

## Looking for a Productive Visit

BANGLADESH Prime Minister Sheikh Hasina embarked on her two-day official visit to the United States amidst high expectations of substantive results to follow from an interface that has been long overdue with the US government. This is billed as the most important visit by any Bangladeshi head of government to the USA so far. For, it is poised to foster a certain deck-clearing understanding with the US government as would put new vigour and direction into the existing US-Bangla ties.

We attach tremendous importance to our growing ties. However, we are forced to say that the sole superpower in the world today is not being sufficiently sensitive to the needs and priorities of Bangladesh. As a growing but small economy we suffer from many vulnerabilities. What we need from the US is duty-free access to the US markets to as many export items that we are able to send, which so far remains mainly confined to garments. Here we must express our great disappointment in being excluded from the list of LDC countries from Africa and the Caribbean who have been allowed duty-free access to US markets. Extension of this facility to us will act as a tremendous incentive to our prospect of growth. We also expect the US administration to understand our special situation in the EPZ. Insisting on traditional type trade unions there will seriously hurt our economic interest.

It is heartening to note that differences have been narrowed down on issues of investment by US companies in the oil and gas sector and setting up of a container terminal near Chittagong port. On the specific question of gas export, the US government is apparently speaking on behalf of the oil companies to link further investment in the field to pipeline export of the hydrocarbon. But in effect this falls as a pressure on the Bangladesh government which can ill-afford any knee-jerk response to the proposition, given the tremendous long-term stake Dhaka has in that finite resource. We have to first ascertain the size of the total gas reserve and see how long it will cover our projected national requirement well into the current century. How best we can harness this precious resource in our gas-based national development projects ought to be the chief consideration for us. As and when we complete assessing our gas reserve and requirement positions we shall be open to suggestions for gas export, an option we have not dismissed out of hand to be sure. On behalf of Bangladesh people therefore, we urge the US government to relax the pressure on that count in deference to our sensitivities in terms of long-term national interest.

Let the ties between the two constant and reliable allies gather a new momentum after the summit between Clinton and Hasina.

## Where is Drug Administration?

RAMPANT violation of national drug policy, proliferation of spurious and substandard drugs, mushrooming of underground markets dealing in banned and smuggled medicines could very well make one wonder whether there is any such thing called drug administration in the country. The Drug Administration is there all right as the state watchdog; but it hardly takes any action and when it does it never follows up. The fact that ten of the 20 local pharmaceutical companies producing and marketing spurious and substandard drugs were actually blacklisted by the Drug Administration in 1998-99 provides a poignant example in this regard. Two factors could be simultaneously in operations behind the Administration's inertia. First, it is not adequately equipped to play the strict watchdog; and second, it is not allowed to perform to its full potential.

Just a few days back, this paper ran a front-page report (*Markets of unregistered drugs mushrooming in city, dists: September 30*) that, among other things, pointed out that corrupt officials on the Drug Administration in return for monetary and material benefits overlooked fast growth of markets dealing in smuggled unregistered drugs. In a subsequent editorial comment (*Fair Drug Administration: October 1*), we urged the health ministry to initiate an inquisition to trace the corrupt elements and suspend them immediately. And it was not the first time that we had called for an administrative action. Neither any action was taken nor was there any official inquiry into the charges of corruption levelled against Drug Administration officials or staff.

Obviously, the poor and unlettered people in the rural area form the clientele of these unscrupulous pharmaceutical companies. Economic compulsions force them to go for inexpensive medicines. Quality or place of origin never actually gets a place in their list of inquiries. So, the Drug Administration's inertia actually exposes a vast majority of the country's populace to the mortal danger of hazardous medicines. It should be more than a compelling reason for the government to plan and execute a serious overhaul of the Drug Administration.

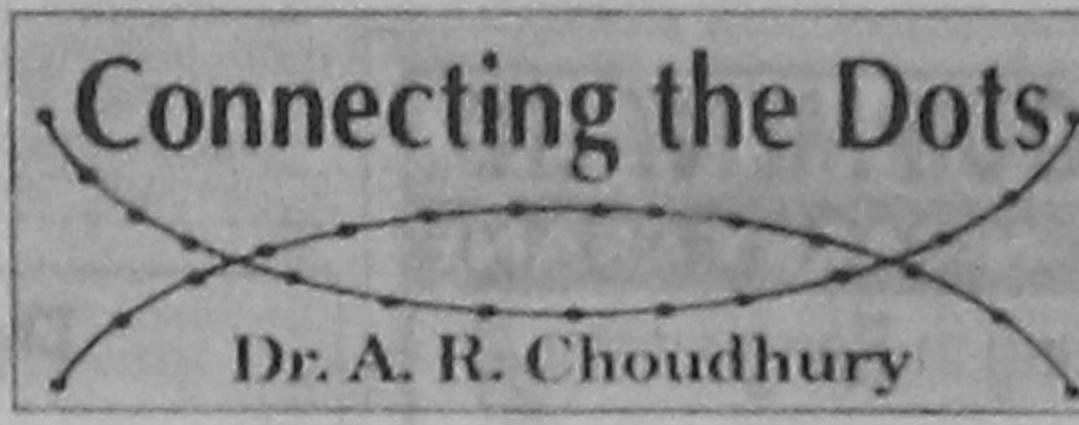
## Shame for a Capital City!

