

Nepal bleeds again Emergency in Nepal will mean prolonged suffering

THE four-month old ceasefire between the Maoist rebels and the Government of Nepal came to a violent end as nearly 300 hundred died in clashes in the last few days. The Government of Sher Bahadur Deuba has reacted by asking King Gyanendra to impose emergency, which is now in effect. The war has now escalated to a fight between the army and the armed rebels. This will extract a heavy price, both democratic and economic, none of which Nepal can afford.

Peace talks had been held off and on for the last few months but optimism was dwarfed by the spectre of irreconcilable demands. The Maoists had wanted the end of monarchy and establishment of a republic, which the government was unable to negotiate, as it's a monarchy by constitution. Ultimately, this became a crunch issue. The Maoists didn't back down and now the hills are back to bleeding again.

One of the more impoverished lands in the world, it fought and won the right to democratic rule by ending the partyless *panchayat* system in the 90s along with absolute monarchy. Nepal has a reasonable electoral system and its political party democracy is at a much higher level than many of its bigger neighbours. Nepal had also earned considerable success in establishing a viable local government system. Ordinary people have a bigger hand in local governance than in most other parts of south Asia but obviously this wasn't enough. The governments failed to reduce poverty and corruption in the post *panchayat* era and the sudden rise of the new rich in Kathmandu clashed with the rise of the newly hungry in many parts of the land. The Maoists fed on this deep resentment, a problem that the political governments didn't address. The civilian elite of Nepal has let its people down very badly.

Most certainly the next phase is going to be a deadly one as the royal army now battles it out after the dismal show of the police. If that means a better challenge to the Maoist fire power, it also means losing something in return. It is now in the midst of a war it can't afford. It will also be sometime before the armed conflict tilts towards one or the other or reaches a stalemate. Before that stage, negotiations will not be on the agenda. This is a war that Nepal doesn't need but its ruling classes, present and future, are keen to fight. Whatever is the outcome, one hopes the people will win in the end.

The foot-bridge accident

This should trigger a thorough evaluation of our public safety measures

IT was not an accident in the sense that a mishap happens in spite of best efforts. It was an accident that happened because of sloppy work, sloppy supervision and gross negligence. Most of all it happened because our construction companies and their supervisory bodies, both in the government and outside, care too little for public safety. Consider what happened here. About a month ago the railing that collapsed along with the other (which can fall any minute) were placed on the pillars on two sides of the road. It was left in this state for a month without any body from the construction company following up on the work or from the DCC inspecting it. Every vehicle and individual that passed from under that foot-bridge over the last one month were exposed to risk of being injured or of dying in the same manner as the unfortunate victims of last Monday. The disregard for public safety is mind boggling. While the Mayor's quick action against the construction company and the DCC officials is welcome yet the fact remains that it took the loss of a life to reveal the systemic faults that seem to have gripped most of our public and private institutions as far as public safety is concerned.

We call for a thorough investigation of all foot-bridges in Dhaka city and in other cities where such bridges may exist. We also call upon the Mayor to immediately dismantle all signboards put up over the roads (instead of on the sides) which may collapse and injure people. We request the authority to look into the whole question of public safety now that public attention has been drawn to it, though at the cost of an innocent life.

We demand that the company whose negligence is responsible for this accident should be made to pay heavy compensation to the family of the deceased and to those injured, in addition to bearing all the medical expenses for the latter. Unless companies are made to pay through their nose for gross negligence they will never mend their ways. We have seen this happen too many times in the past.

OPINION Rudeness in politics

ALIF ZABR

SINCE rudeness in politics is not imported, the politicians have the envious distinction of sharing the whole responsibility of the exemplary behaviour pattern exhibited by the people's representatives of both sides of the House. The foundation of intolerance has solidified, losing fluidity; and this malevolence cannot be chipped away.

We have developed hardened orators. Watch the angry stance of the politicians at the public meetings (or in the House); the face full of hatred, the speech fiery, and the movement of the limbs most provoking. It is just sort of simply tearing apart the opponents physically.

