second elections to be held in South Africa since the end of the apartheid era and the progress of democracy there.

People will be asking whether the new South Africa is living up to its early promise and what kind of a man is taking on the mantle of Mandela. Few have been bequeathed a harder act to follow than the next president of South Africa.

The author founded Gemini News Service in 1967 and served as its editor for 27 years. He is now consultant editor.

INDUSTRIAL JOINT-VENTURE Marketing Arrangements

by ABMS Zahur

If the marketing activities of the joint-venture are not restricted to the host country or other specified area, it should be prevented from gaining access to as large a market area as it is capable of supplying, consistent with the existing obligations and commitments of the foreign partner.

THE ultimate success of industrial joint-ventures depends on their ability to sell their products and obtain a reasonable profit on their sales. Some of the marketing problems generally faced by them and the possible means of dealing with them are discussed below.

If the marketing activities of the joint-venture are not restricted to the host country or other specified area, it should be prevented from gaining access to as large a market area as it is capable of supplying, consistent with the existing obligations and commitments of the foreign partner. On the other hand, it may not be reasonable to expect an international company to compete in itself.

One of the top economic priorities of most developing countries, including Bangladesh, is to establish export industries to earn foreign exchange. Accordingly, the joint-ventures may also be expected to have access to foreign markets, particularly in hard-currency countries. The market regions of the joint-ventures may wish to supply are: a) the host country; b) the country of the foreign partner; and c) other designated countries.

The principal non-economic factor preventing the joint-venture from being able to exploit all markets of the world is that the licensing agreements obtained from the foreign partner and elsewhere often impose a territorial restriction on the sale of the licensed products. The foreign partner will be able to grant licence for such areas to the joint-venture only to the extent that it has not entered into binding agreement with other unrelated persons giving them the right to exploit.

Accordingly, as a prerequisite to entering negotiations, the host country partner or partners wish to obtain the following information from the foreign partner of the licensor:

i) The industrial property right affecting the products; ii) Relevant licence and sub-licence granted by the foreign partner or licensor to obtain parties, indicating date of expiry of each geographical area covered, conditions under which the licence may be terminated by the foreign partner or licensor, products and industrial property included in each such licence or sub-licence, royalties payable under each. If such information may be obtained from the foreign partner the local partner is in a better position to bargain for largest practicable market area for the joint-venture.

Provision should be made for the joint-venture to obtain all the data and information available to the foreign partner for the promotion, advertising and sale of its products. The cost of having promotional aids and advertising programmes

prepared may be very high. The joint-venture concerned should therefore try to obtain as many of such material as possible from the foreign partner.

The partners may agree that the cost to the joint company of such materials should be only the transportation cost of the materials acquired without any contribution to the overhead costs of creation already incurred by the foreign partner. Provision should also be made for the right to use all new aids developed during the term of the joint-venture agreement.

In many cases the marketing expertise and access to world markets of the foreign partner constitute its major contribution to the joint-venture. In some cases it is advantageous to arrange for the foreign company and/or its overseas sales affiliates to purchase products from the joint company for distribution in export markets. Care must be taken to negotiate fair inter-company prices.

When the products manufactured by the joint-company achieve market recognition under certain trade-marks and trade-names, the joint company may wish to use those trade-marks and trade-names upon the best possible terms. Because, the foreign partner will participate in the profits of the joint company he should cooperate in marking such trade marks and names available to the joint company without charge.

In addition, the use of such trade marks and names by the joint company may also serve to publicise them further and increase the goodwill attached to their ownership by the foreign partner. When trade marks and names are purchased outright by, rather than licensed to, the joint company, the participation of foreign partner in the profits of the joint company should be stressed as the most important factor in ensuring their cost, if any, to the joint company is as low as possible.

As trade-marks and trade-names are important for the success of a joint-venture and as these are obtained by licence from the foreign partner some of the provisions of a typical licence agreement for trade-marks and trade-names may be discussed in brief.

(a) Parties — the licensee will be the joint company and the licensor will be the foreign partner or some other third party.

(b) Recitals — recital usually mentions that the licensor has the right to licence certain industrial property rights and that the licensee wishes to use them in respect of certain specified products.

