

Justice delayed but not denied

Rubel murder case finally gets a verdict

THE Rubel murder case reached a major legal destination on Monday June 17, when 13 policemen accused of beating the Malibagh resident and university student to death were sentenced to transportation for life. Mukuli Begum, the lady who had instigated the mayhem by lodging a complaint and egging the policemen to mete out the violent treatment that led to Rubel's death was also sentenced to a year in prison. For the time being at least, we breathe free. At least in this case, the law has punished the guilty.

Rubel's father is not alive to hear the verdict but his mother was and she has expressed her disappointment, which is understandable. For many it is a display of the fact that the justice system is still in force and able to deliver once in a while.

In passing the sentence the Judge Mollah Mostafa Kamal has also observed very pertinently that there is a need to restore confidence in cops and stop abuse of law. This part of the judgement is meant for the consumption of the law enforcement administration. Media has been regularly reporting on human rights violation by the uniformed branch of the state and this has become a critical situation. In a way the authorities have also been indicted and they must assume responsibility for the sorry state of law and order. Fortunately for them, they can redress the situation but a stern warning has been heard and it came on behalf of the people. It's in their own interest to listen to this formal counsel from the Court.

In this hour of relative relief, we also remember that there are numerous other cases that needs to be handled quickly and justice in those cases can no longer be delayed. Even with all the media attention and support, it took all four years for the Rubel murder case to be decided. The media practically watchdogged the case to its conclusion and it still took that long. One can easily guess what happens to the other cases consigned to the heap of neglect.

We congratulate all the forces involved in bringing the killers to justice and expressing the sentiment that such examples prove that all is not lost. But let's also not forget that it's just one case and we have miles to go before we can claim that the environment for justice delivery has improved as a whole.

A new Chief Justice is appointed

Separation of the Judiciary from the Executive remains the urgent need

JUSTICE Mainur Reza Chowdhury took over as the new Chief Justice of the Appellate Division of the Supreme Court yesterday. On behalf of all we express our congratulations to the Justice who shall now preside over the Higher Judiciary that is going through a trying phase. One of the key elements of this contentious situation is the matter of separation of the judiciary from the executive. The Supreme Court has ruled that it must be effectively separated by a certain date but the government has extended that deadline a number of times. It's about to seek another extension. The problem is still not resolved.

Another fact that is emerging out of the debate is the public perception of the role of the judiciary. It needs to be recognized that the age of absolute non-accountability of any organ of the state is over and public opinion is emerging as a critical factor in the governance system. People are demanding that their views be taken into account at every level and they do have the collective right of being told the reason why.

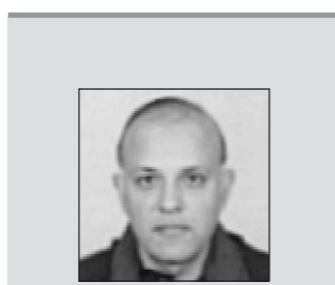
The politicians have felt this heat the most as they saw political charisma wither and vanish in the face of public rage and governments with absurd ease have toppled as people demanded change. The legislature has, unfortunately because of such a scenario, become less effective and the streets have become a strong competitor. It's obvious that to retain relevance, accountability and confidence are essential for state organs.

The administration or the executive branch, closest to the people has felt this wrath and the pressure for reforms has grown immensely. However reluctantly it may be, the ball of change has started to move and this will roll on till a significant change is effected.

In case of the judiciary, it's the people who have defended its independence and right to act without fear or favour and they will continue to do so. At the same time, they are also saying that the judiciary must move with time and act in a manner that shows that it is independent but not above accountability. And like all other branches the judiciary too requires reforms. In other words, the judiciary is not above the law and they must, if anything, be the most transparent and robust branch of the state.

That's why Justice Chowdhury's appointment is so significant. He will be presiding over a judiciary that will be playing a critical role. We wish him the best and remind him of his historic contribution in anticipation.

Country X



K.A.S. MURSHID

THESE are stories of teachers selling grades, bosses selling jobs and journalists selling opinions. NGO leaders have been accused of selling donated goods and judges, of selling verdicts. Forest rangers of course sell off logs and endangered wildlife while customs officials guard the country's interests by offering safe passage for contraband and duty-free access to imported goods. Politicians and bureaucrats on the other hand sell concessions, licences, land titles, public assets and fishing grounds. And if you happen to get into any trouble -- well you have a friendly police who will sell freedom for a small consideration. Mind you, I am NOT talking of our beloved Motherland, where obviously such things do not/cannot happen. We are made of sterner stuff. I am talking about Country X, a real country whose name is being temporarily withheld in order to keep you guessing!

Low public salaries are usually blamed for the widespread corruption. And one can readily sympathise with that. I recently came across the agonies of a low-paid civil servant expressed in a letter to the editor of an English language daily. 'On average each of us earns no more than \$ XX, which is a paltry sum even considering the low standard of living in the country. The

glers, anti-drug agents into drug traffickers, forest protection agents into illegal loggers and public inspectors into criminal accomplices. As long as public employees are not provided with a liveable wage, there can be no rule of law, no provision of minimal social services, no reliable public administration and no prospect for sustainable development. Let me remind you once again

have suggested that this refers mainly to the US, while others would like to include various countries of Western Europe along perhaps with Japan. Let me hold back my judgement on this.