THE frequency of murders in the city leaves us dumbfounded. Whereas previously the news of killings would fall at least a month apart, it was to later appear days apart and now we hear of it happening within hours of each other. On Wednesday itself, four murders took place at Mirpur, Shyampur, Sabujbagh and Ramma in the capital city in barely nine hours' time. In terms of gore, new elements of brutality have been observed in the latest series of murders. Invariably, the victim was abducted and done to death through decapitation. But in most cases they would be either dragged from a place to the murder spot or kidnapped to be killed, leaving in the process, some lead-time for the police to pursue and pre-empt the goons. Preventive police vigil seems to be lacking there. It is only when the dead bodies are spotted that the police get a move on. On the one hand we shudder to see the criminal venom being spewed by hooligans and on the other we are baffled by the professional sluggishness of our law enforcing personnel who are supposed to shield us from all forms of insecurity and danger.

The murders were another reminder for the government to improve the law and order situation before it gets completely anarchic. If this is the sense of insecurity we have allowed to proliferate in the society then Dhaka city, and for that matter the entire country, is increasingly becoming unsafe for living. What a shame for the country and its capital city!

# Two Hot Spots Moving in Opposite Directions

*Kostunica has taken over as the new President of Yugoslavia. As a goodwill gesture, the United States and the European Union have lifted a number of economic sanctions imposed on Yugoslavia in 1998... Political situation in Israel is also likely to hamper the peace process. There is a strong possibility of a change in government in Israel, either as a result of elections, or through the formation of a government of national unity.*



Milosevic had survived NATO bombs; and he might have thought that he could weather this latest storm if he could retain control of the instruments of power, such as the army. He had a powerful incentive to hang on. If he had left, then he would be vulnerable to arrest and trial for war crimes as he is an indicted war crimes suspect. However, events didn't turn the way he wanted them to. As he appeared increasingly vulnerable, the army and the police refused to intervene in his favour. And more importantly, Russia, who had been one of Milosevic's few allies in recent years, decided to throw its weight behind Kostunica. Russia's President Putin made a calculated move. He knew that building up Russia's international standing is an essential part of developing its economy. That standing would persuade

Kosovo should be under Serb domination. He is a vehement critic of the NATO bombing of Serbia. He also opposes the handing over of Milosevic to the United Nations Tribunal in The Hague for his trial for war crimes. Despite these shortcomings, the world community should applaud the change of the guards in Belgrade. Anytime, a dictator is replaced by someone elected through popular votes, it should be recorded as a victory for democracy. We can only hope that Kostunica will see the light and take the steps necessary to



Things settle down...

bring Yugoslavia back to the fold of the international community. In the Middle East, on the other hand, things do not look so bright. There is now a desperate attempt to stop the fast slide into open warfare between Israel and the Palestinians. In the latest round of violence, Israel launched helicopter attacks in the West Bank and Gaza Strip resulting in the killing of two Israeli soldiers in the Palestinian city of Ramallah.

The Palestinians, on the other hand, are frustrated by the failure of the peace process and outraged by recent acts of violence committed by the Israeli army against them.

The start of the current crisis in Palestine can be traced to the visit by Ariel Sharon, leader of the Likud Party in Israel, to Haram al-Sharif, a holy site to the Muslims in East Jerusalem. Sharon's visit carried an underlying mes-



...And violence mounts

sage for the Palestinians. He wanted to demonstrate that Israel had full sovereignty over the compound.

Although Sharon's visit triggered the current crisis, there was already an underlying sense of frustration among the Palestinians due to the long-term failure of the peace process to deliver a deal that they considered to be just. Events in the recent days have cruelly exposed the shortcomings of the peace process and the failure of each side to win the trust of the other. At this moment, the Palestinians have no reason to believe that the peace process will yield any fruitful results. Popular feelings are running strongly against making any compromise with Israel.

Political situation in Israel is also likely to hamper the peace process. There is a strong possibility of a change in government in Israel, either as a result of elections, or through the formation of a government of national unity. If a national unity government is formed, it will definitely include members of the hardline Likud Party. This will make it more difficult for Israel to uphold the conditions agreed upon at Camp David.