(c) Definitions — it is common to define items such as i) territory for which the rights are granted; and ii) the products

on which the names and marks are to be used.

(d) Grant of licence — the joint company will wish to ensure that the licence granted is an exclusive one for the territory. In deciding upon the territory in which the joint company is to obtain the right to use the trade marks and trade names, the same considerations apply as with respect to the territory in which it obtains the right to manufacture and sell the authorised products from the foreign partner. Generally, the joint company will wish to obtain as large a territory as practicable in the circumstances.

(e) Registration — to protect against unauthorised use of the trade marks and names by third parties, registration is usually required.

(f) Termination — grant of licence may be made: i) in perpetuity; ii) for a fixed term in years; iii) for the duration of the joint venture; or iv) for the duration of the patent licence agreement.

As the trade mark and trade name rights are worthwhile for the joint company it will be advantageous for the grant to be as long a period as possible. When foreign partner is the licensor, he may wish to tie the grant to the duration of his participation in the joint venture.

In the case of international trade marks which are being used by the foreign partner and his affiliates independently of the joint venture such a limitation is only reasonable.

In the case of trade marks peculiar to the joint venture, the position could work as hardship on the joint company. If the foreign partner decides to withdraw, it would mean loss of such a goodwill. Thus it would be advantageous for the joint company, if the termination is independent of the duration of the foreign licensor's equity participation in the joint venture.

It would be reasonable for the joint company to pay royalty if the foreign partner allows the company the rights to use the partner's trade marks and names even after its withdrawal. If the alternative to tying the licence to the equity participation of the foreign partner is a fixed-term agreement, the joint company suffer from the loss of goodwill when it has to give up use of the trade marks and trade names. The solution may be for the joint company to become the owner rather than licensee of the trade marks and trade names it uses so long as they are not international trade marks or names.

(g) Sub-licensing — the joint company's operations may be more flexible if it has the right to assign its licence rights and sub-licence their use to others.

The writer is a retired Joint Secretary.

Impeachment Makes the American Heart Grow Fonder

Yet again the Comeback Kid is living up to his name. Just as the impeachment process looks likely to sink him, his poll ratings climb through the roof. Gemini News Service reports on the ongoing saga as the odds on impeachment seem to lengthen.

Cliff Hopkinson writes from New York

written to the Senate recommending that censure be substituted.

And Clinton, the great escaper, the Comeback Kid, the Houdini of high office, is hitting out again, his hubris seemingly inexhaustible.

When it was clear that Ken Starr, the Independent Counsel, had gathered evidence of Clinton's liaison with Lewinsky, the president was forced to renounce his own earlier denials of their affair. His TV confession riveted the nation. And like every pre-impeachment statement he made on the subject, it failed to impress either his supporters or his enemies. His tone was arrogant. The matter was private, he said, between himself, his family and God. There was no apology for the months in which he had misled the country.

Sensing the dismay that followed, he began a series of public apologies. In one he called the Reverend Jesse Jackson to his side to tell the television audience how he was counselling the president in his travail. In another, the presidential eye appeared to brim with remorse. Eventually, in another, he agreed to accept suitable censure.

But somehow the word was not well enough fitted to need. In a final, unhalted TV appearance before he flew off for peace-brokering in Israel, and shortly before the Judiciary Committee of the House of Representatives was to vote on arti-

cles of impeachment, he apologised again. But neither in attitude nor substance was there anything new. His failure to admit to lying, to perjury, was on every Republican, and many a Democrat, tongue.

Meanwhile, the words on Clinton's own tongue throbbed with presidential endeavour: the need to shore up the social security system; the need to strive yet again for Middle East peace; and, shortly after, the need to blast Iraq with Cruise missiles. The nation goggled. Would the Republicans impeach the Commander-in-Chief while American forces were in action against Saddam Hussein? Indeed they would, bizarre as it seemed.

And the bizarre then begat bizarre. Bob Livingston, the Republicans' designated Speaker, confirmed reports that he had had a series of adulterous affairs and said he would resign from Congress. His colleagues rewarded him with ovations. He hoped, he said, that Clinton would follow his example and step down.

