

Was Postponement of Saarc Summit Justified?

India has not done justice to the regional association by asking to postpone its Kathmandu summit, says Mansoor Mamoon

THE scheduled summit of the seven-member South Asian Association for Regional Cooperation (SAARC) has been postponed at the request of India on the plea of army takeover in Pakistan and an apprehension of destabilisation of regional situation vis-à-vis the declaration and objective of the association. The summit — an annual extravaganza was to be held in Kathmandu from November 26-28.

The SAARC was said to be the brainchild of General Ziaul Rahman, the late president of Bangladesh. Indira Gandhi, the then prime minister of India, not only gave it a go-ahead signal but also inaugurated the first official meeting of the foreign ministers of the member-countries in New Delhi in August 1983. The Declaration on "regional cooperation" was adopted there and its Integrated Programme of Action was formally launched. In her inaugural speech Indira Gandhi had stated: "We seven, who are

gathered here, are close geographical neighbours. The same monsoon governs our lives. We share experiences, aspirations, challenges. Although there are similarities, we are different. Each country has its individual personality, distinctive perception and different political system" (August 1, 1983).

India admitted that SAARC is very much possible notwithstanding different political systems among its seven component countries. SAARC officially began its journey through its first summit in Dhaka in December 1985 with General Ershad holding power in Bangladesh. The then Indian Prime Minister Rajiv Gandhi represented his country at the summit.

On both occasions India did not raise the issue of army rule in Bangladesh. Neither did it

object to the participation of General Ziaul Haque, who was then in power in Pakistan and with whom India was also at loggerheads. Nepal, at that time, was under the Panchayat System or guided democracy with the King in full control of governance. Bhutan was and still is governed by monarchy in recent times the monarch has, however, assumed a somewhat benevolent role but the Himalayan Sangri La is still far from attaining democratic pluralism. Yet India appeared neither least perturbed at the autocratic rule nor showed an iota of concern at the lack of absence of democratic polity and plurality in its immediate neighbours.

It also did not raise the bogy of regionally conflicting situation. There is also no precedence of postponing SAARC

summit in the past due to the opposition of any member-country. The postponement at the behest of India is very much against the set objective and principles as enunciated in the SAARC charter. The objective of SAARC states, in clear terms: "Regional cooperation shall be based on respect for the principles of sovereign equality, territorial integrity, political independence, non-interference in the internal affairs of other states" and so on.

India has, therefore, flouted the spirit of SAARC by delving in the internal affairs of Pakistan raising objection to the recent change of guards in Islamabad.

In the SAARC charter devised first at the Delhi Conference of the Council of Foreign Ministers on August 1, 1983; and subsequently

adopted at the first summit in Dhaka stipulated that "the heads of state and governments shall meet once a year or more often as and when considered necessary by the member states". So far the SAARC has not missed a single summit. The 92 summit, held in Dhaka, was delayed.

SAARC principles further state, "Decisions at all levels should be taken on the basis of unanimity" and "bilateral and contentious issues shall be excluded from deliberations".

The postponement of this year's summit was not decided unanimously but was thrust upon by New Delhi which, contrary to the principles of the association, has raised bilateral and contentious issues to prevent the holding of the summit.

SAARC was designed as a forum of collective cooperation on South Asian regional plank. The idea was to bring the member-states closer together and through putting economic issues on the top of the agenda bury the political hatchets that might be standing as a stumbling block on the regional chosen. The priority before SAARC was to ameliorate the condition of over one billion people inhabiting the region with nearly half of them bracketed as living below the poverty line. South Asia widely regarded as the largest poverty pocket in the world was a region without regionalism for over two decades before the inception of SAARC.

Albeit slow progress, the association has made certain commendable progress, especially in the fields of trade and commerce through evolving and adopting SAFTA (South Asian Preferential trading arrangement) and SAFTA (South Asian Free Trade Agreement). But through its belligerent attitude towards Pakistan, India appears to have put a brake on the onward march.