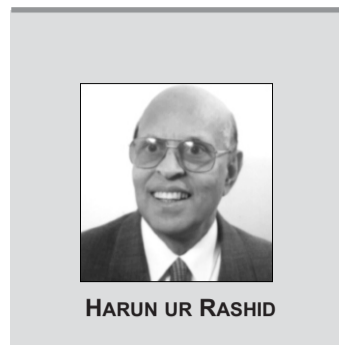
After World War II, there was a period when the cult known as the 'Angry Young Men' became popular. It was explained away as a postwar adjustment problem. Thefad remained for a decade or so, and then was replaced by other symptoms of the changing society. Today the maxim is: you are with us, or not with us. The age of the golden mean does not exist.

Thereafter two more mental loads were imposed upon the politicians in this peninsula as a result of historical events: one the partition of British India in 1947, and the other the emergence of Bangladesh in 1971, both involving what is known as 'revolution for the restoration of the human rights of the natives'.

Another 20 years passed before democracy was restored in 1990 in Bangladesh through the general elections. But there was no internal democracy within the parties, and the 2001 elections did not bring about any internal change in outlook or procedure. The genuine political parties lived on street agitation for 15 years during the autocratic phase of post-revolutionary adjustment. Thereafter, during the decade of the 1990s, the opposition opted to live on the streets, firmly believing in the hartal culture. Today we are all suffering from the negative development of politics. The newly elected regime experienced the first hartal barely a month after take-over (Nov 15, 2001).

The peace-loving citizens developed misgiving facing such threatening gesticulations of the eyes, mouth, face, and the arms, while

The 1996 Ganges Water Treaty : Its strengths and weaknesses



HARUN UR RASHID

RECENT media reports indicate that the BNP-led coalition government has decided to review some aspects of the 1996 Ganges Water Treaty concluded with India by the immediate past Awami League government. Article 10 of the Treaty provides that the sharing arrangement "shall be reviewed by the two governments at five years interval or earlier, as required by either party." This being the case, the new Bangladesh government is within its right to review the Treaty.

The Treaty, concluded on 12 December 1996 for a period of thirty years, comprises of three parts—substantive part containing 12 Articles and two Annexures. The two Annexures seem to constitute the 'heart' of the Treaty. Annexure 1 stipulates the average flow of water available at Farakka from 1948 to 1988 period and Annexure II describes the exact quantum of share of waters for Bangladesh and India. The sharing arrangement runs for five months every year (January to May) and is subject to the condition of actual availability of waters at Farakka as indicated in Annexure 1. The condition seems to be the lynchpin regarding the receipt of actual share of waters for Bangladesh.

It may be recalled that during President Zia's government the first formal Agreement with India on the sharing of the Ganges waters was concluded on 5 November, 1977 for a period of five years. During President Ershad's rule when it expired and came up for renewal in 1982, India, under Mrs. Gandhi's administration, did not agree to renew the Agreement.

Instead the Agreement was replaced by a Memorandum of Understanding (MoU) in 1982 for a two-year period and the provision, commonly known as the 'guarantee clause' was deleted from the MoU. That implied that Bangladesh was not entitled under the MoU to receive the minimum quantum of waters as specified in the Agreement during a 10-day period in the dry season if the flow of the Ganges fell below the agreed average availability at Farakka. It seems that Bangladesh had to swallow 'a bitter pill'.

Thereafter an ad-hoc arrangement similar to that of Memorandum of Understanding continued for a few more years. Then a period came when there was no formal agreement or arrangement of

sharing of waters between the two countries. This resulted in uncertainty for Bangladesh.

Some basic fundamentals

Before I discuss the strengths and weaknesses of the 1996 Treaty, let me at the very outset focus on certain fundamentals relating to the sharing of waters of the Ganges.

First, the Ganges is an international river and flows through three countries, Nepal, India and Bangladesh in that order. The total length of the Ganges is around 15,68 miles (2,525 km) and the Ganges enters into Bangladesh from the west and joins *Jamuna* and *Meghna* rivers down the stream before it meets the Bay of Bengal. The Ganges is commonly known in Bangladesh as '*Padma*'.

