

Nepal in a state of emergency

KUNDA DIXIT in Kathmandu

Nepalis awoke on Tuesday morning to a country under a state of national emergency. Kathmandu was calm, people stood on street corners reading banner headlines in the newspapers detailing the provisions of the move that suspends their fundamental rights. Outside Singha Darbar, army personnel with machine guns patrolled the streets, and sandbag barricades have gone up outside the Army headquarters.

The government has gone out of its way to assure political parties, the media and citizens that it will only use the emergency provisions to quell the insurgency. Senior Minister Mahesh Acharya told us: "We will try to bring out notices as soon as possible to make sure that other political parties and civil society continue to enjoy their basic constitutional rights." But this has not satisfied the main opposition UML, whose leader KP Oli said his party had not been consulted and he was suspicious of the government's motives.

According to the constitution, the emergency can be in force for three months, and has to be ratified by a two-thirds majority of the Lower House after which it can be in place for another three months but not more without another extension. The ruling Nepali Congress would need the support of the UML to get the order approved for a three-month extension.

On Monday King Gyanendra also approved an ordinance prepared for fighting terrorism, and declared Maoists terrorists. This gives law enforcement and security officials sweeping powers to search, arrest and detain suspects for up to 90 days, which can be extended for another 90.

At least seven constitutional articles and clauses stand suspended as a result of the emergency order including the freedoms of speech, assembly, movement and the press. The right to be presented in court after arrest (habeus corpus), however, is still in force.

The state of emergency comes after unprecedented attacks on army bases in Dang and Salleri and a dramatic escalation in casualties in which 130 people were killed in three days of fighting. Initial reports on Radio Nepal Monday afternoon spoke of hundreds of bodies of Maoists in Salleri and the surrounding forests. The Dang attack was the most serious where an entire base was routed as Maoists in the hundreds stormed in with human shields. They also ransacked the armoury and are reported to have captured 99 SLRs, five light and medium machine guns, two mortars and large amounts of ammunition. On Sunday, troops in hot pursuit of Maoists are reported to have ambushed a convoy of horses carrying the weapons in Rolpa. The army is also reported to have fired from helicopters at a group of Maoists

carrying the looted weapons on the Dang-Rolpa border.

The Maoists have also looted banks, rampaged through government offices and set up roadblocks and booby traps in different parts of the country. Early reports of the take from banks since Friday add up to over Rs 220 million. For the first time, a chief district officer (CDO) was killed by Maoists during the Salleri attack.

Even as the emergency order was being read on state-television there were reports that security officials had swooped into offices of newspapers close to the Maoists, took away computers, fax machines and records, making several arrests. On Sunday police arrested a senior politburo member of the Maoists and the group's Kathmandu leader, Rabindra Shrestha, and some 20 others.

Tuesday's national dailies in Kathmandu lashed out at the Maoists and supported the government's emergency call. The mass-circulation Kantipur in a front page editorial wrote: "The Maoists who are now representing the face of terrorism has now become everyone's common enemy. There is only one aim of the decision to declare a state of emergency, and that is to eliminate the organisation that has become of the symbol of terrorism."

By arrangement with Nepal Times.

PAKISTAN

Deadline or dead line?

M B NAQVI writes from Karachi

SELF-appointed President of Pakistan had himself declared on the record in New York and the official spokesman has informed the public now that the President has decided to remain in office well beyond — in fact indefinitely — the proposed polls for National and Provincial Assemblies in October 2002. What has been widely noted is that neither he nor his government has said how this feat is to be achieved? By elections the world understands, and Pakistanis are entitled to hope, that (a) these (polls) will be free and fair; (b) the Assemblies will have all the powers, privileges and functions that were enshrined in the constitution; and © the constitution not only will have been restored before or with the polls, it will not be distorted out of shape and democratic purpose by arbitrary amendments. Thereby hang many tales, past and present.

