

Eid amid fear

M.J. ZAHEDI

LAHORE celebrates Eid amid fear, a newspaper headline said two days after Eidul Azha which Pakistan celebrated on Monday last with usual fervour and enthusiasm.

But why should the people of Lahore, the second big city of the country, have been afraid? Of what or whom?

The reporter (of daily 'Dawn') himself answered the question. 'There was an overall fear of terrorist activity all over the province in view of the recent killings in Sheikhupura and some other cities'. Of course, 'tight security arrangements were made for the Eid prayers and at the recreational places ... police commands were detailed atop every mosque. Police patrolled the city roads and all public places. Rangers were also put on a red alert'.

All because of incidents of sectarian killings in Sheikhupura, a town in Punjab, and at Hangu, in the NWFP province. In the former, 14 people had died the previous week. Only a few days earlier ten people had been killed in Hangu where the army had to be called out.

The reason for the killings in both places was sectarian. Some of course say that the Sheikhupura killings were to protest the hanging of Haq Nawaz who had been convicted of the 1990 murder of an Iranian diplomat in Lahore.

Indeed in recent days sectarian violence has broken out at a number of places throughout the country. The government's failure to control sectarian terrorism has been criticised in many circles. In an article in 'The News', a Lahore-based column-

ist wrote "considering that there have been 3,000 deaths due to sectarian violence over the past decade in Pakistan, this promises more of the same, despite the decision by the army in the wake of the Sheikhupura incident to monitor the sectarian terrorists".

The writer commented that this move could be likened to shutting the stable door after the horses have fled. This particular failure is

they did in Sheikhupura after the killings.

The ignorance that feeds sectarian terrorism is not only confined to the country. Next door, in Afghanistan, the Taliban are acting in a similar manner. The destruction of Buddhist statues in Bamian and all other statues elsewhere throughout the country indicates only their narrow understanding of Islam. The Taliban have ignored international

disrespect towards Buddhists world over.

'The News' thinks that it is high time for Pakistan (which is one of only three countries to recognise the present Kabul regime, the other two being Saudi Arabia and the UAE) to reconsider the pros and cons of its close relationship with the Taliban regime in Afghanistan. In practice, Pakistan is the only country that effectively is in close contact with Mulla Omar's band of mediaeval warriors. What this has brought to Pakistan in the way of advantage is at best theoretical and abstract (including the much-touted theory of strategic depth). On the other hand, the damage it has done or is doing is far greater. Pakistani society stands riven by real sectarian violence and potential religious extremist challenges to the state, apart from the sea of arms and the drug trade that the Afghan adventure has given this country.

It is therefore essential for Pakistan, it is being felt here, to review its Afghan (or Taliban) relations if it wants to improve its international image in conformity with Pakistan's historical profile as a moderate Muslim state.

At the same time the Islamabad government should examine afresh the achievements (or the working) of its policy of de-weaponisation. In this matter at least relations with the Taliban may come in good stead.

The Taliban's success in banning arms from their side of the Durand Line should serve as an eye-opener to the government of Pakistan which has a more sophisticated law-enforcing system.

LETTER FROM KARACHI

likely to be worsened by the government's decision to release 600 to 1,000 detained 'Sipahi Sahaba' workers.

The writer also referred to Pakistan interior minister Mainuddin Haider's recent visit to Afghanistan during which he failed to get the Taliban to agree to the extradition of 60 'Laskar-e-Jhangvi' terrorists taking shelter in that country. The Kabul government's refusal to extradite them, according to the writer, underscores the links between sectarian terrorism inside Pakistan and the 'strange' regime in Kabul.

The 'Tehrik-e-Jaffria' threatened some time ago to start a movement against what it called the systematic killings of its workers in various incidents lately. The government, it said, was playing the role of a silent spectator to these events. It cannot therefore be said that there will not be retaliatory further violence on the eve of 'Mohurrum' when tempers usually run high, at least, as high as

protests over the act of destruction of these purely cultural and historical heritage remains of a once great Buddhist civilisation in the area; they have relied on their usual intransigence and defiance of all opinion other than their own.