Second, it is India that interfered with the natural and historical flow of the Ganges to Bangladesh by constructing a Barrage at 11 miles across the Bangladesh border at a place called 'Farakka' in the state of West Bengal (India). The unilateral

India during the dry season that adversely affects the availability of waters downstream in Bangladesh.

Finally, both sides agree that the existing flow of the Ganges is inadequate and needs to be increased to meet the requirements of both countries. They however differ as to the methods of augmenting the flow of the river.

Strengths of the Treaty

The signing of the 1996 Treaty has to be seen in its proper perspective. It was concluded at a time when there existed no formal Agreement with India after the expiry of the 1977 Agreement in 1982. It could be said that during the early 90s, Bangladesh was placed virtually at the 'mercy of India' to receive adequate flows of waters of the Ganges.

It appears that the Awami League (AL) government rightly accorded top priority to sign a formal Agreement/Treaty with India on sharing of the Ganges waters. The AL government saw that the past governments in Bangladesh were

case of breaches of provisions of a Treaty/Agreement. Only peaceful settlement is available to the aggrieved party if the other party consents through mechanisms contemplated in Article 33 of the UN Charter (i.e. negotiation, enquiry, mediation, conciliation, arbitration and judicial settlement).

Furthermore the 30-year period afforded Bangladesh a good measure of time to develop its own water resources projects including the Ganges Barrage for a long term solution to meet the requirements of waters during the dry season in Bangladesh.

The Treaty also recognises in its Article 8 the need to cooperate with each other in finding a long-term solution by augmenting the flow of the Ganges during the dry season. This implies that the 30-year Treaty is an interim arrangement pending the final allocation of waters, once the flow of the Ganges is increased. This long period provided both countries to find an agreed scheme to augment the flow of the river.

The Treaty also committed both parties to conclude water sharing agreements with regard to common

secure the minimum requirement of flow of waters to Bangladesh. In addition to this, the difficulty with the above provision lies in the use of the word 'harm'. Although the use of the word 'harm' seems apparently innocent, it can be argued that the word 'harm' has not been qualified by any expression, such as 'serious or severe or any other phrase', thus injecting a wide, variable and loose interpretation. Furthermore it is to be noted that what constitutes 'harm' has not been defined or described in the Treaty. One party's 'harm' may not be perceived as 'harm' by the other party in many circumstances.

Furthermore, the word 'harm' is one of the criteria to be taken into account in Article 10 when the provisions of the Treaty need adjustments and it may be a bone of contention between the two parties as to the exact meaning of the word 'harm'. There is a view that if any water sharing adjustment proposed by Bangladesh 'harms' India, it may be the end of the matter for Bangladesh to proceed further in terms of the Treaty. Some suggest that it would have been desirable if there were no such words as 'no harm to either party' employed in Articles 2 and 10 of the Treaty because it appears to benefit more an upper riparian (India) than a lower riparian (Bangladesh).

It is to be noted that in the Annexure II of the Treaty, the share for Bangladesh during the second 10-day period in April is 27,633 cusec while the 1977 Agreement provided

34,500 cusec for Bangladesh during the third 10-day period in April. This implies that India's share has been more under the Treaty during April than it was provided in the 1977 Agreement, thus reducing the share of Bangladesh in the driest period of the month.

With regard to increasing flow of waters of the Ganges as a long-term solution, the 1996 Treaty appears to fail to mention in Article 8 of the Treaty any proposal or guidelines to be considered by the parties. It has been left open and thus both sides run the risk of being bogged down to agree on a scheme for augmentation of waters. In comparison, the 1977 Agreement had two side letters exchanged in which a scheme 'for building storages in the upper reaches of the Ganges in Nepal' was not excluded as a long-term solution. The important point is that augmentation of water of the Ganges is imperative and Nepal's participation seems to be vital in this effort and this seems to be missing from the 1996 Treaty.