There is a long history of authoritarian rule by military dictators. Earlier their coups d'état used to break and abrogate whatever constitution was in force. Then came a crafty general called Ziaul Haq who made water and fire coexist: He freed himself from the constraints of a constitution completely — that its framers called Permanent Constitution and had laid down a specific provision of death punishment for the adventurer who tried to subvert or abrogate it — and yet kept it alive. His formula was to keep it in "abeyance" —

whatever that meant. Poor people of Pakistan had no choice but to entertain the illusion of the constitution being alive, although the obvious reality is that, like virginity, a constitution dies the moment it is successfully violated. Gen. Musharraf has repeated the Ziaul Haq trick and he has also not abrogated the constitution, although he broke it. He too has kept it in suspension, with the pretense that it is not dead.

Zia managed to rule for 11 years. He had got himself elected in 1984 as a President through a fraudulent referendum and kept the Martial Law — that most lawless 'law' — in force along with a nominated National Assembly until the latter was bullied to pass a package of amendments that conferred on the President the power to kill all the elected Assemblies at his discretion along with other powers to oversee (and countermand) the working of all government departments. Once these powers were his, he graciously restored the constitution and a 'democracy', if also shackled by his Eighth Amendment and lifted his Martial Law.

It was this shackled democracy that Gen. Musharraf killed in October 1999 in the aftermath of Kargil operations. Musharraf has ruled all by himself, even without the nominal participation of other members of the Army, and has kept the supposed Permanent Constitution in abeyance or suspension. He got his constitution-breaking takeover 'endorsed' by the apex court of the country under the infamous doctrine of state neces-

sity which, if relied upon, can sanction a weekly rape of democracy by a succession of dictators. In any case, this has happened four times in 50 years and each time the Supreme Court of Pakistan found that staging a coup d'état to overthrow government(s) established under a proper constitution was the right course to adopt — in the 'given situation'.

However, this time the SC did two other things apparently on its own authority: it sanctified the para constitutional act of the Chief of Pakistan Army Staff provided it ended within three years with the elections of the National and Provincial Assemblies and the restoration of the constitutional rule. Secondly, the general was authorised to amend the constitution the way he thought necessary in order to implement the reforms he thinks are necessary.

Pakistanis thus have this Sword of Damocles hanging over their heads: what constitutional amendments he will think necessary in his own wisdom? Deadline for the restoration of the constitution and hopefully democracy is less than a year away. But they do not know which or what constitution will be restored. No one knows how far reaching the new constitutional amendments will be. Eighth Amendment, way back in 1985, had rendered the constitution of a parliamentary governance Presidential in effect. There is the added reason for worry: Gen. Musharraf's style is quite unsettling.

As befits a tough commando — and with

the delicacy of a rhinoceros — has nonchalantly circumscribed the scope of that democracy and constitution to be restored in October next year by laying down that 'he has decided to remain the President long after the elections' — in fact indefinitely. He does not wish to take any chances, of course. But what was the need to discredit and devalue that civilian set up? No doubt he hopes to make his wish to go on ruling the country as President — necessarily all powerful and who is able to ignore what the Assemblies say and do — a part of the constitution. But how and in what terminology and with what collateral damage and benefits to others associated with him.

There are so many other uncertainties for Pakistanis that the general in command is in no hurry to remove. Will he also go on being the COAS? What precisely will he do about human freedoms of the citizens and so forth? Will he permit all parties and politicians to freely participate in the polls? Will the parties not be put in any straitjacket? What about Nawaz Sharif and Benazir Bhutto? Any qualifications for candidates in an election? After all Zia had made a laughing stock of Pakistanis by laying down ridiculously vague and impractical qualifications for candidates with the cunning intent of being able to dismiss them if they do not behave or toe his line.

Naqvi is a noted columnist in Pakistan.

SRI LANKA

The LTTE's 'baby brigade'

NIRUPAMA SUBRAMANIAN in Colombo

BATTICALOA district in eastern Sri Lanka hangs tensely between the security forces and the Liberation Tigers of Tamil Eelam (LTTE). Large tracts of land in the district are under the control of the LTTE. And people living in these areas have to live in providing the cannon fodder for its armed struggle.

