

Towards more justice

Confidence in the judiciary threatened by court delays

THE statement by the Chief Justice of Bangladesh that the people may be losing confidence in the judicial system and process is both an alarm and a wake-up call. While he has pointed to the flaws and obstacles of justice delivery, it should also serve as a reminder that time is running out for reforms. The remarks were made at a city seminar held on legal capacity building and court management.

The backlog of cases is a particularly painful fact of life and this is attributable to the system, which is unable to handle the present level of litigation. As an extreme example, we may cite the Bangabandhu murder case, which despite direct push from the highest government office wasn't decided in five full years. Whatever be the verdict, it seems to defy even political executive priority. One can thus observe what happens to ordinary people who get involved in legal matters.

But delay has been part of our legal life for long. Long enough to have found space in our cultural myths and that's why it's important to act to improve the scene at the court and attendant institutions.

The Chief Justice has also made two other pertinent observations. One, that the problems can't all be traced to the courts alone. Two, that reforms in the court management can't be imposed through import of external ideas. These words need listening to.

The court system certainly operates through various other pillars and they too need reforms. As it stands today, there is a serious issue of affordable justice. The devastation that visits a litigant who isn't rich is well documented. The long haul journey of justice seeking can pauperize most. In a way this discourages many from seeking redress of law.

The post-colonial legal paradigm must therefore seek improvement within a framework of a rights-driven legal system rather than one that protects the interest of the State only. It should also not be burdened by ideas and concepts, which support a particular worldview not in consonance with the legal culture of Bangladesh.

The judiciary remains the most respected branch of the state. All must strive to keep it that way, both inside and outside the judiciary.

Positive decision by AL on by-polls

Let the atmosphere be fool-proof for these

BEFORE departing for the United States on a private visit, Opposition leader and Awami League Chief Sheikh Hasina gave a green signal to her partymen that they can take part in the by-elections due on January 17. The question of okaying something that is a fundamental obligation of a political party in a democracy to fulfil, namely participate in the electoral process, arises because the AL had boycotted the last series of by-polls. The party did so alleging lack of a congenial atmosphere.

The AL's decision to participate in the forthcoming polls must be viewed as a good augury, perhaps a break with the cycle of negativity it got caught into since after the announcement of the results of the last parliamentary elections. The reason why we sound a bit qualified there with the word 'perhaps' is because the AL chief has left the option of her party candidates' eventual participation at the polls to their own judgement of whether they found the atmosphere conducive to it or not.

The constituencies where the present series of by-polls are slated were vacated by AL winners. By contrast, the last series were held to the constituencies vacated by BNP winners. In the present case, the AL obviously stands a chance of regaining the seats from what are regarded by the party as its 'strongholds'. Stronghold or not, we believe it's the obligation of the national political parties to offer different choices to the electorate, and by the same token, test their standing in constituencies where by-elections are being held.

It is also the government's fundamental obligation to create a proper atmosphere by taking a firm grip of the law and order situation, so that the opposition feels encouraged to take part in the polls. The Election Commission must not only be neutral but also seen to be neutral. The premium being put on a 'congenial environment' all concerned need to ensure it to give no cause to the AL to walk out of the polls at the last minute.

Escalating the 'war on terrorism'?



M ABDUL HAFIZ

him for years and, of course, Somalia (Americans are haunted by the memory of the lynching of their GIs in the street of Mogadishu). Now the exigencies of the situation diverted its anger towards the Palestinians against whom Israel's Prime Minister Ariel Sharon launched last week a total war to revenge the killing of 26 Israelis in a series of suicide bombings. Branding the Palestinian Authority (PA), its President Yasser Arafat and whole lot of Palestinians

year to devise ways to put the peace process back on track. The Plan remained in limbo for months before the 'international coalition' felt constrained to display some fair play with regards to the Palestinians while seeking Arab support for its war on terrorism. On November 19, Colin Powell in a major policy speech before an audience at Kentucky conjured up the vision of a viable Palestine co-existing with a secure Israel. Even if it could have

dence, trust and hopes. There was also attempt on the life of Yasser Arafat whom the Israeli Prime Minister called an unrepentant terrorist and an impediment on the way to any peace making.