Various motives, political and economic, are being assigned for this. The political, i.e. to get them recognised, seems plausible enough while the economic, i.e. to extract money in exchange for preserving the statue, does not. If it were so, the Taliban would accept Irani and other foreign museum offers to buy the statues and transport them out of Afghanistan. Unfortunately, the Afghans' closest neighbour Pakistan has confined its reaction to the Taliban decision only to a couple of cautious statements urging the Taliban to exercise restraint in this matter. On the other hand, almost the entire world, including even the Muslim world, has joined the chorus of dismay against the Taliban's intolerant

Child Labour and the right to life

HARUN UR RASHID in Canberra

It has to be borne in mind that no country in the world can deny that child labour was not in vogue in the past.

Children between 10-18 years have always worked to assist the families at home, in farms and in family run shops. They ordinarily participate in activities that are generally light and less skilled. Jobs are performed on a part-time or casual basis and may not involve hazardous work. Many have viewed such work as an effective way of helping the children to become aware of the reality of the world at work.

The right to life is a fundamental right. Child labour appears to be inter-linked invariably with poverty. If a country is steeped in poverty, the children are forced by necessity to work to keep them alive. This is a difficult issue that faces starkly the developing countries although they may not approve child labour.

It appears that children under 18 are permissible to work by ILO (International Labour Organisation) Convention of 1973 with the proviso that it does not interfere with the education of the child. In Europe and other industrialised countries milk and news paper continue to be delivered at homes by young boys and girls below 18 years of age.

Bangladesh is one of the very few countries which became parties to the Convention of the Rights of the Child (1989). Among the 14 or more ILO Conventions, the Minimum Age Convention of 1973 prohibits the employment of children under 18. But it appears that it recognises that a child between ages 13-15 may be employed on light work provided it does not interfere with the education of the child.

What is special about children is their vulnerability and they are less likely to know about their rights and are not in a position to fight back.

What is not permissible is the forced labour of the children or child labour in an environment which is hazardous to their health and safety. It is perceived to be a form of exploitation of children. Child labour deprives a child of their schooling and as such his/her mental and physical developments are impaired. This implies that a working child is likely to spend his/her life at the bottom of the social ladder.

The question is: why does child labour takes place? The causes of child labour are to be investigated and remedied. Otherwise it will only be a "band-aid" solution to a social malaise.

There are many socio-economic reasons for child labour in developing countries, such as, poverty, lack of social welfare safety net such as unemployment benefits or old age pensions, unemployment or

prolonged illness of the adults, lack of compulsory education and migration from rural to urban areas. Until the root causes are rectified, there will be child labour in some form or other. It is unlikely that draconian measures or labour standards will be able to remove child labour in developing countries.

The western nations wish to impose labour standards on all countries. There is a growing demand in those countries that labour standards are to be imposed on export trade. This means that if a product, say a carpet, garment or a football or shoe is being made by the child labour or by the labour of those who are being treated below certain standard of wages or safety by the employers, the product would be barred for its entry in their market. This restriction has had already some impact on recruiting child labour in certain manufacturing industries owned by local entrepreneurs or multinational companies in developing countries.

This policy of the industrialised countries sounds good but there seems to be a catch in it. It is argued that imposition of labour standards on the developing countries appears to be another way of restricting access to their market of goods from developing countries.

The labour standards are being perceived with alarm in the developing countries because they tantamount to 'back door' protectionism to bar the goods in the markets of industrialised countries.

There is a view that the western countries have pursued a double standard policy - on one hand they are vociferous in promoting free trade, on the other hand they are equally determined not to remove trade barriers on goods entering their market and thus deny fair trade.