Like 10-year-old Sivaranban of Vakkara, 45 km north of Batticaloa. When the LTTE began a recruitment drive in the village three months ago, his widowed mother moved out with him and his 16-year-old sister to an Army-controlled village in Valachenai to protect them. But to no avail. The recruiters came knocking at her door on September 15, and Sivaranban had to go with them.

So did 10-year-old Thevaruban, also of Vakkara. The LTTE wanted to recruit his elder brother, but the boy was away in Colombo. So they took away Thevaruban as a guarantee to ensure that his brother would return to Batticaloa and sign up with them. The parents were later told that Thevaruban was being given military training and would return when the LTTE concluded its mission.

These and many other instances of the LTTE's recruitment of children, with names of the recruits, their parents' names and address, are contained in a recent report by the University Teachers' Human Rights of Jaffna (UTHR).

It has been public knowledge that the LTTE uses minors in its separatist war. It is difficult to

say just how many under-age cadres the LTTE has, but there is no doubt that children have been part of the group's military machine since the early 1990s.

For civilians and LTTE cadres alike, the region affords an ease of movement between areas controlled by the two sides. As the LTTE looked to expand its strength for the battles ahead, its road-show, a regular feature of the recruitment drive, would stop at schools to screen videos of battles past. The recruiters, not much older than the school-children themselves, would exhort them to sign up for the cause. There is no denying that at first many of them volunteered, moved by stories of atrocities against the Tamil people by the Sri Lankan state. And many more might have been lured by the machismo and romance of guns and fatigues. With the LTTE at the height of its popularity with the Tamil people then, parents did little to stop them.

But the realisation soon dawned that the blood was not ketchup, and that death was real. The turning point came perhaps at Welil Oya in July 1995 when an attack on the Army camp there proved disastrous for the LTTE. The television pictures later put out by the Defence Ministry told their own story: rows upon rows of dead children, who had been in the vanguard of the attack. Had the bodies not been mangled, they might have been mistaken for sleeping children.

From the mid-1990s, there were reports of parents besieging LTTE camps and demanding their children back and of school teachers

trying to stop video-screenings in their classrooms.

In May 1998, United Nations Special Rapporteur for Children and Armed Conflict Olara Oununu visited Sri Lanka and travelled to an LTTE area in the north, where he met the group's representatives, including its ideological Anton Balasingham and its political wing leader S. Thamichelvam.

The LTTE pledged to Oununu that it would not use children under 18 in combat, and would not recruit anyone below 17 years of age. But it is clear from the UTHR report and other accounts that this is a commitment that the LTTE has been observing mainly in the breach.

One ready-made source for child soldiers is said to be the Chencholai (Red-Blossomed Gardens), a chain of orphanages set up by the LTTE.

According to the UTHR, parents have stopped sending their children to school in the LTTE-controlled areas of Batticaloa for fear they might be waylaid by press-gangs. Many, like Sivaranban's mother, are moving to Army-controlled areas for protection.

A pamphlet bearing the LTTE insignia was distributed in Valachenai in early October asking parents to give voluntarily one child to the "liberation struggle".

Refusal to comply with this request has been met with punishment. Property belonging to those who said they would not give up their children have been confiscated. Notices

now hang on the houses of three people in Pankudaveli, proclaiming the pieces of property as those of the LTTE, and prohibiting entry into them. In Kokkadicholai, parents who resisted the call were beaten with palm fronds. One mother was asked to perform squats (thoppukarnam) and her son and daughter were taken away. Three other women were imprisoned. The UTHR alleged that more than a dozen traumatised parents had committed suicide.

On the other hand, the Tamil press glorifies child warriors, with glowing accounts of ceremonies at which parents hand over their children for the Tamil cause.

Both Amnesty International and the United Nations Children's Fund (UNICEF) have been critical of the LTTE for not honouring its commitment to the U.N. on the issue of child soldiers, but the UTHR charged that not much was done to rein in the group. The international aid agencies working in northern Sri Lanka would like to avoid a confrontation with the LTTE so that their work can continue, it said.

Says the UTHR report: "There can be no neutrality in the face of such crime. If the organisations representing the world community are not seen to take a clear position on this matter, their presence becomes largely meaningless for the ordinary people. On the other hand, a clear stand by them will also help local civil society groups, and finally the parents themselves, to defy the LTTE."