When SAARC was conceived it was agreed that India will not dominate the grouping and would follow the example of Indonesia in respect of ASEAN (Association of South East Asian Nations). Despite army

rule, Myanmar was accepted in the fold of ASEAN.

Indo-Pak conflict has bedevilled the smooth sailing of SAARC in the past also. But that has not stopped holding of the summit in the past. This time, however, it has created an impasse. The new military ruler in Pakistan immediately after takeover pulled out troops from the common borders of the two countries by way of de-escalation and had proposed dialogue to diffuse tension. India doesn't seem to reciprocate in the same vein. In so doing it has placed its own interest above regional interest. In the final analysis it will not auger well for SAARC.

Pakistan has reacted angrily to this decision. Pakistan's foreign minister Sattar has said this decision will have wider ramifications at both regional and international levels. The future of SAARC is, therefore, fraught with danger. The association might well become the casualty of Indo-Pak rivalry and conflict resulting in further escalation of tension between these two principal actors of SAARC with its concomitant fallout spreading in the region.

SAARC could have acted as a safety valve and should have been used profitably to bring both India and Pakistan on one platform. And through increased economic cooperation the member-states can hope to prosper collectively and leave behind their political differences. This was the essence and spirit of SAARC.

India has unfortunately caused the derailing of the locomotive of South Asian bandwagon of cooperation albeit for the time-being. It will take time to repair the track and start the journey afresh. In the meantime, SAARC is bound to remain in limbo with the perils of animosity between India and Pakistan. Rest of the five countries cannot afford to bask in indifference in such a perilous and acrimonious situation in the region.

The writer, a SAARC gold medallist, is a former Research Fellow of the Institute of Southeast Asian Studies, Singapore and the Commonwealth Foundation.

The Man on Horseback

General Musharraf in Pakistan may not be in his hurry, but can he chart a course of what his predecessors envisioned? asks M Abdul Hafiz



Sri Lanka Looks to India for New Dates

Ranjitha Balasubramanyam writes from Colombo

SRI Lanka is looking to India to propose fresh dates for convening the summit of the heads of seven South Asian countries that has been deferred indefinitely, the foreign minister, Mr Lakshman Kadirgamar said.

The annual summit of the South Asian Association for Regional Cooperation (SAARC) was to be hosted by Nepal from November 26-28, but the meeting was deferred on Saturday at India's behest. India sought a postponement after the military took over the reigns in Pakistan.

SAARC is unable to decide on the future course of action, the state-owned *Daily News* said, quoting the foreign minister. "We are not able to stop the move to postpone the summit," Mr Kadirgamar said. "The problem at the moment is to determine what to do next."

The Indian minister of state for external affairs, Mr Ajit Kumar Panja, who was in

Colombo last week to attend the funeral of a senior minister, had met Mr Kadirgamar to express New Delhi's position. "He said they cannot sit down with Pakistan at this moment," Mr Kadirgamar has been quoted as saying.

The Kathmandu summit would have brought Pakistan's new Chief Executive, Gen Pervez Musharraf, and Indian Premier, Atal Behari Vajpayee, face to face for the first time. Pakistan has described the deferral of the summit as a violation of the SAARC charter.

Sri Lanka, which currently chairs the regional grouping, announced that the meeting had been put off indefinitely, stating that provisions under the SAARC charter did not allow for the summit to take place as planned. "According to SAARC principles, all countries must participate in the summit. If one party decides not to come, we cannot go

ahead," the foreign minister said.

Though the SAARC chairperson, Ms Chandrika Kumaratunga, had earlier said that the summit would not be deferred, Sri Lanka agreed to India's request at a time when President Kumaratunga is seeking a second term in office at next month's presidential polls.

In the past too, disagreements between SAARC's two large members, India and Pakistan, have effectively sidelined several key issues concerning the region. Some smaller states have frequently expressed frustration at this trend, saying they are frequently reduced to being mere bystanders.