This happened in spite of Arafat's policy of appeasement in which he declared emergency immediately after the suicide bombings in Haifa and Jerusalem and rounded up more than one hundred members of the extremist Palestinian groups.

demanding that any peace negotiation with the Palestinians must be preceded by a 'week of absolute calm' on the Palestinians' side and that he alone would judge whether the 'calm' was enough for undertaking the next step. It never was and probably never would be.

Are then the Palestinians falling in the trap contrived by the Israelis? But the Palestinians' response as well as Arafat's ability to deliver will depend very largely on whether they

defeating, sadly they have no other means for self-preservation. Having endured more than a year of a suffocating economic blockade, everyday humiliations and the killing of hundreds, the overwhelming majority of the Palestinians are in the mood to go on hurting themselves, so long they can also cause damage to Israelis. Moreover, they believe that they are clinging to a moral high ground. Far from being terrorists as they are branded as -- they believe that they are fighting for national liberation and trying to drive out the occupation forces. In their perception it is Israel which has unleashed state terrorism against the hapless Palestinians in the occupied area with its widespread human rights abuse and torture tactics as part of state policy. With this diverse perception of each other, more bloods are likely to be spilled in West Asia.

Both the US and EU which have been in the forefront of recent efforts to get the Israelis and Palestinians back to negotiating table need to take cognizance of Israeli state terrorism rather than supporting its so-called 'war on terrorism'. The Amnesty International as well as other independent sources on the ground give 'strong evidence' of its state terrorism perpetrated against helpless Palestinians. It is time Israel's western backers tell Ariel Sharon in unequivocal terms that unless he stops the war, pulls out his forces from the occupied territories and ends extra judicial killings of Palestinian activists, asking the Palestinians to abstain from violence unilaterally makes no sense.

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PERSPECTIVES

Both the US and EU which have been in the forefront of recent efforts to get the Israelis and Palestinians back to negotiating table need to take cognizance of Israeli state terrorism rather than supporting its so-called 'war on terrorism'. The Amnesty International as well as other independent sources on the ground give 'strong evidence' of its state terrorism perpetrated against helpless Palestinians.

'terrorists' the Israelis called it a war on terrorism. The US President promptly approved the action telling that Israel had a right to self-defence. The both copiously used the phraseologies the 'international coalition' chose before it struck Afghanistan. The US also closed down the 'charities' in the country suspected to be financing the Hamas and Islamic Jihad which were already blacklisted by it as terrorist organisations.

Sadly, the Israeli attack came in fury in the wake of painstaking efforts initiated only weeks before by the US Secretary of States Colin Powell to put an end to 14 months old vicious cycle of violence in West Asia. Its immediate goal was to restart the implementation of Mitchell Plan recommended by George Mitchell, a former US Senator who headed a commission last

sparked hopes elsewhere, neither of the parties involved in the conflict was much enthused. Yet an undaunted Anthony Zinni, Powell's tenacious interlocutor, was in the region to prod the ground to effect a ceasefire -- an immovable precondition of Sharon for any negotiation with the PA.

Now both the Colin's vision and Zinni's ground works are in tatters. Israel's fighter aircraft and helicopter gunships effectively tore them up. Whatever semblance of authority was given to Yasser Arafat and the independent symbols that stood for the Palestinians' hope for a future statehood in last ten years are brutally crushed by Israeli missiles which hit the PA's presidential compound, the President's helipad and the airstrips used by Arafat for his trips abroad. With those also crushed were Palestinians' confi-

