

The Bus To Pakistan: Jaw-jaw, Not War-war

Praful Bidwai writes from New Delhi

SUDDENLY, India-Pakistan reconciliation is in the air. A welcome sign of this is the resumption of cricket tests between the two on Indian soil after eight years and the sight of thousands of Indians applauding Pakistani cricketers. There is more cross-border camaraderie too: 35 Indian MPs visiting Lahore — the first such visit ever — activists attending a peace conference in Karachi, and mustachioed Rajmilians (alumni of the Royal Indian Military College) sharing a few chota pegs — after decades. Amidst this comes the news of Mr Atal Behari Vajpayee's plan to ride the first bus service to Lahore. Mr Vajpayee has his own domestic motives (trying to win minority support), as does Mr Sharif, in resorting to "bus diplomacy". But that should obscure the importance of what is happening.

I say this despite the extremely dim view I take of Hindutva, its pathological anti-Pakistan agenda, and the dismal performance of Mr Vajpayee's government, as well as Mr Sharif's. "Bus diplomacy" is a good thing because the two governments have implicitly come to acknowledge the need to mend their tattered relations.

They are for the first time doing so bilaterally, without bringing in third parties. This represents a gain even if the dialogue does not produce quick results. So, the more the bus trips, and the greater the mutual official competition to appear reasonable and generous, the better for us.

"Bus diplomacy" is not the result of some new-found wis-

The reason for the apparent Indo-Pakistan thaw is threefold. First, both governments are under international pressure to prove that they can reduce high mutual hostility post-May 1998. Secondly, both Mr Sharif and Mr Vajpayee know that they can score over their domestic rivals and gain some goodwill by defusing tension, at least in some areas. Above all, "bus diplomacy" is an acknowledgment that large numbers of Indians and Pakistanis are fed up with age-old relations of enmity and hostility.

dom after India and Pakistan's nuclearisation. Nuclear weapons don't instill sense or sobriety. The US and the USSR came to the brink of nuclear war innumerable times. The USSR and China fought a bitter conventional war for years across the Ussuri river. Nuclear deterrence is not just immoral; it is fragile and fallible.

India and Pakistan have not even begun to acknowledge the risks and dangers of their nuclearisation. They are still trapped in boastful "my-bomb-is-bigger-than-yours" rhetoric. Their rulers and generals have little confidence in, or firm knowledge of, each other's capabilities, preparations or doctrines, which are shrouded in secrecy. They can not switch to transparency mode and suddenly start negotiating risk reduction.

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ing stringers in Pakistan. The 1990s have seen more cultural exchanges across the border than any other decade. There have been dialogues involving trade unionists, between industry leaders, among social scientists, and most impressive, between schoolchildren. There is a vibrant programme to promote secular-democratic values, called "Khoj", between schools in Bombay and Karachi.

This exchange will grow as the Delhi-Lahore bus starts plying. The bus, it can be safely predicted, will prompt a demand for more, freer visas, and re-opening the Bombay and Karachi consulates, which bureaucrats will find hard to resist.

The exposure of Indians and Pakistanis to one another's cities, cultures, monuments and homes is extraordinarily important. Our stereotyped view of each other as monsters and villains will come under questioning. This will weaken the prejudiced premise that Hindus and Muslims cannot co-exist, and that India-Pakistan hostility is inevitable.

True, this is not going to cause a foreign policy revolution. After all, Kashmir is not

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domestic policy failures.

Popular aspirations for

normalised Indo-Pak relations

make the new thaw both interesting and potentially durable.

Popular sentiments are for the first time becoming inputs in the shaping of India-Pakistan relations. If there is one loud and clear message from opinion polls, from resolutions of the Pakistan-India Forum for Peace and Democracy, from Track-II exchanges between military leaders and NGOs, it is that ordinary citizens want an end to India-Pakistan enmity.