Shortly after his impeachment by the House of Representatives, however, Clinton strode into the Rose Garden of the White House, hand in hand with his wife, to make it clear that he intended to serve until "the last hour" of his elected term. Now suddenly, he was bullish. Although dark circles and puffy skin below moist eyes betrayed the stress he was enduring, he had a surprisingly bouncy mes-

sage. It was time for an end, he said, to partisan politics — and it was not difficult to conclude whose partisan activities he had in mind. He hoped the move to try him in the Senate could be brought to an "appropriate" end. There was no baring of the breast now, no further apology, no longer the bowed spirit and the suggestion that he would accept censure gladly. This was a man asking, inwardly praying, that the public would rally to him in even greater numbers. Shortly afterwards, in another televised address, he announced the end of the belabouring of Iraq. And shortly after that the polls began to answer his prayers.

Such is the man's monumental self-confidence, that he probably believes he can now, with one bound, be free. And who could be sure he is wrong? The partisan rush to judgement will give more weight, it seems, to the wishes of the voters than did their brethren in the House. Of the 55 Republican senators some have begun to agree publicly that it is unlikely a trial could produce the 67 votes needed to convict Clinton. They believe a trial should begin. But they do not rule out a motion to censure the president rather than a verdict that would cast him out. Even that idea might conceivably be floated away on the rising tide favourable to Clinton. For it is perfectly possible that after the start of a

Senate trial a member sympathetic to Clinton might move to adjourn the proceedings.

Fifty-one members anxious to spare the country from the impeachment ordeal would be enough. Their vote, by a majority, one, could end the entire imbroglio — stop it dead. And Slick Willy, to the boisterous acclaim of his supporters, would once more go victorious in the land. The cost to the national of a year of sexual scandal, stop-at-little investigation and partisan war will be finally assessed by historians.

Simultaneously they will record for posterity the stain on Clinton's name and the strains so ardently imposed on the Constitution by partisan lawmakers. The congressmen have made a precedent that is pregnant with trouble by promoting Clinton's offences, which in a court of law would likely remain unproven, to the level of high crimes.

Democrats are suggesting that in the first elections of the new century the Republicans will be harshly punished for this. Some Republicans make a confident reply: voters, they say, have short memories. One prediction can be confidently made. In the year 2000 there will inevitably be at least one presidential candidate who will call for a cleaning of the stables, for a return to the politics of truth and decency and an end to political assassination by public revelation of private scandal. A candidate who can make those ends seem attainable could well be the next occupant of the White House.

The writer has been an executive with The Observer and The Daily Mail in London, deputy editor of US News and World Report in Washington, and managing editor of Conde Nast Traveler in New York.

Israel Thumbs Nose at UN Rights Committee

Fewer than five months remain to the Oslo Israeli-Palestinian peace accord deadline, yet the process seems, if anything, to be going backwards. Gemini News Service reports on evidence presented to a UN committee which underscores not only Israel's refusal to take the process seriously, but its determination to keep Palestine firmly under its thumb.

Robert James Parsons writes from Geneva

that in the report Israel identified this land as an integral part of its sovereign territory, that the PA directly administers only 18 per cent of it, much of it in isolated parcels, and that in any event Israel controls all the economic lifelines and much else. One committee member compared this situation to the bantustans in South Africa under the apartheid regime.

Finally, cornered in argument by the committee members, the delegation admitted that Israel does indeed have effective control over the Palestinians, indirectly if not directly. Thus, Israel's responsibility for enforcing the Covenant extends to the Palestinians in the occupied territories too.

The importance of this admission was not lost on the committee, for it was the first time the Israeli government had ever acknowledged such a thing before an international body. In its concluding report, the committee mentioned the admission as one of four positive points of the discussion (against 26 severely critical negative ones).

The overall picture that emerged from three arduous sessions of discussion was one of a slow but sure "bantustanisation" of the Palestinians and whatever land they are to be left with. Whatever the 4 May final settlement, the "final status" of the Palestinians will still be that of a subclass of cheap labour subsisting on the crumbs of Israel's "developed" economy.

Besides the probing questions of the committee, reports from numerous non-governmental organisations testified to a society of exploiters and the exploited, the latter often including Israeli citizens, especially Arabs, but also Jews of African and Asian origin called Sephardim. The Bedouins in the south have been repeatedly

mentioned for having been driven off their ancestral lands into subhuman living conditions.