In March this year, differences between Pakistan and India dominated proceedings of the SAARC Council of Ministers meeting held in Sri Lanka's hill capital, Nuwara Eliya. The meeting's agenda

could move forward only after Pakistan's then foreign minister, Mr Sartaj Aziz, and his Indian counterpart, Mr Jaswant Singh, thrashed out differences and jointly announced various confidence-building measures to be implemented.

In its 14-year-long existence, SAARC's annual summits have been cancelled on two prior occasions in 1990 and 1992, owing to strained relations of its two large member-nations.

The regional grouping brings together Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka. The Kathmandu summit was set to address important social and economic issues, including implementation of a free trade arrangement between member states.

Courtesy: The Dawn of Pakistan.

When SAARC was conceived it was agreed that India will not dominate the grouping and would follow the example of Indonesia in respect of ASEAN (Association of South East Asian Nations). Despite army

A Fixed Term for the Lok Sabha?

What the people in India need is a good, clean, efficient and responsible government which can translate the dreams of the Constitution-makers into reality, says P.P. Rao

Lok Sabha and the Vidhan Sabhas.

The essence of parliamentary democracy is accountability of the Government to the Lower House which comprises directly-elected representatives of the people. Article 75(3) of the Constitution mandates that the Council of Ministers be collectively responsible to the House of the People. Alladi Krishnaswamy Iyer pointed out in the Constituent Assembly that the Council of Ministers would be answerable to the House in regard to the Budget, all legislation and, indeed, for every matter connected with the administration of the country. The implication of collective responsibility is that the Council of Ministers can continue in office only so long as it enjoys the confidence of the Lok Sabha. After the House has expressed lack of confidence by adopting a motion, the Council cannot continue except as a caretaker Government. The NDA proposal raises two questions: (i) whether parliamentary democracy is part of the basic structure of the Constitution? and (ii) if so, whether the Constitution permits a fixed term for the Lok Sabha and the Vidhan Sabhas? In the Kesavananda Bharati vs. the State of Kerala case, the Supreme Court did not exhaustively lay down what constituted the basic structure but some judges gave a few illustrations of basic features which cannot be amended or abro-

gated even by an amendment made under Article 368. While all of them considered democracy a basic feature, Mr. Justice P. Jagannath Reddy, clarified that parliamentary democracy was part of the basic structure. Mr. N. A. Palkhivala, who had argued for the theory of basic structure in the Kesavananda Bharati case, himself suggested to the court a set of basic features which included the parliamentary form of government. Commenting on the judgment, the former Chief Justice, Mr. K. Subba Rao, said "responsible government through parliamentary executive" was part of the basic structure of the Constitution. Recently, in the P. V. Narasimha Rao vs. State (CBI) case (1998), Mr. Justice S. C. Agrawal, who presided over a Bench, categorically said parliamentary responsibility of the Council of Ministers to the Lower House was indispensable to parliamentary democracy, which is a basic feature of the Constitution, it will be difficult to amend the Constitution so as to do away with this basic principle.

When a majority of MPs or MLAs express no-confidence in the Council of Ministers without expressing confidence in another leader, the inference is that they have decided to appeal to the people to install a new government after a fresh election. This right of the House to go to the people and the power of the people to elect a new House and, through the new House, to replace the existing Council of Ministers cannot be taken away. A fixed term of five years without any provision for dissolution can lead to dictatorship with the continuance of an unpopular government. Democracy and dictatorship cannot co-exist. The provision for dissolution of the House is a safety valve in the Constitution. It imparts a sense of responsibility to the Ministers as well as MPs. Without the power to advise the dissolution of the House no Prime Minister can function effectively. Prof. M.P. Jain says "Dissolution has been characterised as a 'big stick' which the government wields to keep its majority in the House intact. The power can also be used to discipline the Opposition. In a multi-party system when parliamentary government is unstable, successive dissolutions of Lok Sabha may help in consolidation of parties and ultimate evolution of fewer parties by eliminating the lesser ones." The representatives of the people must have the basic right to throw out a government which has forfeited their confidence. A fixed term will be against the scheme of our Constitution. Such an amendment will be vulnerable to challenge on the ground of violation of its basic