High-ranking officials from the US, Russia, the UN and other countries are conducting a flurry of top-level diplomatic maneuvering to salvage the peace process. However, it seems that the immediate concern should be to stop the fast slide into open warfare between Israel and the Palestinians. An analysis of the history of the region during the last several decades makes it clearly evident that a long-term peace is not possible as long as the Israeli army continue to occupy Palestinian areas. Any stop in the current cycle of violence would only be temporary. So not only has the agenda for the international diplomatic mediators in the region changed, the stakes have become increasingly higher.

## Perpetrators of Crime Should be Put to Trial

by Harun ur Rashid

*It is consistent with the UN Charter that the Pakistani army personnel accused of international crimes should not escape trial and no one should hesitate to call "a savage a savage."*

THOMAS Jefferson, one of the founding-fathers of the American Constitution and the third President of the USA echoed the sentiments of every human being when he inscribed in the Constitution these memorable words: "All men are endowed by their creator with inalienable rights, among these are life, liberty and the pursuit of happiness." The 1948 Declaration of Human Rights sets forth the human rights and fundamental freedoms to which all men and women, everywhere in the world, are entitled without any discrimination. This document was backed by the authority of the body of opinion of the UN as a whole and millions of people men, women and children all over the world would turn to it for help, guidance and inspiration.

The unspeakable atrocities and murders carried out wantonly by Pakistani army in 1971 on the innocent Bengali population of Bangladesh violated the basic human rights and had rightly shocked the world and has still been pricking uncomfortably the conscience of humankind. Not only the accused persons did not face any trial for the alleged horrible crimes, there has not been an apology on behalf of Pakistan Government to the people of Bangladesh.

Former Prime Minister of Pakistan Nawaz Sharif, while visiting Bangladesh in 1998, had realised the enormity of the issue and was reported to have regretted what occurred in Bangladesh in 1971.

But as soon as he returned to

Pakistan, the military establishment in Pakistan was unhappy with his views on the events of

1971 and Pakistan's the then Foreign Minister diluted the significance of the remark of the Prime Minister.

This callous sentiment has demonstrated that the military establishment in Pakistan did not appear to learn lessons from history nor are they prepared to regret and apologise to the people of Bangladesh.

The Chief Executive of Pakistan General Pervez Musharraf is reported to have expressed views that both sides committed mistakes in 1971. This is, to say the least, a warped view of history of 1971. Such comments in fact hurt Bangladeshis.

**Trial of the alleged Pakistani perpetrators of international crimes:** The recent report of Justice Hamoodur Rahman Commission in Pakistan singularly pointed the fingers towards the Pakistan military officials for the alleged international crimes (genocide and crimes against humanity, besides war crimes) committed in Bangladesh and recommended that the military officials concerned be brought to justice. It is surprising that the report was leaked at a time when the military has been in power in Pakistan since October last year. What message does one derive from it?

There is a view that the present military establishment wants to settle scores with their earlier counterparts and hence is the reverse of the report. A view prevails that this was released for

internal political gains. The government of Pakistan did not provide a copy of the report to the Bangladesh government despite its request for it. This appears to be a breach of normal protocol in the matter.

The international crimes allegedly committed against Bangladesh people in 1971 are to be weighed in the environment of international scene. Two international Ad hoc Tribunals one in Tanzania and the other in The Hague continue their grisly business of documenting crimes against humanity and genocide in Rwanda and Yugoslavia and indicting those responsible.

Even the alleged Nazi criminals of the Second World War against the Jews are being caught and tried. Chilean dictator Augusto Pinochet is to face a trial for the crimes committed during his rule in his country at his ripe age of 84 years, after Chilean Supreme Court overruled the immunity of Pinochet as a life-Senator.

The rules of international law are pretty clear. For crimes against humanity and genocide, the Conventions 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the 1968 Convention on the Applicability of Statutory Limitations to War Crimes and Crimes against Humanity are there. For war crimes the four 1949 Geneva Conventions and the Protocols are applicable. In addition to these international instruments, the principles of international

cooperation in the detection, arrest, extradition and punishment of those guilty of war crimes and crimes against humanity were adopted by the UN General Assembly in December, 1973.

All these international instruments were adopted to ensure the prosecution and punishment of persons accused of international crimes. They all have one objective in common war crimes, genocide and crimes against humanity, wherever they are committed, shall be subject to investigation, and the persons against whom there is evidence that they have committed such international crimes shall be subject to tracing, trial and if found guilty, punishment.

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Bangladesh Government was not to hold back in India the 195 Pakistani alleged criminals of international crimes. It does not mean that Bangladesh cannot ask for a trial by Pakistan or the UN. It could be contended that clemency was not granted by Pakistan or by the UN. The accused persons are held to be accountable under international law and Pakistan together with the UN is legally and morally obliged to put on trial the accused persons.

**Conclusion:** Now the cat is out of the bag by the release of the report of Justice Hamoodur Rahman Commission that suggests that the alleged perpetrators of international crimes should be held accountable and put to trial. The report further strengthens the case for trial.