Courtesy: The Islander

KASHMIR

A warning shot from India

M ABDUL HAFIZ

Even as the Americans drummed up support for their war on terrorism and the brisk preparations were afoot to strike against Afghanistan, the base of Bin Laden's al-Qaeda terrorists organisation the militants in Kashmir were hardly deterred. The Lashkare Tyeba and Jaish-e-Muhammad which remained active in the state even during Vajpayee's Ramzan ceasefire last year and had placed suicide attacks at the core of their operational tactics, routinely struck at their chosen targets with impunity. On an average one suicide attack took place every month after Jaish-e-Muhammad introduced *fidayeen* (suicide squad) culture on their arrival in the valley early last year.

After a two-week lull following September 11 attacks in the US, the terrorists' groups in Kashmir reactivated their networks. On September 28, Lashkare Tyeba carried out simultaneous attacks on two army patrols in Kupwara and Handwara. The next day an army convoy was ambushed near Baramulla where five soldiers were killed. However, the peak in the new spate of violence in the state reached on October 1 when in the worst ever terrorist attack, the *jihadis* of Jaish-e-Muhammad blasted off the State Assembly building in Srinagar killing 38 and injuring 80.

As the world attention was focussed on the US-led military campaign in Afghanistan there was suddenly a reprisal against these

series of terrorist attacks in Kashmir when the Indian Army fired across the line of control (LoC) in the Akhnour and Mender sectors on October 14 in the evening. An Indian Army spokesman said that the army had started 'punitive action against' Pakistan whom it thought to be at the root of terrorist activities in the state. The simmering tension between New Delhi and Islamabad over their role in the US war on terrorism thus spilled on their dispute also in Kashmir.

The clash took place significantly hours after NDA hardliner George Fernandes was re-inducted as India's Defence Minister and soon before the arrival in Islamabad of US Secretary of States Collin Powell. Pakistan alleged that the Indian troops resorted to 'unprovoked and indiscriminate' firing on civilian targets. Refuting Indian allegation of Pakistan's hand behind recent terrorist attacks in Kashmir Islamabad said that the Indian military action reflected the latter's frustration over Pakistan's growing importance in the first war of twenty-first century.

The LoC in Kashmir and international border between India and Pakistan were tension-free for unusually long. Islamabad enforced an undeclared cease-fire in July last year when in a dramatic move 'Pakistan sponsored' Hizbul Mujahideen declared ceasefire in Kashmir and offered talk with New Delhi. Pakistan also followed a policy of 'maximum restraint' which was formalised as India also declared a unilateral ceasefire in November last year on the occasion of holy

Ramzan. Pakistan continued to observe the restraint since then in spite of ups and downs in Indo-Pakistan relations and even after India called off its Ramazan initiative in May last. As a result the border remained quiet for last 15 months.

The sudden eruption in the LoC, therefore, came as a surprise to many observers both at home and abroad. The Indian Army claimed to have used rockets, mortars, flame-throwers, grenade launcher and machine gun during the operation, killed 30 infiltrators, and destroyed nine Pakistani posts. On October 17 Pakistan put its troops on 'high alert' alleging Indian troops movement along the border. Although there was no further escalation of the conflict both India and Pakistan have engaged themselves in war of words since mid-October.

In the background of a wider conflict in the vicinity where a US-led international coalition is involved, this 'side show' in the subcontinent appeared queer to outsiders. Sensing its disastrous effect on his own war on terrorism where Pakistan is 'frontline state', an embattled US President asked both India and Pakistan to 'stand down'. "It is very important that India and Pakistan stand down during our activities in Afghanistan, for that matter for ever," he said.

But according to most analysts, at the heart of the problem is the role both India and Pakistan perceived for themselves in US-led campaign against terrorism. Apparently India wants to deny the role Pakistan is assigned

on the argument that the latter itself is the part of the problem the international coalition intends to fight. Pakistan however contests that argument on the plea that the struggle in Kashmir is indigenous and her role in it is only that of moral and diplomatic support. India is not convinced and feels that the recent violence in Kashmir as well as those in the past could not be possible without Pakistan's acquiescence if not direct abatement.