It is important to remember that child labour can only be eliminated fully by economic growth in the developing countries. This implies that the developing countries, among others, need markets for their exportable goods in the developed countries. This does not occur at present because there are tariff and non-tariff barriers in the developed countries (such as in European Union and US) for the entry of goods in their markets.

The next round of global trade negotiations under the World Trade Organisation is expected to focus on this issue. Trade is much better than aid to a developing country as the saying goes, give a person a fish and he/she eats for a day, teach a person to fish and he/she eats for a

lifetime.

No country including Bangladesh wants to see their children in a hazardous situation. In Bangladesh child labour is regulated under the Employment Labour Act, 1965, the Industrial Relations Ordinance, 1969, the Boilers Act, 1923 and the Factories Act, 1925. The Factories Act prohibits the employment of children under 12 years of age. The Children Act 1974 and the Employment of Children Rules 1955 apply both industrial and agricultural child labour.

On 19th November, 2000 the ILO Convention (182) against the Worst Forms of Child Labour has come into force. This is a Convention which defines the worst forms of child labour under the age of 18 as children who are forced to work in conditions where they are entirely at the mercy of the employer, guardian, house hold head or parent, trafficked, no matter whether it is for prostitution or any other labour exploitation (engaged in work which threatens their life health or morals).

Many countries consider that the Convention would be applicable to a child under 14 and not under 18. It appears that Bangladesh may have to define a child in its legislation to implement the Convention 182 in the context of Bangladesh's economic reality. Furthermore the implementation of the Convention needs enormous resources and the question rests whether the international community and the ILO can come forward with resources to Bangladesh in its implementation.

Child labour is to be viewed as both a social and economic issue. It is argued that the issue of child labour in Bangladesh has to be looked into from its proper perspectives. In Bangladesh almost 50 per cent of the population is 15 years and under. This means roughly 65 million children. It is estimated that the total of child labour (14 and under) in the country is around 6.6 million. There appears to be a dilemma in Bangladesh because in certain extreme situation a child under 14 may have to work from being not starved.

Child labour laws may not be strictly enforced in countries where there exists extreme poverty. Although alleviation of poverty is the responsibility of government, it also requires the involvement of those who are often the most vocal in laying labour standards in developing countries. Sensitive social responsibility dictates that international community should be committed to accelerate economic growth in developing countries. Once economic progress is achieved child labour will disappear as it did in the western countries.

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Excerpts from the main report of Hamoodur Rahman Commission of Inquiry as declassified by Government of Pakistan

POLITICAL BACKGROUND: V (Martial Law)

THE English courts also maintain that it is not the proclamation of Martial Law which justifies the use of force but rather the events which have created a situation in which the use of force in this form has become justified. Blackstone in his Commentaries, Vol. 1, page 381, describes this kind of Martial Law "only as temporary excrescences bred out of the disorder of the State."

From the above it is clear that we must distinguish clearly between Martial Law as a machinery for the enforcement of internal order and Martial Law as a system of military rule of conquered or invaded alien territory. Martial Law of the first category is normally brought in by a proclamation issued under the authority of the civil government and it can displace the civil government only where a situation has arisen in which it has become impossible for the civil courts and other civil authorities to function. The imposition of Martial Law does not of its own force require the closing of the civil courts or the abrogation of the authority of the civil government. The maxim inter arma leges silent applies in the municipal field only where a situation has arisen in which it has become impossible for the Courts to function, for, on the other hand, it is an equally well established principle that where the civil courts are sitting and civil authorities are functioning the establishment of Martial Law cannot be justified. The validity of Martial Law is, in this sense, always a judicial question, for, the Courts have always claimed and have in fact exercised the right to say whether the necessity for the imposition of Martial Law in this limited common law sense existed.