Conclusion

Although the 1996 Treaty provides a legal basis of sharing arrangement with India, it may be argued that it may need adjustments in the light of the experience on the ground since 1996. The question is: did Bangladesh receive waters as per Annexures of the Treaty? There was a report in a section of press *Weekly Dhaka Courier*, 25 May 2001, page 19) that the flow at the Bangladesh side of the Hardinge Bridge was reported to be as low as 19,000 cusec when Bangladesh should get a minimum of 35,000 cusec. If this is true, it seems that certain provisions of the Treaty are not working in favour of Bangladesh and the loopholes need to be rectified during the review of the Treaty.

The bottomline appears to be that Bangladesh needs a firm assurance from the upper riparian country-India-that certain minimum quantum of water is to be released to meet the needs of Bangladesh during the driest month every year and such availability will not depend on the reduced flow at Farakka. Such assurance may either be built within the Treaty or through letters exchanged between the two governments constituting an integral part of the Treaty.

For a long-term solution there is a view that what is needed is a plan of regional development of water resources of the Ganges-Brahmaputra-Meghna rivers, involving Nepal, India and Bangladesh. Large hydro-power potential is desirable to be linked with the development of water resources. Nepal is hydro-power rich with potentiality of about 80,000 MW and if this could be harnessed together with the development of water resources, the people of all the three countries will be able to benefit immensely.

Barrister Harun ur Rashid is a former Bangladesh Ambassador to the UN, Geneva.

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diversion of waters from an international river (the Ganges) is against all the rules of international law. Until the Barrage was commissioned in 1975, Bangladesh received the natural flow of the river from time immemorial and was heavily dependent on it.

Third, it has been agreed by both sides that average flow available at Farakka (not below or above Farakka) is to be shared between the two countries during five months of the year (January to May) and not all the year round. In other words, the waters reaching Farakka are to be shared between the two parties and the sharing arrangement takes place only during the dry season. There is a chart on average availability of waters during the dry season at Farakka from observed data for 40 years (1948-1988) which are in possession of both sides.

Fourth, Bangladesh, being the lower riparian country, has no control on the flow available at Farakka. India is the upper riparian country and is in a position to regulate the flow of the river at Farakka because India is capable of withdrawing water at the upper reaches of the river. Bangladesh cannot prevent India from what it does at the upper stream of the river.

Fifth, India has diverted waters of the Ganges through a feeder canal at Farakka to flush silt from Hooghly river while Bangladesh uses the water for irrigation for agricultural lands during the dry season (when monsoon season has gone). It is the diversion or depletion of water by

the Treaty extends for a period of 30 years and "shall be renewable on the basis of mutual consent" (Article 12 of the Treaty). It is the first time that the water sharing arrangement extended to such a long period of time while the duration of the 1977 Agreement had been for a period of only five years with options of renewal (which India did not agree to exercise in 1982).

Furthermore the 30-year period afforded Bangladesh a good measure of time to develop its own water resources projects including the Ganges Barrage for a long term solution to meet the requirements of waters during the dry season in Bangladesh.

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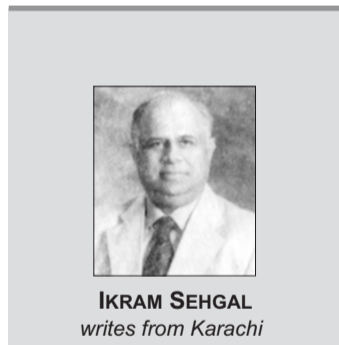
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Intelligence happenings



IKRAM SEHGAL
writes from Karachi

WHENEVER military commanders fail to achieve their stated objectives, intelligence agencies are convenient scapegoats for their operational shortcomings. US President Carter's 'de-humanizing' of CIA in favour of high-tech did not cater for the present 'war on terrorism' waged against a technologically backward country like Afghanistan. During Reagan's

AS I SEE IT

Contrary to public perception, the ISI never had any control or influence over the Taliban, at most an open channel for dialogue. Till Sep 11, 2001 this channel was frequently used, the Taliban listened when it suited them. As recent events have shown, not only have the Taliban been their own masters, the ISI has very little field intelligence about them. By the time it mattered most to the world, the ISI had been emasculated of its superb potential.