India's frustration also grows out of the fact that she has apparently failed to sell its line to Washington which exasperated with its war in Afghanistan tends to give more weightage to Pakistan's views at least for the present. Pakistani establishment believes that India's unprovoked attack was meant to take 'advantage of the delicate situation' faced by the country. Some neutral observers however think that Indian forces fired across the LoC as an act of frustration and jealousy meant to convey a message to Washington and Islamabad. The incident was timed to coincide with the visit of Powell in Islamabad deliberately. To India's dismay Powell declared in Islamabad that Kashmir was central to Indo-Pakistan relation thus endorsing Pakistani position on the issue. The border incident according to them could thus be construed as a warning shot from India which continues to stand by its traditional position on Kashmir that the state was an integral part of the country.

M Abdul Hafiz is former DG, BIS.

INTERVIEW

"I do not foresee the resolution of Kashmir conflict in the near future"

Benazir Bhutto, chairperson of Pakistan Peoples Party, one of the leading political parties in Pakistan, two-time Prime Minister during the democratic season in the country. She continues to hold an important position in the political arena of Pakistan. Apart from being a politician, Ms. Bhutto is also an acclaimed academican. She is the Chancellor of SZABIST University in Pakistan, which is among the top ten universities of Asia. In an exclusive interview to Amna Khaishgi of *peacemonger.com*, she expresses her views on the "War against terror" with particular reference to South Asia. Excerpts:

Q: How do you analyze the present global crisis? Is it really a war against terror or something more than that?

A: We believe that it is a war against terror. I know that concerns have been raised in some quarters that there is a larger agenda than merely fighting terrorism. I hope those concerns are misplaced.

Q: Do you think a democratic government in Pakistan would have dealt with the crisis in a better way compared to Musharraf's government?

A: Yes. Had the PPP been in power, the crisis would never have arisen. The Taliban was then agreeable to a broad-based government and there were no Al Qaeda networks. Presently, the domestic situation is dangerous. The anti-Taliban forces are being squeezed whilst the pro-Taliban forces are free to agitate. Remember, a democratic government represents the aspirations and will of the people. In times like these, you need national consensus and that can come only in a democracy.

Q: Where does South Asia stand in the present crisis? Does the crisis affect the SAARC spirit, especially with regard to Indo-Pak relations?

A: South Asia has most of the time been witnessing uneasy situations. But now with the assault on Afghanistan, the border situation along the Line of Control, the failed Agra summit, belligerent statements coming from New Delhi and Islamabad, Indo-Pak relations are on the edge. One hopes that sanity prevails and the situation does not get out of hand. The great fear is that extremists of Al Qaeda could take advantage of this tension to relieve pressure on Al Qaeda.

Q: Is religion playing a vital role in the political fabric of South Asia, particularly in India, Pakistan and Bangladesh?

A: Religion plays an important part in the east and the west. Religious parties, using religion for political goals, are different than the right to worship. Pakistan's religious parties do have institutional strength but not electorate. The experience of Pakistan during the last 53 years has been that people have never voted the religious parties into power. Put together, the religious parties have not secured more than seven to eight per cent seats in the parliament in fair elections. The extremists may be able to disrupt civil life and do rabble-rousing but are unable to capture political power through democratic process. Unless the military security apparatus rigs the elections for them as they rigged the elections of 1990 and 1997.

Q: How could South Asian governments counter



cross-border terrorism?

A: Cross border terrorism is a loaded word; a sit implies what is happening in Kashmir is sponsored exclusively by Pakistan. Yes, there are extremist groups in Pakistan who want to wage jihad in Kashmir and they need to be brought under control. However, the root of the problem lies in not addressing the aspirations of the people of Kashmir.

Q: Do you see the resolution of Kashmir conflict in the near future? If yes, how and if no, why?

A: I do not foresee that in the near future. However, I do hope and believe that it is possible to manage the conflict if it cannot be resolved immediately.

Q: One can feel a slight change in your personality from a politician to an academican. Does it show your disappointment towards the future of democracy in Pakistan and your role in that? Or it is just a passion towards academics?