From this examination of the authorities I am driven to the conclusion that the Proclamation of Martial Law does not by itself involve the abrogation of the civil law and the functioning of the civil authorities and certainly does not vest the Commander of the Armed Forces with the power of abrogating the fundamental law of the country. It would be paradoxical indeed if such a result could flow from the invocation in the aid of a state itself for its own protection from external invasion and internal disorder. If the

argument is valid that the proclamation of the Martial Law by itself leads to the complete destruction of the legal order, then the armed forces do not assist the state in suppressing disorder but actually create further disorder, by disrupting the entire legal order of the state. I cannot, therefore, agree with the learned Attorney General that the proclamation of Martial Law by itself necessarily give the Commander of the armed forces the power to abrogate the Constitution, which he is bound by his oath to defend.

Reverting back to the events, General Yahya Khan's reaction to the enquiry of President Ayub Khan seems to us to be an amazing one. According to himself he was of the view that a partial Martial Law could be of no use at all in as much as the persons causing trouble would immediately leave the areas under Martial Law which would gradually have to be extended until the whole country was under Martial Law. In other words, therefore, Martial Law had to be imposed throughout the country. We cannot but read this as meaning a flat refusal to come to the aid of the civil government. Other evidence discloses that the army in so many ways declined to take any responsibility unless the government of the country was made over to it. Witnesses have deposed to General Yahya saying that unless he was asked to take over entirely he would pack up and go to Peshawar, leaving the government to manage as it best could. We cannot but express our utter surprise and sense of profound shock that the Commander-in-Chief of the Army, each one of whose officers and men had taken an oath to be faithful to Pakistan and its Constitution should adopt such an attitude. It was the army's foremost duty to come to the aid of the legitimate government; instead it exploited the government's weakness at a time when it was itself willing to erase itself from the political scene by constitutional means in order to meet the wishes of the people who are after all the ultimate political sovereign. It should have been its duty clearly to eschew politics; on the contrary it chose to enter politics in a big way and make itself the sole political power.

What then happened between the 20th of March and 25th March, 1969, to necessitate the handing over of the country to a military Commander? The situation was definitely not comparable to the one in 1958. In 1958, for good reasons or ill, Field Marshal Ayub Khan, ousted the Government in power through under the facade of the then President continuing as such in the new regime for less than three weeks. In 1969, apparently at least, a civil government invited the Commander-in-Chief to take over the country. It is interesting to note that in the letter which the Field Marshal wrote to General Yahya Khan on the 25th March, 1969, he asked the latter to perform his constitutional responsibilities. This sentiment was repeated in the Field Marshal's farewell broadcast in which he went on to express the opinion that the security of the country demanded that no impediments be placed in the way of the defence forces and they should be enabled to carry out freely their legal duties. If this passage stood alone it would not be difficult to read it as meaning that the army was required to come to the aid of the civil power. Clearly, however, such an interpretation is entirely untenable in the context of the entire broadcast, which was to the effect that the government was unable any longer to function and spoke also of the decision of the Field Marshal to relinquish simultaneously the office of the President. The reference, therefore, can only be to that notion of supra constitutional duty with which the army was imbued at that time and which General Yahya Khan in his deposition strongly advocated before us as the correct legal position. We questioned him closely upon this matter and he said that he was not a lawyer but that from the beginning of his career in the army he had always been trained to believe that this was a cardinal duty of a soldier, namely the defence of the country. This statement comes from a person who, in a different context, claimed to be an expert in law.

