

FOCUS

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. Surfed 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, Algeria, 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.

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 lying presidents who have led them to waste millions of hours and billions of words on domestic scandals like Watergate and Lewinsky?

Britain will be standing on one side biting its fingernails. It hardly had 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 them-selves.

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 in the United States are going to ask how they had got into such a situation.

If Clinton stays in place he

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

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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.

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 countering 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, unheralded 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 began. 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.

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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. And shortly after that the polls began to answer his prayers.

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

ALTHOUGH the Palestinian-Israeli "peace process" drags on with no apparent end in sight, it is supposed to be completed by 4 May 1999. By then, such questions as the refugees, water and Jerusalem should be settled in a yet to be drafted "final status" agreement, paving the way for a Palestinian state.

Where exactly is the "peace process" going, and how settled with things are after 4 May?

A recent meeting in Geneva involving an Israeli government delegation and a United Nations committee dealing with many of the thorniest issues has further solidified the common impression that things are moving fast in the wrong direction.

At the end of 1991, Israel ratified the UN Covenant on Economic, Social and Cultural Rights, guaranteeing such things as the right to a decent living, decent housing, education, medical care and cultural identity. In short, it covers many of the rights so often denied the Palestinians under Israeli rule since the military occupation began after the 1967 war.

Two years after ratification, the government was due to submit to the UN's oversight committee a report on its implementation of the Covenant. The report was finally submitted in November 1997, and a year later an Israeli government delegation came before the committee to discuss it.

To start with, the report described Israel proper as including all of the occupied territories, even those areas supposed to be part of the future Palestinian state. Statistics, however, concerned only Israeli citizens, not any of the 2.3 million Palestinians in the territories, and the delegation repeatedly had to admit that it did not collect figures on them for matters dealt with in the Covenant.

Israel, the delegation steadfastly maintained, is not responsible for enforcing the Covenant when it comes to the Palestinians, for they live on land administered by the Palestinian Authority (PA). The committee pointed out

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.

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

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". Most, 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.

Earlier 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.

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

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.

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 marginal cost of printing and transportation 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-venture, the joint-venture 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.

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.

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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.

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 under which each 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 cooperate in marking such trade-marks and trade-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.

They are:

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

(b) Recitals — recitals usually mention that the licensor has the right to licence certain industrial property rights and that the licensee wishes to use them in respect of certain specific 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