A: My personality is much focused on politics, which is my passion and consumes my whole personality. I have a sense of mission having entered the political field in the wake of the assassination of my father, Prime Minister Zulfikar Ali Bhutto. It is my goal to see democracy rooted in Pakistan. That was not possible because extremist elements in the security apparatus destabilized democratic governments, rigged elections and concocted false cases to crush my party. I also have a passion for intellectual discussion. I think it is always helpful to be an academican to be successful in politics. Academics provide a useful theoretical basis for sound political judgements.

A nation in hard labour

C K LAL writes from Kathmandu

THE day Siamese twins Ganga and Jamuna arrived as two independent babies in Kathmandu, one in every ten children born in their homeland died before completing their first birthday. It may look inopportune to talk about this silent catastrophe amidst the celebration of a glorious medical achievement but it is in times of joy that we must not forget the sorrows of the less fortunate.

The maternal mortality rate in Nepal is also one of the highest in the world. More than one quarter (27 percent) of all deaths of women between the ages of 15 and 45 are the result of childbirth complications. In most families, pregnancy is managed according to practices passed down from generation to generation. Almost all deliveries in rural areas are attended by Sudeenis in the hills and Chamains in the *tari* women who have learnt their craft of midwifery by apprenticeship, and have no knowledge of modern medicine or tools. The use of rusted razorblades to cut umbilical cords, and the application of cow-dung to treat birth-wounds are not uncommon.

But between the bleak picture of utter neglect in the hinterland and national attention given to the extraordinary in the metropolis, there is an expanding middle ground where the definition of 'minimum level of service' is slowly changing. Sutkeri Samagri (a packet of bare necessities to help Sudeenis do their job) and training of women paramedics at the village level are slowly improving the services available to the newborn and mothers alike. While it is true that most health posts in the country lack enough trained personnel and essential supplies, their role in delivering basic health care cannot be denied.

Then there are medical practitioners in urban areas who render valuable service, even though only to those who can afford their fees. It limits the reach of some outstanding physicians, but that still doesn't reduce the importance of their services. After all, every one life saved, or every moment of agony reduced, is an important service. Each human being is unique and deserves the best treatment. This justifies the tortuous hours of surgery by an international team of doctors in Singapore on Ganga-Jamuna, and the generous donations made by the citizens of that affluent city-state.

As long as specialised medical services aren't being provided at the cost of general health care for every one, public investment in advanced medical facilities need not be questioned. It is a grim reality of this country that a poor Sudeeni in Achham or an illiterate Chamain in Mushaharniya cannot even buy a subsidised packet of Sutkeri Samagri, either because she is unaware of it or because it isn't available there at all. Even so, this does not mean that famous gynaecologists like Dr Jun Thapa and Dr Supatra Koirala should stop examining their profession with a clear conscience.

But what is it that makes people like Dr Thapa and Dr Koirala get up in the morning and face another gruelling day, often full of frustrations? Money can't be their sole motivation, because they can make more of it almost anywhere else. Serving society is a high-sounding motive, but such altruism falls flat in front of the compelling argument that when you cannot provide clean water to drink, a caesarean surgery is no social service. If their urge was professional excellence, they could have chosen the company of equally competent professionals at state-of-the-art facilities in more developed countries. There must be something more, something personal, that motivates them to do what they do day after day, against seemingly insurmountable odds. Supatra once revealed her fount of inspiration quite unintentionally about nine years ago.

In those days, Om Nursing Home was a modest establishment, quite unlike the huge private hospital that it has grown into today. Supatra's consultations were often more like counselling sessions for nervous couples. Sometimes she would call expecting mothers and their husbands together and talk calmly about the challenges of parenthood. Sadly, all that is history now. These days, she rushes from one patient on the examination table, another standing on the weighing machine, one more in a chair, and manages to ward off repeated calls for her presence in the ward. She doesn't even have the time to look at the faces of those who come to her more for reassurance than anything else. Supatra hasn't changed, it's just that now she has become a victim of her own professionalism. But that is a different story.

By arrangement with Nepal Times.