term, CIA's William Casey, one-time agent of the OSS, CIA's predecessor agency, turned this policy around 180 degrees, running the war in Afghanistan with help from Pakistan's Inter-Services Intelligence (ISI). ISI coordinated logistics and operations with the Afghan Mujahideen, with officers and men on 'Extra Regimental Employment' (ERE) duties, from Pakistan's elite commando brigade, Special Services Group (SSG) taking part in actual fighting. SSG prides itself in wearing the winged

dagger and having the universal motto of Special Forces everywhere, "Who Dares Wins". Having done two SSG tenures, prime product General Pervez Musharraf is presently SSG's Colonel-in-Chief. Raised from 19 Baluch (old 17/10 Baluch) at Cherat, a hill station not far from Peshawar, dedicated CIA and US Special Forces personnel trained the SSG as part of US 'Military Aid to Pakistan' Programme (US MAP). Among the instructors were Chuck Lord, Robert Buckley, Robert Dunn, Maj Murray, Lt Hicks, Sommers, etc. Pakistani SSG officers travelled to Fort Bragg and/or Fort Benning for advanced training. Robert Dunn knew most SSG personnel by name, having spent almost his whole life in this area. Casey chose him to be CIA's Operations Chief for the Afghan War.

Pakistan remained aloof from Afghan affairs pre-1973. Bhutto's toppling of the ANP-led Provincial Govts in NWFP and Baluchistan in early 1973 frustrated leaders like Ajmal Khattak who went off to Kabul. Sardar Daood who had overthrown his cousin, King Zahir Shah, was only too happy to foster the Afghan dream of a greater Pakhtunistan. Marri and Mengal tribesmen, trained by the KGB/KHAD combine in Afghanistan, carried out an armed insurrection for several years in Baluchistan. Pakistani students (belonging to elite families none of whom were Baloch) studying in UK were recruited under the cover of "consultants" to supply guns, ammunition and information. The ISI deliberately gave them rope to trace out their local contacts, this "magnanimity" ran out after the Sabtalgan Feature (near Kohlu) incident, most were then hauled up and "re-educated" by ISI, eventually forgiven their youthful "indiscretions". Bhutto mandated Maj Gen N K Babar (then IG Frontier Corps and later Governor NWFP) to pay the Afghans back in the same coin. The

first trainees were many young Afghan doctors and engineers rabidly against the monarchy and the Soviets successor influenced government of PM Sardar Daood Khan, among the 'rebels' Gulbadin Hikmatyar, Burhanuddin Rabbani, late Ahmed Shah Masood, etc. CIA and friendly Arab States funded hundreds of millions of US dollars and supplies to the major (nine) Mujahideen factions, some directly but mostly through ISI. Funds were skimmed off but only at the very top, the money that did flow through went mostly to favourite Mujahideen commanders along with supply of arms and equipment. Illicit sales of arms and equipment by the recipient Mujahideen and by a handful of corrupt, unscrupulous intelligence operatives did take place. To whom was US \$ 100,000 or thereabouts transferred from BCCI Karachi (now Bank Alfalah) to bank accounts in Canada almost on a daily basis until mid-1988? Why is a government committed to accountability not hauling up the beneficiaries who live in affluence, and in positions of influence, while the tarnishing of the name and reputation of the Pakistan Army goes on, many of whose valiant sons lie in unmarked graves across Afghanistan? By the time, the Taliban had chased the interim government out of Kabul in 1996 the ISI's intelligence potential had gone into decline, diminishing drastically on the ground, both in Afghanistan and Pakistan.

