

## Looking for a Productive Visit

BAKLADESH Prime Minister Sheikh Hasina embarks 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 sensibilities in terms of long-term national interest.

Let the ties between the two constant and reliable allies gather a new momentum after the summitry 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 (*Frail Drug Administration*; October 1), we urged the health ministry to initiate an inquiry 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 Ramna 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

ALL of a sudden, events in the two major hot spots in the world - the Balkans and the Middle East - have moved in opposite directions. In one, hopes for a brighter future have emerged; while in the other, hopes for a peaceful future have been shattered.

In the Balkans, the world witnessed a rise in people's power, not seen since the overthrow of the Marcos regime in the Philippines and the Ershad regime in our country. A dictator has been thrown out of power and democracy, however fragile, has been established. On the other hand, the Middle East has suddenly been thrust into a cycle of violence leading to the death of at least 100 people, mostly Palestinians.

Yugoslav President Slobodan Milosevic, after being repudiated by his countrymen through ballots, was unceremoniously dumped from office by a rise of 'People's Power'.

In normal democracies, elections are meant to answer questions. Who is to lead? What policies to be followed? And so on. But Yugoslavia is no democracy! So it was only natural that last month's election in Yugoslavia only raised new questions. When it was clear that Milosevic had lost the election to the opposition candidate, Vojislav Kostunica, he tried to buy time by declaring his intention to take part in a runoff election. But the people in Yugoslavia had seen Milosevic for thirteen years and they were not fooled this time; they were outraged.

Huge crowds in Belgrade and other cities cheered Kostunica. He was recognised by Serbia's orthodox Church as the new elected leader. Kostunica did what others could not; he organised an effective protest movement and prevented internal bickering from destroying it.

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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 zoom if he could persuade



**Connecting the Dots**  
Dr. A. R. Choudhury

Milosevic to step aside. When Milosevic realised that all his allies are finally jumping the ship and abandoning him, he had no choice but to step down from office. 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. There should, however, be no illusion about Kostunica's political views. He is also a staunch Serbian nationalist who believes that the Muslims in

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

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 in response to 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-

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 continues 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.



Things settle down...



...And violence mounts

# 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 peoplemen, 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 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 Pakistani 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 release 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. The international crimes as the name implies transcend national boundaries and jurisdictions because they are repugnant to human conscience. It is now a matter of international concern to ensure that the alleged perpetrators are tried and punished in the name of dignity of human being.

**New Delhi Tripartite Agreement of 1974 and the trial of Pakistani prisoners of war:** Soon after the birth of Bangladesh Zulfikar Ali Bhutto's Government in Pakistan realised the gravity of the crimes and pressed the issue of the release of 195 prisoners of war accused of crimes against humanity and genocide in Bangladesh. Pakistan campaigned diplomatically to ensure that the trial did not take

place in Bangladesh. Then came the 1974 Tripartite Agreement of April, 9 1974 and three Foreign Ministers of Bangladesh, India and Pakistan signed the Agreement after a meeting in New Delhi from 5<sup>th</sup> to 9<sup>th</sup> April 1974. One of the subjects covered by this Agreement was in respect to the trial of the Pakistani army personnel.

No doubt there has been a renewed cry in Bangladesh for the trial of Pakistani soldiers alleged to have committed international crimes in 1971. However, this question needs to be examined in the light of the above Agreement. A legal question will necessarily arise as to the interpretation of the position of Bangladesh Government incorporated in the Agreement. The Agreement says that the Government of Bangladesh decided "not to proceed with the trials as an act of clemency".

It appears that a strong argument could be canvassed to hold the view that Bangladesh decided merely not to hold the trial on its soil as an act of clemency and allowed the 195 Pakistani alleged criminals to be repatriated to Pakistan. This position, one could argue, was adopted for security and political reasons in 1974. There is a view that for the sake of peace and stability in the Indian sub-continent, the West, Islamic countries and India were found not to be keen to hold the trial on the soil of Bangladesh in 1974.

It could be argued that the intention of the statement of

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 Bangladeshis 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... to 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."