As we have seen the Round Table Conference produced as favourable a result as it could, under the circumstances, have been expected to achieve. Not only had a sufficient measure of agreement been reached to begin the process of constitutional amendment but it had been publicly announced that the measures would be carried through in the appropriate legislative fashion. In order to bring to the country respite from internal strife, the President had renounced for himself even the position of constitutional head of a parliamentary form of government. He could and should according to the 1962 Constitution, if he wished to quit the scene immediately, have handed over to the Speaker who would take the necessary steps for the election of a new President. There was, therefore, no reason apparently, why the President should not have gone on to amend the Constitution by means, of course, of the process contemplated by that Constitution itself. What then induced him suddenly to hand over the government of the country to General Yahya as he did on the 25th? The reason, it seems to us, is primarily to be found in the attitude of General Yahya who had made it plain that he would not agree to come to the aid of the civil power. The Field Marshal had ever been contemptuous of the ability of the politicians to govern the country in a democratic fashion with success. That General Yahya's opinion was not very different is shown as much by his conduct after he took power as his evidence before us and he was, in any case, motivated by his own desire to come to power. By this time also what had been whispered for years was being openly alleged, namely that during the Field Marshal's regime he and his family had amassed a vast fortune by abuse of his official position. The Field Marshal's decision to give power to the General could well have been influenced in part by a hesitation to put politicians in power over himself. Credence is given to this view by the public statement of General Yahya after his assumption of power, in reply to a newspaper reporter's question, that he would not proceed against Field Marshal Ayub Khan.

Next: POLITICAL BACKGROUND: VII (Martial Law)

Women on the front line

RAWWIDA BAKSH-SOODEEN in London

SIATTA Gbondo was nine and her sister Patricia twelve when rebel fighters in Sierra Leone abducted them in April 1998. Their father Stephen has not seen them since. What happened to Stephen's daughters has happened to some 10,000 girls in Sierra Leone abducted by the Rebel United Front and used as active fighters, sex slaves mules to carry supplies, and maids to prepare food in the camps.

When I visited Sierra Leone in February, a former department head in the University of Sierra Leone told me how she had been alone in her house in the capital, Freetown, when the rebels arrived in 1999 how she hid in a remote corner of the house while they set fire to it, and how she spent the night hiding in the garden, surrounded by rebels who would have killed her on sight, before she finally found refuge with a neighbour. Thousands of other women tell similar or even more harrowing stories.

The tragedy of Sierra Leone is not unique: wars are being fought, not only across international borders between professional soldiers on battlefields, but increasingly within national boundaries with civilians as both combatants and targets. Armed conflict has moved into the village, the community, the street, the home. And the suffering caused by war is increasingly borne by women and children.

Of some 23 million refugees worldwide, 80 per cent are women and children. Rape and sexual slavery are used as weapons of war. Women are also expected to absorb the impacts of conflict, particularly within their families and communities.

HIV/AIDS has magnified the devastation of war. In a 1996 UN report on the Impact of Armed Conflict on Children, Graca Machel said that the incidence of the HIV/AIDS virus among soldiers was two to three times that of the general population, and during wars and conflicts rates of infection increase up to 50 times. At the same time that health care and education infrastructures are weakened or destroyed, more women and young people are being infected.

This is why women and young people need to be involved in decisions about peace, rebuilding and reconstruction. If they are to suffer most from conflict, why should they not be in the forefront of efforts to head it off? If their lives have been torn apart, why should they not have a say in putting them back together?

In Sierra Leone, for example, the devastating

human cost of years of civil war and political violence has left no one in the country untouched. The issues of child soldiers, refugees and displaced persons, loss of livelihoods, rape torture and mutilation, and the spread of HIV/AIDS affect women, men, boys and girls in different ways. The same is true of the destruction of basic infrastructure such as housing water and sanitation, schools agriculture and trade.

Women, however are rarely part of high-level peace negotiations. Lesley Abdela of Project Parity (an organization dedicated to increasing women's political representation) said following a visit to Freetown on behalf of the British Council last November. "Women were the main driving force in organising the 1996 elections, but when the elections took place they were sidelined. Again in 1999 3,000 women marched on RUF leader Foday Sankoh to tell him to rise up and stop the fighting. Subsequently women lobbied to be included in the peace negotiations but were

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excluded." Fortunately, recognition has begun that women need to be in the front line of peace and reconstruction efforts, Shirley Gbujama, Minister of Social Welfare, Gender and Children's Affairs in the Sierra Leone Government, put it this way: "Women have worked hard to defend democracy, particularly in the last three years. They suffered extremely during the war, but in spite of this, have been at the forefront of efforts for peace building and peace-making. As the country has now embarked on reconstruction, their full participation is an inalienable right."