Arafat's steps satisfied neither Israel nor her western allies who wanted something that amounted to Arafat waging war on Israel's behalf against his own Palestinian people who already lay prostrate before Israel's overwhelming military machine. The truth of the matter is that Ariel Sharon, the lifelong proponent of a greater Israel, had always been opposed to any process that would eventually lead to a viable Palestinian state. To scuttle the Mitchell Plan that calls for a series of confidence-building measures like the stoppage to settlement expansion, Sharon consciously imposes impossible conditions on Arafat so that the implementation of the plan gets stuck right in the beginning. Mr Sharon -- also opposed to the implications of 'final status' talks -- invented delaying mechanism also in the past. He had been unilaterally

at all believe that the American initiative was a serious bid at a long-term resolution of their problems or the end of the violence was sought as an end in itself. Their experience of last ten years of Oslo peace process and the US' role in it has hardly been savoury. By the time the process ended in a fiasco last year the Americans did away with their pretension of a laboured neutrality. As compared to Oslo peace process the present venture of Colin Powell is much more limited in scope and at the most a damage control measure. The Palestinians who expended their triumph card by according recognition to Israel now perceive themselves to have been betrayed by the peace brokers.

Even if the Palestinians recognise in private that their uprising against the Israeli occupation is self-

For restoration of democratic order



M.J. ZAHEDI

comments by expressing some doubt about the exactness of the remarks as quoted in the Press by saying that before commenting on them "we need to note that the source quoted is a top (Indian) Home Ministry official and the news report has been compiled by the state-managed Press Trust of India." "This raises some doubts about their accuracy" and "her remarks may have been twisted out of context".

'The Business Reorder' said that

recent days, prominent American foreign policy experts as well as administration officials have been expressing great confidence in Gen. Musharraf's leadership in the context of the role they want Pakistan to play in their country's fight against terrorists. It is impossible not to notice that the US and the European Union refrain about the restoration of democracy have now been replaced with strong statements of support for Gen. Musharraf's government. In fact, if the American and

other tactics, which the paper termed 'unsavoury' to win the sympathies of Western countries. She has been 'telling such stories' that once Osama bin Laden had tried to topple her government by injecting huge amounts of money in a no-confidence move against her. She has also been saying that Ramzy Yusuf, sentenced in the USA for an earlier attempt at blowing up the World Trade Center, had tried to assassinate her when she was prime minister.

this she should do in collaboration with the domestic political forces. All the more so, when Gen. Musharraf has affirmed that, as per the Supreme Court verdict, he will hold elections in October 2002 and he intends to stay as President. (He repeated this statement only the other day during an interview with journalists that was transmitted live over Pakistan TV). He also said that he intended to do that not by following the existing procedure of presidential election but by putting in

be accurate on that score', an article by the director general of the Institute of Strategic Studies, Islamabad, said. She commented, when we get upset over the manner of India's campaign against Pakistan, we need first to blame ourselves.

The issue is a challenge for all political parties, which must ensure that the elections are held under the rules laid down by the constitution of the country. Whatever the issues at hand, the political leadership must rely on its own strength in its struggle for the restoration of a fully functional democratic order. They should not look forward to other countries to do this for them. It is time we Pakistanis stopped using Pakistan as our favourite punching bag whenever we want to establish our credentials abroad.

True, Pakistan has problems and ills like many other countries, but those at least partially guilty for these should accept their responsibilities to rectify them, rather than having irrational histrionics abroad, the paper said. The writer's reference obviously was to Benazir Bhutto. An editorial in 'The Nation' said, 'we wish she had instead displayed more confidence in her own political strength and that of the people of Pakistan to restore democracy in the country'.

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LETTER FROM KARACHI

The issue is a challenge for all political parties, which must ensure that the elections are held under the rules laid down by the constitution of the country. Whatever the issues at hand, the political leadership must rely on its own strength in its struggle for the restoration of a fully functional democratic order. They should not look forward to other countries to do this for them.

Benazir has got it all wrong. 'For one thing', it said, 'Advani is not famous for being a well wisher of Pakistan'. Even if he were, it went on, India no longer enjoys the special relationship that Bill Clinton's America had launched with a lot of fanfare less than two years ago. Pakistan under the leadership of Gen. Pervez Musharraf 'is now the US administration's closest new strategic partner in the region, even if for the time being'.

And America is not making a secret of this new reality. During the

other Western countries are worried about anything concerning Pakistan it is the stability of the Musharraf government, 'not the country's prospects for a return to democratic governance'. It is indeed strange that the former prime minister is unaware of this much-too-obvious development and still thinks America would want the restoration of democracy in Pakistan with immediate effect upon the say-so of India, 'The Business Recorder' said.