The oppose the vicious cycle of threats, military preparations, further threats and more hostility.... That is why official cussedness in not granting visas to more than two journalists "from the other side" has not prevented 20 Indian publications from recruit-

an easy issue. India cannot be persuaded even to admit it is a "dispute". And for many Pakistanis, Kashmir represents the "K" in Pakistan's primary identity.

But citizen-level reconciliation could at least generate a countervailing force. It will promote the realisation that our problems are largely domestic in origin.

We must take a mature view of how relations between states get shaped. Thorny disputes can take decades to resolve. But that need not prevent less thorny issues from being sorted out. There is no reason why we cannot straightaway resolve Siachen and Wular, build up trade with Pakistan, and allow free exchange of books and periodicals, even while engaging in long-drawn out talks on Kashmir and nuclear restraint. Jaw-jaw is always better than war-war. The scope for improving India-Pakistan relations is huge. Clandestine trade between them alone runs at \$2 billion, or over 10 times India's exports to Pakistan. This should be brought over-ground.

We must narrow differences

in the prices being quoted for

power purchase from Paki-

stan, itself welcome. India

should not try to beat the price

down to three cents a unit, when

it is itself contracting private

licensees domestically at six

cents. People who were born

on the other side of the border

should have the right to visit

their place of birth at least once

in a lifetime. If the bus service

opens the way to this, it will

have served a good purpose —

political motives notwithstanding.

Hartal : Is There No Alternative?

by ABMS Zahur

People in general appear to be interested in the pourashava elections. Submission of such a large number of applications in the face of hartal call indicates the degree of their enthusiasm. The agitations of the opposition parties may not dampen their spirit for participating in the elections.

SEVEN opposition parties under the leadership of BNP have observed hartal for 60 hrs from 9 to 11 Feb. They propose to go for another 96 hrs from 22 to 25 Feb. The ruling party has decided to face these parties on the street. The Opposition parties have threatened for one-point movement — removal of the present government, if the government resorts to repressive measures. The situation seems to be serious. In financial terms the total loss during the 60-hour hartal comes to about Tk 1100 crore. Another 96-hour hartal will mean further loss of Tk 1500 crore. A Korean garments factory is losing US \$10000 a day. Such loss by a foreign investor will definitely discourage the prospective investors. The BNP chairperson admits the causation loss. Yet she finds no options for her struggle for ensuring free and fair election.

To a common man the 4-point demands of the opposition appear to be peculiar. The demands are, (a) resignation of the chief election commissioner, (b) reform of the commission, (c) introduction of the voters' identity cards, and (d) release of political prisoners. Three of these demands relate to election commission. Only the fourth clearly merits political consideration.

None of these issues is a national issue. None of these emerges from any policy decision of the government. In regard to removal of CEC the government has little to do. The government may pressure the CEC for resignation. That will not be ethical. At the same time general public have a right to know the specific charges substantiated against the CEC. To our knowledge the CEC remained as one of the most competent civil servants in the country throughout his career.

BNP alleged on 4 Feb., 1999 that CEC was behaving like "an activist of Awami League". A few days later a member of the BNP advisory committee calls the CEC as "suave and bright" and advises him to resign because his predecessor Justice Sadeq also resigned. The advice of the BNP advisor is not clear as to why the present CEC should resign. Is it because BNP chairperson desires it can there be any sense in it? If the CEC is a strong Awami League sympathiser how BNP could win by-elections in Manikganj and Barisal?

One of the recent demands of BNP was to select CEC from among the judges and not from among civil servants. If BNP cannot have trust in the bureaucracy how can it run the

government if it ever comes to power. In one of her recent public meetings BNP chairperson sought the cooperation of bureaucracy. Is it not inconsistent? No doubt with consistency a great mind has nothing to do.