The UNIFEM book Women at the Peace Table points out that "despite the many challenges they face women across Asia, Africa, Europe, and North and South America are

already at the forefront of many peace efforts." Women in other worlds, are proving themselves as active agents of change during conflicts.

In the Solomon Islands, more than a hundred women from the islands of Guadalcanal and Malaita whose menfolk were fighting each other came together in the capital, Honiara, in May last year to talk about how the conflict had affected them and to call for peace. So determined were the women of Malaita that they braved rough seas in a boat to get to the talks.

Women played a key role in bringing men from opposing sides to the peace table in Bougainville, where attempts secession from Papua New Guinea had brought about more than a decade of violent conflict. In Fiji, Islands' recent political upheaval, women initiated community action and provided support to those most seriously affected by the crisis.

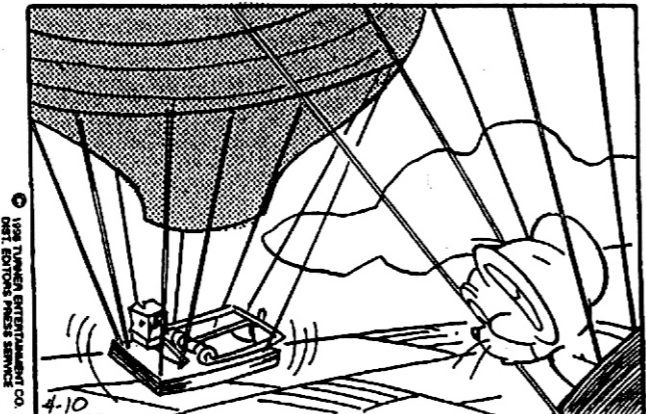
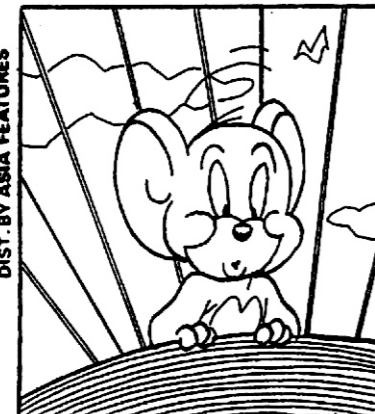
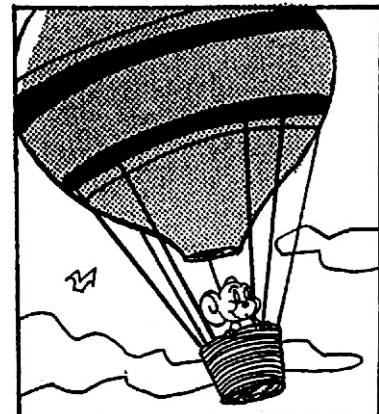
There are other examples: the Northern Ireland Women's Coalition secured a seat at the peace table. In South Africa, women were extensively involved in the struggle against apartheid and secured equal representation in the negotiations leading to the 1994 elections. Using this momentum, South African women have increased their representation in Parliament to currently, 30 per cent.

Commonwealth countries have collectively agreed that women should be more involved in peace processes. They have set as the target that 30 per cent of decision-making positions in the political, public and private sectors and in peace initiatives should be occupied by women by 2005. The Commonwealth secretariat, which is an instrument for member governments, has organised regional meetings in Africa, Asia the Caribbean and the Pacific to promote awareness of the importance of this new thinking. In May this year, the Commonwealth will further develop its policy on promoting partnerships between women and men in conflict resolution and reconstruction efforts.

The convergence of International Women's Day on Thursday last (March 8) and Commonwealth Day today, while theme is on the younger, emerging, generation, underline the need for these two groups to have their voices heard. In the search for peace that need is ever more urgent.

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TOM & JERRY



By Hanna-Barbera

James Bond