The Habitat International Coalition brought to mind apartheid South Africa in citing "population transfer policies that include drastic land confiscations, house demolitions and expulsions."

The International Federation of Human Rights Leagues called attention to family separation, environmental pollution of areas inhabited by Palestinians and water dispossession.

The last point is typical of those that may never reach "final status", for Israel needs the Palestinians' water and is pumping out the Palestinians' aquifers. For every litre of water allowed to the Palestinians, Israel takes eight.

The Association for Civil Rights in Israel submitted to the committee a 70-plus page report, much of it touching on legal questions. If the Oslo and subsequent accords have no legal framework to make them applicable, Israel nonetheless remains a state of law. The rub lies in selective enforcement, openly discriminatory laws and ruthless military and police actions in the name of "state security."

All this was dismissed or ignored by the delegation in long, complicated discourses about Jewish-Israeli history and the pressing need for "security". Mostly however, the Israeli government seemed take for granted the claim — a claim they seemed to believe was shared by a large majority of Jews — that having suffered the Holocaust, Jews are justified in doing anything to assure themselves of a homeland.

Ever this year, also at the UN in Geneva, another Israeli delegation turned up to discuss with another oversight committee another report (also

submitted several years late) relative to another UN covenant also signed by Israel and also left generally unimplemented — the Convention against Torture.

Similarly surreal exchanges ensued, as the delegation repeatedly insisted that since torture is illegal in Israel it cannot exist there, while the committee insisted in return that applying "legally sanctioned physical pressure" in interrogating Palestinians (to the point of killing them) corresponds to the Convention's definition of torture.

Much of the evidence against Israel was presented by a committee member, Dr Bent Sorensen, a torture victim expert, whom the Israeli delegation accused of incompetence and bias, asking that he be removed from the committee. He

remained. In the end, the Israeli delegation simply rejected the conclusion of the committee as irrelevant.

After the end of the Economic, Social and Cultural Rights Committee session, Alexander Galilee of the Israeli diplomatic mission in Geneva denied that his country's delegation had ever acknowledged the applicability of the Covenant to the Palestinians in the occupied territories. The committee's statement in this regard was due, in his opinion, to its bungling incompetence.

This most recent encounter between representatives of the Israeli government and the UN gives one pause, as the 4 May deadline creeps up. Whatever the official declarations, whatever the re-re-worked accords, whatever the international covenants, the long-term outcome seems clear: the "peace process", at least as the Israeli government sees it right now, will never lead to peace.

The writer is a US-born reporter covering UN and other international affairs from Geneva.

US Move to Cut UNFPA Funds Unfortunate

Reacting to a move by the United States to exclude funding for the United Nations Population Fund in its appropriations for the coming financial year, UNFPA Executive Director, Dr. Nafis Sadik, has stated that the decision will penalise not only UNFPA but the millions of ordinary women and men on whose behalf the organisation works.

In one year alone, the impact of the United States' decision will be to deprive 870,000 women of effective modern contraception. Over 520,000 will end up not using any method. The total US funding for UNFPA is \$20 million in the financial year, 1998.

Elaborating that the US

move will weaken not only population programmes but projects aimed at better health, equal access to health and education for women, and economic security, Sadik pointed out that the least-developed countries of the world which depend on external assistance to implement vital programmes in the area of reproductive health and rights, will be most severely affected by the move. Rueing the timing of the move, he said that at the very time when individual demand for family planning is rising all over the world, it will weaken family planning programmes and increase the use of abortion to avoid unwanted births.

— WFS/News Network

Whither "Business" in the Public Sector?

by Alif Zabr

THERE are common areas of failures in providing proper public services by the two regimes which had been governing the country since the current decade. It means the political will is not strong enough to provide the available solutions. It also indicates that some powerful internal groups or forces or policy decisions are denying to the public better and efficient services. This cannot be maintained without the knowledge of the Administration.