Every Bangladeshi hopes that the day draws near when alleged murderers and torturers will be held accountable and one may be able to say that on all fronts humanitarian law finally enjoys its day in the sun. Let me quote the beginning words of the Preamble of the UN Charter which read: "We the people of the United Nations determined to save succeeding generations from the scourge of war... reaffirm faith in fundamental human rights, in the dignity and worth of the human person."

It is consistent with the Charter that the Pakistani army personnel accused of international crimes should not escape trial and no one should hesitate to call "a savage a savage."

The author, a barrister, is former Bangladesh Ambassador to the UN, Geneva.

## No Cheer for Tamil Autonomy Plan

*The election results offer little towards a negotiated settlement of the civil war in Sri Lanka but certainly strengthens the hands of President Kumaratunga. However, it will be worth watching how she proceeds with the autonomy plan and also the war with the Tamils in the coming days.*

The main contenders for the elections but there were other smaller opposition parties in the field which in some ways differ from both the ruling and main opposition group as they have their own views and strategy. While opposition raised allegations of rigging, the government said that the voting had been fair despite violence. President Kumaratunga and other ruling leaders celebrated the occasion when the results showed that their PA was on the lead and finally became the largest group. Opposition leader Ranil Wickramasinghe had warned of a "Yugoslav-type" uprising if the government won the elections through rigging. But nothing of that sort was discernible when the new prime minister took over on Friday although there were scattered protests and demonstrations. The PA enjoyed majority in the earlier parliament but failed to muster two-thirds support as the government wanted to push an amendment to the constitution to give autonomy to the Tamil people.

The elections were seen as important by the Ruling People's Alliance (PA) and all the opposition parties although they give varying interpretations to the significance of the voting. The lead-up to the polls was marred by violence in a country which is wrecked by a prolonged civil war. More than 5,000 candidates from 29 political parties ran for 225 seats in the parliament. The country has a presidential system where the chief executive is the president but the parliament plays an important role in certain areas and a comfortable majority is of great advantage to the ruling circles. The PA and the UNP were

on the other has put the small but otherwise relatively prosperous nation in the south Asian region at a crossroads where it is fighting to maintain country's integrity and also political stability. President Kumaratunga won a second mandate in the office not too long ago and this time her difference in the voting with main opposition challenger Ranil Wickramasinghe was narrow and this raised questions about a stable government. The ruling PA wanted to amend to the constitution to grant autonomy to the north as a part of an effort to cajole the militant Tamils into a negotiated settlement of the civil war.

On the other side, there is no let up to the civil war as both government troops and the Tamils' militants are claiming successes in the battles and fortunes on the warfront swings both ways. The Tamils after losing their stronghold Jaffna to the government side in 1995 demonstrated stunning success when they came close to recovering it a few months ago. They took the strategic Elephant Pass, moved towards Jaffna but were halted

by a reinforced government side. Lately, a stand-off persists in the area with both sides occasionally claiming to have gained grounds in the battle.

Interestingly, the October 10 elections became a kind of referendum on President Chandrika Kumaratunga's controversial power-sharing plan to appease the country's Tamil separatists, who, however, seem more keen to settle the scores in the battlefield rather than finding a solution through discussions or peaceful method like constitution giving them enough authority in the form of autonomy. The ruling PA wanted to amend to the constitution to grant autonomy to the north as a part of an effort to cajole the militant Tamils into a negotiated settlement of the civil war.

The minority Marxist JVP or Peoples liberation front said that they fear the government may interpret any vote for it as an invitation to re-write the constitution and adopt a federal character. Its leader Wimal Weerawansa alleged the government is trying to "divide the nation on an ethnic line -- we are against it." Hard-line minority

parties opposed the plan of the government. The ultra-nationalist Sinhalese Urumaya (SU) claims it is the only party working to keep the country's integrity and accuses both the ruling PA and the opposition UNP of trying to break up the nation. The party says the plan to give autonomy to the Tamils in effect destroys the single nationhood of Sri Lanka and this has to be resisted at any cost. Polls results have shown that these parties could not cut much ice.

The government is seeking to wipe up the Tamil terrorism on one hand and address the problems of the minority on the other so that no group feels isolated or harassed in the country. But the militant Tamils have so far shown scant interest to any settlement through dialogue.

It was indicated before the elections that major parties may revert to parliamentary system from present presidential one and seek to amend the constitution whatever be the outcome of the polls. The UNP party introduced the current system in 1978 but the ruling party and the UNP now appear to keen to abandon this and go back to the system with the prime minister as the head of the government. It remains to be seen whether the PA and the UNP work in that direction now as the polls are over. It is not very clear at this stage if President Kumaratunga will be very keen to revert to parliamentary system immediately. It also not clear how



Rivalry for political ascendancy in one and the unending civil war