On becoming Chairman, Joint Chiefs of Staff Committee (JCSC), Zia's long-serving DG ISI, Gen Akhtar Abdur Rahman handed over to Lt Gen Hamid Gul. The new Persian-speaking DG ISI's visions were of a crescent of Pan-Islamic countries across Central Asia he came to grief at Jalalabad. He was eased out of ISI by then PM Ms Benazir in early 1989 into commanding a Corps. Lt Gen SR Kallue, a retired officer, was brought in to head the ISI, essentially as an anti-coup mechanism. When the time

came he badly failed his mentor, some of ISI's own detachments were used under his nose to topple Ms Benazir in early August 1990. Gen Aslam Beg immediately moved his DG MI Asad Durrani to handle both ISI and MI concurrently for some time. Asad Durrani lasted a year before the new PM Mian Nawaz Sharif reconstituted the new Army Chief, Lt Gen Asif Nawaz for his then favourite, Lt Gen Javed Nasir, the Army's Engineer-in-Chief as DG ISI. Despite his heart being in the right place, Javed Nasir's attempt to create Pakistan's place under an Islamic sun almost got us declared "a terrorist state". Between Kallue and Javed Nasir, Afghanistan slid down the priority ladder. Lt Gen Hamid Gul was prematurely retired by Asif Nawaz. Soon after Gen Asif Nawaz's demise, the new COAS Gen Waheed Kakar sent both Lt Gen Asad Durrani, and Lt Gen Javed Nasir home for violating the channels of command. Gen Waheed mandated the DG MI, Lt Gen Javed Ashraf Qazi (presently Federal Minister for Communications), not only to cleanse the ISI of "Islamists" but to rein in the "Jehadis" in Kashmir.

Qazi went at ISI like knife through butter, bringing in another artillery officer Maj Gen Iftikhar (presently Lt Gen (Retd) Iftikhar, Governor NWFP) to handle the External Wing. The ISI's priceless intelligence network was dismantled, all Afghan veterans were posted back to the Army, most headed into retirement. By 1995, the ISI had been totally purged, except for a handful of favourites, no officer who had physically served in Afghanistan remained in ISI. Lacking either Afghan or combat experience, the ISI hierarchy developed an inferiority complex that made them petty, including ordering the surveillance of those patriots who had fought so hard for their country, risking life and limb without asking for reward or recognition. Incidentally, the new hierarchy took the credit for creating the Taliban (now they don't do so)

whereas the Taliban were an indigenous self-made creation, later adopted by the ISI for support. Unlike other intelligence agencies like CIA, RAW, MI-5, etc the ISI is not a career service. Civilian operatives do not rise beyond fieldgrade (ie. equivalent of a major), never get involved in policy-making. Majors and above are rotated from the Pakistan Army for 2-3 years, during the Afghan War they did longer tenures. Successive DGs ISI starting with Lt Gen Akhtar Abdur Rahman, Hamid Gul, SR Kallue, Javed Nasir, Asad Durrani, Javed Ashraf Qazi, Nasim Rana, Ziauddin, Mahmood and Ehsan (the incumbent DG ISI), never served in the ISI before being appointed DG, some had served in MI. It is ridiculous to suggest that the ISI is a State within a State and has an agenda of its own. Their agenda is the pursuit of national policy, dictated by the Head of State and/or Government, politicians in power always look to the Army Chief for "advice" on Kashmir and Afghanistan. In any case, for more than half of ISI's existence the Army has been in power.

The Taliban's arrival in Kabul in 1996 gave ISI an inroad back in Afghanistan after literally four years in the cold. Since Pakistan is always worried about a second front at its back when facing an implacable foe like India, the ISI shored up the Taliban with money and food. The Soviets had left hundreds of tons of arms in packed/crated condition, arms and equipment were never required. The Taliban almost never acquiesced to anything Pakistan requested of them, including not giving sanctuary to wanted terrorists like Riaz Basra. Contrary to public perception, the ISI never had any control or influence over the Taliban, at most an open channel for dialogue. Till Sep 11, 2001 this channel was frequently used, the Taliban listened when it suited them. As recent events have shown, not only have the Taliban been their own masters, the ISI has very little field intelligence about them. By the time it mattered most to the world, the ISI had been emasculated of its superb potential. As a one-of-a-kind weapon par excellence, ISI has been badly misused by leadership of indifferent quality, its having personal ambitions but with a singular lack of vision for the country.

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Iqram Sehgal, a former Major of Pakistan Army, is a political analyst and columnist.