It would be wrong to assume that hartals for 173 days helped Awami League to win the June 1996 election. The main reason for Awami League's coming to power was the farcical election of Feb. 1996. This election gave impression that BNP was more interested in retaining power and less interested in people's welfare. If BNP or for that matter the allies think that their non-participation in the pourashava election may bring them better result in the national election they are mistaken for the following reasons:

i) It is not correct to equate national election with local government elections. National elections are fought on party basis, whereas pourashava elections are non-party elections.

ii) A number of pro-BNP candidates are contesting in the pourashava elections. If some of them are elected that may be embarrassing for the party.

iii) A substantial portion of BNP (particularly the younger ones) has not fully accepted the idea of joint political programmes with a 'despot' like Ershad. The students' wing of BNP never liked Ershad. (The role of the students for winning the 1991 election was critical for BNP).

iv) Close association with Jamaat may not be palatable for freedom fighters in BNP.

v) Majority of the front ranking BNP leaders are without adequate political background and depend heavily on the good wishes and popularity of the chairperson. It is extremely doubtful if such leaders will be able to utilise the opportunity that may be created due to the mistakes or folly of the Awami League.

People in general appear to be interested in the pourashava elections. Submission of such a large number of applications in the face of hartal call indicates the degree of their enthusiasm. The agitations of the opposition parties may not dampen their spirit for participating in the elections.

Under the circumstances it appears to be appropriate for the pro-hartal parties to concentrate on one point i.e. release of political prisoners. This need dialogue between the Awami League and the pro-hartal parties. The President may be approached by both the sides for mediation so that peaceful atmosphere returns to the country recently ravaged by the unpreceded flood.

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Is Vajpayee's Visit to Lahore by Bus a Cosmetic Exercise?

by Barrister Harun ur Rashid

Although the bus travel by the Indian Prime Minister could be perceived as a symbol of reconciliation, the fact of the matter is that both leaders seem to have ducked the big things which underpin the good neighbourliness and the stability of bilateral relations.

to be seen as so powerful as not to be accommodating or friendly with each other. They sometimes come through to outsiders as uncompromising and tough against each other. They appear to give impression that they need not consider each other's wishes.

The foreign policies of both countries seem to oscillate between extreme toughness and sweetness. In my view, this contradiction arises from the antagonistic relations between India and Pakistan on the Kashmir issue. India wants to show that it does not lose Kashmir territory and any compromise on the Kashmir issue mean humiliation. Pakistan, on the other hand, appears to be equally adamant not to compromise its claim on the Kashmir territory in its totality.

The Pakistan Prime Minister's proposal and its acceptance by his counterpart in India demonstrate the dichotomy in action of both leaders. It mirrors the perplexity as to how to reconcile the conflicting noises made out by them at various times.

There is a view that the chief

purpose of the proposal of Pakistan and its acceptance of India is to shore up their standing before their own people and the international community that the relations between the two countries are on an even keel and warm and the strained relations arising out of the nuclear tit-for-tat response last year are a matter of the distant past. Both countries wish to be seen as responsible and want to dispel the fear that the nuclear weapons rivalry would not proceed in the sub-continent. Another purpose appears to be to convince the US to end the economic sanctions imposed upon both the countries soon after the explosion of nuclear devices.

Behind this apparent sweetness and cordiality, both coun-

tries seem incapable of dissipating the suspicion and ill will which infected their relations, principally because of the Kashmir dispute. Until and unless the political leaders of India and Pakistan take political risks and compromises to settle peacefully the Kashmir issue, this cosmetic exercise of public relations is of no lasting use. Although the bus travel by the Indian Prime Minister could be perceived as a symbol of reconciliation, the fact of the matter is that both leaders seem to have ducked the big things which underpin the good neighbourliness and the stability of bilateral relations.

The question that arises is: can the leaders of the two countries take political risks at this time to resolve the key issue of Kashmir? The simple answer appears to be: No. Both of them appear to be in trouble politically in their home countries. Indian Coalition Gov-

ernment led by BJP does not seem to be stable and the Congress President Sonia Gandhi thought it might collapse soon. On the other hand Nawaz Sharif in Pakistan is seen increasingly dictatorial and disingenuous. His government action against the media and the institution of military tribunals in Sindh are cited as instances. Strong and stable government is able to deal with delicate issues, such as the Kashmir dispute. In the absence of stable governments in both countries, both leaders are likely to avoid the real nitty and gritty issues affecting adversely the bilateral relations.