During the recent days, Benazir Bhutto has also been trying some

These stories and pressures via New Delhi will not get her anywhere unless the USA has some other compelling reason to use its clout to bring her back in power and serve some specific purpose, the 'Recorder' opined. Benazir, therefore, must conduct herself with dignity befitting her position as the twice-elected former prime minister and the leader of one of the two major political parties of the country. No doubt, the PPP chairperson is duty bound to keep the pressure on for the restoration of democracy, but

place new rules under the Provisional Constitution Order.

Benazir praised India's pro-activism in Kashmir which, in terms of moves towards resolving the issue, has not been there at all. On Afghanistan, too, Benazir is wrong. It is a fact that Pakistan has made many mistakes in its policy, but the responsibility for today's situation can hardly be laid at Pakistan's doorstep. There are many other factors for present Afghan crisis. 'At the very least one expects those who have led Pakistan in the past to

OPINION

Repair of roads dug by various service organisations When will the Afghans be freed from the hands of the greedy?

M HAFIZUDDIN KHAN

THE Chief Engineer of Dhaka City Corporation in a TV interview explained that the repair of city roads dug by various service organisations, for example, T&T, WASA, DESA, Gas etc, was not possible due to paucity of funds. That necessary repair work would be undertaken after receipt of a grant of Tk 20 crore from the Government or from the World Bank.

The above statement of the Chief Engineer is not tenable. Cutting of roads by various authorities needs prior approval of the DCC and such permission is accorded only after the authority asking for permission pays in advance the entire amount necessary to repair the road. The amount is calculated by the DCC unilaterally and generally it has a tendency to demand an exorbitantly high amount and no negotiation is allowed on the calculation made by the DCC thus leaving no option for the requiring body than to pay such amount. Any citizen or firm in need of digging roads for obtaining connections of any service like WASA or DESA or Gas has to go through the same process. Such being the position it is intriguing as to why the DCC should be running short of fund for repair of roads so damaged. The only explanation may be that the fund received by the DCC is diverted to some other expenditure for which no provision exists or when it overspends its fund which is not unlikely to happen in view of wide-spread corruption prevailing therein. The use of government subvention or donor money for repair of roads damaged in the process of any development

or maintenance work carried out by various service providers is neither permissible nor desirable.

From the statement of the Chief Engineer of DCC it appears that repair of roads lying in damaged condition throughout the entire length and breadth of the city and thus causing immense suffering to the citizens is a remote possibility. Meanwhile the city dwellers will continue to suffer from dust, traffic jam and various other inconveniences for an indefinite period of time. It is uncertain when the DCC will get allotment of fund from the Government or when the World Bank will release fund for repair(?) of roads. But the question remains where the money paid to the DCC by the road cutters has gone? Also question may be raised as to whether the DCC has got any accountability in this regard. Hence an immediate enquiry should be instituted by the Government to examine how the funds received by the DCC for the specific purpose of repair of roads cut by various organisations/ individuals have been and are being utilised (or misused).

It is relevant to mention here that the technology used to cut roads in DCC is archaic and obsolete. Roads are dug manually necessitating a much longer time to do so causing severe inconvenience to the road users and impediments to the movement of vehicular traffic for a prolonged period. And no attempt is in sight to resort to modern technology and to use machines for the job. Will the DCC look into this?

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BILLY I AHMED

Iwish to thank The Daily Star for publishing the article "War is peace" by Arundhati Roy, which was of an immense inspiration to me in writing this opinion.

Arundhati, needs no introduction, she is an ardent believer as well as a strong Human Right activist. Her book "The God of Small Things" won Bookers Prize award. Arundhati Roy, was trained as an architect. She worked as a production designer and has written the screenplays of two films. I will request The Daily Star to publish excerpts from "The God of Small Things". Her article "War is peace" is a sad story, told very hilariously, very tenderly and craftily. It is a pasquinade writing on Afghanistan and its people.