Sometimes official admissions are forthcoming, but the actions are weak of delayed. For the latter, there are a separate set of excuses, time and again, by all regimes. Basically, the country is suffering from the 'transparency' virus, or anti-virus, held in high esteem at heavenly heights, but which cannot be brought down to earth, for seedling or planting, nurture and culture. We continue to be a bugged nation (we have company elsewhere, scattered all over the globe). Examples are not difficult to cite: the new telephone connections are not being offered fast enough to keep pace with the very rapid rise in annual demand, not only in Dhaka, but in all the districts; the go-slow policy in the power sector for many years; the snail's pace of signing agreements in the natural gas sector; the slow release of National Policies in several areas.

The main complaint, as seen by the outside observers and consumers, is poor efficiency and weak-need policy decisions. There appears to be two kinds of motivations, one for display, and the other for secret play. The powerful deterrent in most cases are attributed to the powerful — and politically spoilt — trade and service bodies, whose unholy alliances or pressures are evident everywhere: the banks, the SOEs dominated by loss-making mills and factories (paper, sugar, jute, textile, etc), the civil service, the ports, the transport.

From time to time, these issues are raised in the media, but the response by the authorities concerned appears to be indifference, bordering on contempt, to public opinion. The replies are stereotyped, and the situation remain unchanged.

Take, for example, the continuing shortage of new telephones connections at affordable rate.

The background to the non-activity in this sector of BITT has been adequately articulated in the column 'The Outside Story' (DS Dec 30). No action will come of this type of public feedback, because such analysis had been appearing in the press many times every year. When silence is suspect? The highest authority has to intervene frequently in day to day affairs and routine projects. Why do we need 'VIP pushes' so often, in spite of having loyal teams who are accustomed to public parroting (there are millions of witnesses)?

Some official trends can be noticed in deliberate slow-development in some areas which are profit-making, and where there are no scope for making money on the side. Corruption and black-marketing exist in the public sector, and there is no point in denying it officially. The issue is: what is being done about it, and how fast.

The official stranglehold on telecom, power, and broadcasting sectors is notorious for its tenacity, regardless of the regime in power. This is a typical pattern in developing countries. But the climate is changing with new concepts of privatisation and global concepts. The main line telephone service is not being opened up to the private sector, and in addition, the BITT is planning to introduce cellular telephone services, competing with the marginally few private operators in this area, who are suffering from non-cooperation and lack of interlink facilities. The ministry is not encouraging press conferences to face nasty questions, to ensure transparency. The same ostrich-like head-in-the-sand tendency was noticed in a big neighbouring country for many years before the clamour of demand and the market forces forced a change in government policy. Why no re-act most of the time, and cannot act with self-initiative? The very concept of good governance is thus negated.

The electric power sector tenaciously controlled by PDB was released slowly and after continuous pressure for many years. The expansion of the Chittagong port is also showing the same type of resistance due to the stranglehold of the powerful unions under political influence. To simply governance,

let us have one single profession (politics)!

The basic issue is (it is unfortunate to point it out) to strengthen the party base, or go for quick development at the national level in an impartial and neutral way, based on the merit of each case?

There are subtle tactics of evading the hot and uncomfortable issues by the leaders trying to explain and clarify the current policy stands (not only in the regime, but the preceding one also), but the public read between the lines and form their own judgement. The cultural standard and mores in any sector cannot be kept hidden from the people of the same soil.

Concluding, the problem areas are a) political non-transparency in taking the right policy decisions without delay by smashing up the groups who do not cooperate in public interest; and 2) the contamination of the governance system with corruption, indiscipline, inefficiency, nepotism, rent-seeking, and back-door strategies, and the threat to use force or harkens to maintain the status quo by the vested groups.

The human and political issues have to be separated for separate actions, to achieve national consensus in all fields at all levels. The country is facing two types of basic problems: political and moral. Now the moral (or immoral) crisis is predominating. We had been exposed to many forms of illegitimacies in governance for 16 years. Now the elected governments are making headway in spite of their publicised determination to offer better public services. The people's representative have to provide the solutions, because they claim to be the leaders in the people's movements. Policy decisions have less nuts and bolts issues than that during the implementation and operational phases.

The telecom sector can be made workable (more supply than demand) if there is a will. What is a Moral Flag? Willingness to become unpopular in public interest. There is no space here now to explain this last loaded sentence. Here is another one for home work: What is the difference between moral and political courage? The correct answer is rather subtle: ask the non-politicians, as the politicians are part of the issue.