structure. The Law Commission's proposal does not have the effect of allowing the House to continue for the full term. It does not prevent a Prime Minister, who has won the confidence of the House, from advising the President to dissolve it when he finds that the parties supporting him are not allowing the government to function effectively as a cohesive team or when he finds that the ministers are all corrupt and uncontrollable, each enjoying the support of a sizeable section of MPs. Therefore, to equate the Commission recommendation with the proposal to have a fixed term of five years for the Lok Sabha or the Assemblies will not be correct.

The object of the Commission in recommending an embargo on frequent no-confidence motions and that only one motion be permitted within a span of two years in understandable. However, having regard to the important Constitutional functions entrusted to Parliament and the Assemblies, the stipulated gap of two years between one no-confidence motion and the next appears too long. Parliament cannot be equated with a panchayat samiti or a zilla parishad where such a provision will have a salutary effect. A one-year gap between two successive no-confidence motions may be more appropriate. What the people need is a good, clean, efficient and responsible government which can translate the dreams of the Constitution-makers into reality, says P.P. Rao

The desire to avoid frequent mid-term elections should not result in their suffering an undesirable government for five years at a stretch. The remedy ought not to be worse than the disease. Political stability conducive to development and rapid socio-economic progress of the nation are the need of the hour, and not stability of a tactical power-sharing arrangement among a large number of parties based on compromises, expediency and electoral strategy. The proposal is anti-people and ill-advised.

The writer is a senior advocate and former president of the Supreme Court Bar Association, India.

Courtesy: The Hindu of India.

WHEN on 12 October 1999 General Pervez Musharraf of Pakistan took over as the country's new master, it reminded of an old fashioned world where the baton-waving military brass wielded power over political savants.

Not long ago, the great national liberation leaders of the decolonised states were overwhelmed by an inexorable wave of military takeovers and with their ignominious record of failures they yielded ground to the generals. By the middle of sixties a third of the world's states came under military rule. In spite of their dazzles and fury, for a period, they gradually disappeared from the scene leaving behind the seats of power vacated for the civilians.

Yet there is something nostalgic about military rule in Pakistan — a country of coup culture. Except in 1951 all coups in Pakistan were successful with the people's spontaneous support. We were told by Mushahid Hussain, the redeatable information minister of Sharif government that the 'fool's should have learnt from Pakistan how to stage a coup'. In a discussion meeting in the fall of 1991 in Dhaka he was commenting in zest on the failed coup of communist hardliners in Soviet Union a few days earlier. It is not thus surprising that General Musharraf enjoys wide public support for his action, whether it was right or wrong.

It was indeed a spectacle many would relish to witness in Pakistan. A trimmest six footer in his ceremonial regalia Ayub Khan, the country's first military ruler made an instant impression on his people craving for such a haloed figure against the backdrop of a motley collection of squabbling politicians.

Even since he strutted on the country's political centre stage almost like a monarch without any one raising finger against his authority till his disastrous Indo-Pak war in 1965.

He hobnobbed with the West to splash the country with US military hardware, infuse massive foreign investment to the country's economy and run Pakistan on capitalistic road to reap immediate dividend. The country received the touches of modernisations, shiny automobiles and a measure of solvency under Ayub. It is a different thing that he bungled it all at the end.

It was however General Ziaul Huq who came closest to the role model most Pakistanis were willing to approve. Unlike Ayub he adhered to an ideology of sort and left a legacy that still persists. At home he gave Pakistan a disciplined internal order, zealously safeguarded the nation's security interests externally and was widely mourned after his death. Ayub was in a way hounded out but for Zia it was: 'Home they brought the warrior dead'. Both are remembered in Pakistan with a bit of nostalgia.