If diplomacy is about getting

your way by convincing the

public that it is in their interest

the two leaders are to meet on

20 February, both leaders appear

to have scored victories.

But if it about resolving the key

issue (Kashmir issue) via-

ting the atmosphere of bilateral

relations, it cannot be counted a

success. I would argue that the

proposed February meeting ex-

poses limitations of the foreign

politics of India and Pakistan.

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A Human Rights Commission—Crying Need of the Hour

by A S M Mobaiddul Islam

In Bangladesh, we are yet to constitute any Human Rights Commission but the matter is reportedly under the active consideration of the government. Though there are some voluntary organisations who have been rendering services in respect of violation of human rights cases but that cannot be a substitute to the Human Rights Commission, which will have the force of law with ample power and jurisdiction to establish, enquire, protect, educate and promote human rights in the society.

sary laws are in place, Constitutional provisions exist, the problem for us is to translate these into reality and give an institutional shape. There is no denying the fact that human rights is a complex and evolving concept involving many aspects and component which are closely interlinked and cannot really be separated from one another. But it is essential to take steps for enforcement of human rights specially when we notice the most vulnerable sections of citizens i.e. women, children and some innocent citizens are subjected to different types of oppression, torture, detained and deprived of their rights. Cases of torture and abuse of power by law enforcement agencies specially by the police have also made the people of our country concerned. Poor and disadvantaged groups are also not in a position to enjoy their rights and privileges sometimes because of their ignorance of their rights and most of the times they are deprived because they belong to disadvantaged groups.

Let us have a glimpse of the

Gender issue and that specially with reference to our society. The following table reflects the upward trend in violation of human rights of women which is simply horrible despite number of enactments to stop these criminal activities and establishment of different courts and tribunals for expeditious disposal of cases.

All member States of the UN are under obligation to protect and promote fundamental human rights of their citizens in clear and unambiguous terms. Bangladesh as a member of the UN implies and imposes responsibilities in the field of protecting and promoting human rights.

Constitution of the People's Republic of Bangladesh in part II Article II states "The Republic shall be a democracy in which fundamental human rights and freedom and respect for the dignity and worth of the human person shall be guaranteed, and in which effective representatives in administration at all levels shall be ensured."

Part III of the Constitution is devoted exclusively to fundamental and justifiable right. All citizens are equal before law and entitled to equal protection of the law. There shall be no discrimination on ground of religion, race, caste or sex. Personal liberty and right to life, liberty, reputation or property of any person shall be taken except in accordance with the law. All forms of forced labour are prohibited and no person shall be subjected to torture, punishment, arrest or detention.

Freedom of thought, association, speech and expression of every citizen is guaranteed as is the freedom of the press.

In view of the above it is crystal clear that there is emphasis and commitment both from national and international level regarding enforcement of human rights. Neces-

saries a person as child who is below 18 years of age. The Bengal Children Act of 1922 (repealed) described a person as a child who is below 14 years of age and the same age is applicable in respect of Vagrancy Act, 1943. The Children Act of 1974 describes a person as a child under 21 years of age in respect of a male and 18 years of age in respect of a female. A person when attains puberty no longer remains a child as per Muslim law whereas a child attains majority on completion of 15 years of age as per Hindu law in Bangladesh.

Gender is also of vital importance in determining between a child and an adult. Child Marriage Restraint Act 1929 describes a person as a child under 21 years of age in respect of a male and 18 years of age in respect of a female. A person when attains puberty no longer remains a child as per Muslim law whereas a child attains majority on completion of 15 years of age as per Hindu law in Bangladesh.

The United Nations Convention on the right of children, 1989 which is considered as "Magna Carta" for the children has unequivocally designated all persons as children who are below 18 years of age. In our neighbouring country, Sri Lanka, Special Rights of Children, as stated below,