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# No Cheer for Tamil Autonomy Plan

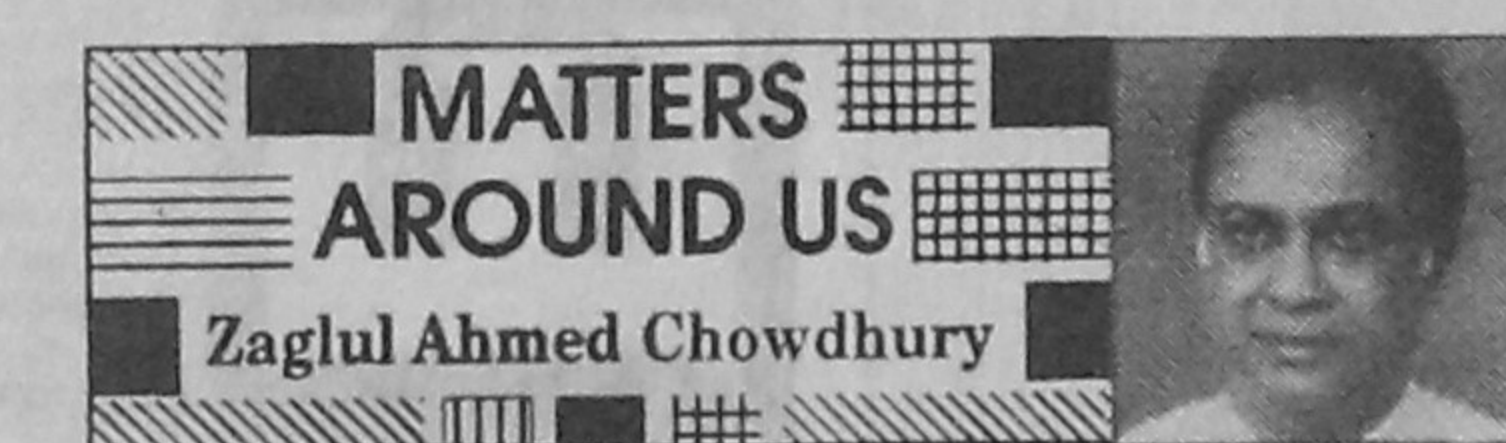
**The election results offer little towards a negotiated settlement of the civil war in Sri Lanka but certainly strengthens the hands of President Kumaratunga. However, it will be worth watching how she proceeds with the autonomy plan and also the war with the Tamils in the coming days.**

RATNASIRI Wickramanayake was sworn in as the prime minister of a new government on Friday after the People's Alliance (PA) of President Chandrika Kumaratunga had secured enough support to form a new coalition in the island state of Sri Lanka following the October 10 parliamentary elections. The blood-soaked build-up to the polls took more than seventy lives and the opposition parties complained of rigging and malpractice in the voting. Main opposition leader Ranil Wickramasinghe of the United Nationalist Party (UNP) said just before the ballot that his party would secure single largest majority in the 225-member parliament. However, in the end, it is the PA that secured 107 seats and emerged as the single largest group. With the support of two smaller parties, the PA mustered enough support to form the new coalition government. President Kumaratunga swore in the new government at her heavily guarded residence, capping a tumultuous five-week campaign to the elections.

The elections were seen as important by the Ruling People's Alliance (PA) and all the opposition parties although they gave 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 presidency 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

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 militant Tamils. The plan, however, collapsed on August 3 as the ruling circles were seriously embarrassed failing to garner the required majority. The opposition had alleged that the government had resorted to 'horse trading' and other tactics to lure the opposition members to change sides for the amendments. It did not finally click and the parliament was instead dissolved facilitating fresh polls.

Rivalry for political ascendancy in one and the unending civil war



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 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 Tamil 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 battle-ground rather than finding a solution through discussions or peaceful method like constitution giving them enough authority in the form of autonomy. The president has said she will turn the country into a *de facto* federal state within two months of re-election of the parliamentary polls.

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

the UNP will deal with the government on the issue.

The voting coincided with the death of Sri Lankan matriarch Sirimavo Bandernaike, who collapsed in a heart attack soon after casting her vote. She was the first woman prime minister of the world and dominated the country's political scene for half a century. The death shocked the nation and induced waves of sympathy that obviously swung her daughter, President Chandrika Kumaratunga's way. Sirimavo was the prime minister under her daughter but gave up the position two months ago on health grounds. This brought in her place Wickramanayake. Wickramanayake, 67, is considered as a hard-liner on the issue of Tamil militancy. He favours continued tough action against the militants in the war. The new government is likely to push the autonomy plan but there is little likelihood that the militants will respond to it. Then, the other option is to intensify the war, which looks more plausible after the elections and with Wickramanayake as the prime minister again. Evidently, this will harden the attitude of the Tamil militants as well. The new government will try to win over the moderate Tamils by offering olive branch in the form of the autonomy plan and take on the hardcore militants with tough measures on the other. 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.