But one thing has become absolutely clear: his setting is for a long haul. He has persistently avoided giving a time frame for return to a democratic order in Pakistan. In the meantime he is digging deep and has undertaken projects like those of the country's economic rehabilitation, weeding out corruption and ensuring accountability which all are unsuited for a transitional government. Few commentators have many illusions that things could change fast and as a result the regime is likely to be inextricably involved in an exercise that would take years. Also temperamentally, Musharraf does not seem to be in a hurry.

Whatever may be the duration of the military's honeymoon with the public in Pakistan the crucial question still remains: can Musharraf deliver? Is a commando soldier of Musharraf's artillery background in any way equal to the task of restructuring a polity? Can he put on rail the country's ravaged economy? Can he after all, restore the nation's confidence in its destiny? There is already a National Security Council — an experts' body in place to advise and assist the general to run the show. But ultimately it is the general's own ingenuity, style and judgments that will make the difference.

Albatross around Pakistan's Neck

M.B. Naqvi writes on some home truths for the new set-up in Pakistan

FEAR too many issues of principle and fact are involved in the post-Oct 12 situation and there is very little agreement on any of these. Indeed, one has to discuss elementary things like the criteria by which to judge these matters, especially the role of the army in the national affairs.

A majority agrees that frequent military takeovers are undesirable and are to be avoided. In the short run, however, the die has been cast: a takeover has actually taken place. It will inevitably have far-reaching consequences, many of them adverse, in the short run. But the generals moved in to oust Nawaz Sharif for strictly short-term reasons in the context of an on-going struggle between two centres of power and influence.

The third democratic order — the first being 1947 to 1958, the second from 1971 to 1977 and the third from 1986 to 1999 — having ended, one can only make peace to the only cognizable authority in the land — Gen. Pervez Musharraf, the Chief Executive of the present set-up — about reducing the adverse fallout. The larger and

deeming feature of the recent past was the ability of the press to reflect diverse opinions, good, bad and indifferent. That provided a forum through which some kind of a consensus could have been arrived at, if only political elements were left free to debate and discuss issues.

Pakistanis are under extraordinary pressures. Needless to say, how difficult India-Pakistan relations are, especially after the May 1998 nuclear explosions and the Kargil affair. They have the albatross of Afghanistan tied around their necks. Superficially it was a famous victory: Pakistan has in fact acquired a most influential position in Afghanistan. But that carried a high price tag.

More to the point, a tricky situation was created after the Americans had served on Taliban an ultimatum to hand over Osama bin Laden. Pressure is on Pakistan to ensure that the Taliban do that.

It is a serious matter and it is easily understandable why the CE had to put aside other pressing matters and visit

Saudi Arabia and the UAE, the other two states, besides Pakistan, that have recognized the Taliban regime. It is now clear that the present Afghan situation is untenable and a satisfactory solution of Afghanistan problem is vital for Pakistan.

Whereas the freedom of expression is concerned, the new government and the CE have to guard against siren songs that can be expected from many an interested party. They would be told that it is easy to manipulate popular opinion and support by cleverly guiding the media and making the top general a popular figure pitching in to do great and good things. As the history of martial laws shows, treading this primrose path leads to much trouble — for the people as well as the man on the horseback. This is in fact a most mischievous advice that men of experience would render. All anyone can say is: look where had such advisers taken Ayub Khan.

Remember the propaganda of the controlled democracy in the 1950s by President Iskander Mirza and his sycophants. The writer is a senior advocate and former president of the Supreme Court Bar Association, India.

What happened to him? Remember the basic democracy of Ayub Khan and the sustained, regimented propaganda blitz about 'national reconstruction', 'basic democracy' and the 'decade of development' by experts like Qudratullah Shahab and Altaf Gauhar. There were many reasons why Ayub Khan had ten years of a more or less secure rule. But the propaganda itself backfired: those who lived through the popular agitation of late 1960s and 1969 will testify that it was a veritable revolt against the much venerated and ever-projected dictator and he had to make a sorry sight of himself. One also remembers how humiliated and rev