Recently George Bush (Jr) boasted "when I take action, I'm not going to fire a \$2 million missile at a \$10 empty tent and hit a camel in the butt! It's going to be decisive." President Bush should know that there are no worthwhile targets in a war-ravaged country like Afghanistan.

What appeared to be a war to uproot terrorism by US, it now seems that the complex is changed, and it is now a well-mapped war for greed of oil, in Afghanistan and beyond. Interestingly enough, the involvement of oil giant and an arms industry cannot be overlooked.

Here is a list of the countries that America has been at war with -- and bombed since World War II, according to Arundhati Roy, China (1945-46); Korea (1950-53); Guatemala (1954, 1967-69); Indonesia (1958); Cuba (1959-60); the Belgian Congo (1964); Peru (1965); Laos (1964-73); Vietnam (1961-73); Cambodia (1969-70); Grenada (1983); Libya (1986); El Salvador (1980's); Nicaragua (1980); Panama (1989); Iraq (1991-99);

Bosnia (1995); Sudan (1998); and now Afghanistan.

Thus, these military conflicts entailed spending of huge amount of money to buy weapons and one cannot overrule the involvement of Carlyle Group who is notoriously known to make underhand deals and make enormous sum of money by selling weapons. It is reported men with impeccable credentials run Carlyle. Former US defense secretary Frank Carlucci is Carlyle's chairman and managing director (he was a college room mate of Donald Rumsfeld, the present defense secretary). It may be mentioned that Carlyle Group is described by the *Industry Standard* as "the world's largest private equity firm", with \$ 12 billion under its management. Carlyle invests in the defense sector and makes fast bucks from military conflicts and weapon spending.

Further, an American paper -- Baltimore Chronicle and Sentinel -- says that the former President George Bush (Sr.) is reported to be seeking investments for the Carlyle Group from Asian markets. He has reportedly paid considerable sum of money to make "Presentations" to potential government clients. As for US interest in oil, UNOCAL an American oil giant had negotiated with the Talibans in December 1977 for permission to construct an oil pipeline through Afghanistan to Pakistan and out to Arabian Sea. But the deal with Talibans scuttled. (The same company is pressurizing Bangladesh to export gas to India.)

It may be mentioned here that Central Asia is extremely rich in oil as well as gas. Talking about gas it is said that the world's third largest gas reserves is in Turkmenistan, (which borders the northwest of Afghanistan) plus an estimated six billion barrels of oil reserves. Experts opine this is sufficient enough for America's energy need for next thirty years and for a developing country's energy requirement this will last for couple of centuries.

Oil and gas from the Caspian region is currently moving

northward to European markets. Geographically and politically, Iran and Russia are major impediments to American interest. To justify this in 1998, Dick Cheney -- then CEO of Halliburton, a major player in the oil industry -- said: "I can't think of a time when we've had a region emerge as suddenly to become as strategically significant as the Caspian. It's almost as if the opportunities have arisen overnight."

There now looms a doubt about the presence of military in the Gulf. The purpose of its presence is not concerning the human right, but the sole purpose is to do with strategic interest in oil. Incidentally, both Bush and Dick Cheney made whirlpool fortunes working in the US oil industry.

So, Mr Bush's intentions are clear. How long can he hoodwink the world, his war actually is for the greed of oil and geo-political interest in Central Asia and beyond. He says the war will extend beyond the periphery of Afghanistan. Meaning Iraq as the next target? He along with UNOCAL and Carlyle are ruthlessly killing hundreds of human beings including children. Bin Laden and Taliban are now a spent force. They want to wage a war for fifty years. Isn't it a height of insanity?

But, Mr Bush's desire may not be fulfilled, as Russian are not once beaten and twice shy, they too have the old score to settle with Afghanistan. They may be Mr Bush's distant ally now, but when the question of interest will be come they will desert him; he is doing the spade work for Russia and India is playing second fiddle to Russia. And one should not rule out China, they are waiting in the wings and watching the irritable Taliban.

Only God knows when will the Afghans be freed from the hands of the greedy. The answer lies in the wind.

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