Even in Country X low public wages alone cannot probably explain the deep-rooted malaise of corruption. There are thus references to history, culture and politics -

dependent on the same principle.

The basis of corruption is the struggle for a share of the public pie. The size of the government is huge and its ability to dole out patronage seemingly unlimited, especially in the context of a country such as X. Virtually all money and power derive one way or the other from the government sector. And from a patronage and personality driven system, the

about since otherwise I may well get off contempt of court proceedings against me. Much of the above discussion is based on a report on corruption in Cambodia published in the *Cambodia Daily* (Wednesday, June 12, 2002) sent to me by a friend by e-mail. I am sure it will be crystal clear to all intelligent readers of *The Daily Star* (and I believe that all DS readers are intelligent) that Bangladesh is NOT Cambodia, even if poverty levels are a bit higher, growth rates are a bit lower and personality driven politics and governance no less pervasive in the former compared to the latter.

The same report discusses a draft anti-corruption law modelled after similar laws in Hong Kong and Thailand which when put into effect will give a special council the power to investigate individual corruption cases with penalties ranging up to 15 years in prison along with stiff fines. Legislators and civil servants would be required to declare their assets every two years. The Royal Government has been sitting on this draft for some time now, and that's no surprise! The Bangladesh Government too has been less than enthusiastic about taking concrete policy measures on this front despite ever-vigilant calls for reforms. Is it possible that there may be SOME similarities with Cambodia after all? Well, dear readers, what do YOU think?

Dr K.A.S. Murshid is an economist and Research Director, BIDS.

BETWEEN YOURSELF AND ME

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Government should begin with its own employees in carrying out its stated goal of reducing poverty. Calls for a more effective government remain hollow, inconsistent and cynical as long as government employees are not paid a living salary.' Such a situation therefore leads to a tragic reversal of roles: Civil servants actually rob the people instead of serving them, the rule of law is replaced by the rule of corruption as policemen turn into thieves, customs officials into smug-

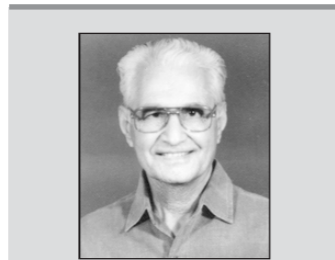
that we are not talking about Bangladesh here. We are clearly, much better off. We have an exemplary police, an excellent judiciary, an efficient and honest customs department and a highly regarded bureaucracy. I fail to understand why then we are badgered by the so-called international community to improve governance and reduce/eliminate corruption. These concerns are totally misplaced. Incidentally, somebody should try to define 'international community'. Some

- undoubtedly all inter-related concerns. One interesting observation was made however, and that relates to the 'rule by personality'. It was noted that the rule by personality is not restricted to the top but often extends all the way down to the lowest echelons of government. Thus, a bureaucrat's success is based not on how well he serves the public but how well he serves his boss and is able to bestow favours on his subordinates. The success of a politician is also pretty much

only way one can have access to resources is through one's friends, relatives and acquaintances helped along by a 'small fee'. It would be futile to think however that a (free) market economy will help reduce these trends, because (a) a truly unfettered market economy cannot develop within such a system, and (b) the market is constantly defeated (distorted) by the force, power and size of non-market transactions.

OK, I guess its time now to state clearly which country I am talking

A letter from Pakistan



M B NAQVI
writes from Karachi

AS one writes on Saturday awaiting the budget after Finance Minister has issued the annual Economic Survey the day earlier. Normally one would write on the state of the economy after awaiting for the budget later in the evening. But Pakistan being the newsy place it is, there are other and larger matters that demand immediate attention. There is the suicide car bomb attack on the US Consulate General in Karachi on 14 June (Friday) and the many questions it raises.

Apart from the routine terrorist attacks on the sectarian minority, it is the fifth major terrorist incident which appears to have an anti-western dimension, with the fourth having been just three weeks before --- and not far from the latest place of occurrence. Twelve French engineering workers, working for Pakistan Navy, were killed. That was clearly a suicide car bomb attack. But the Friday's outrage could either have a suicide bomber in the car or it was set off from a remote control, killing the four unwitting women learning to drive. The organisation that accepted responsibility is a new unheard-before al-Qaanoon, rather than the earlier new name with which they had struck at the French, though US experts tend to see the al Qaeda hand in both these cases.

One newspaper here has flashed a story, the headline of which tells it all. 'There are more suicide bombers present in Pakistan than there

are American targets'. Al-Qaeda's munificence in pre 11/9 Afghanistan to Pakistani terrorists on the run, it is claimed by a detainee-cum-suspect in the Daniel Pearl case, is being repaid by Pakistani beneficiaries when al Qaeda men are now on the run. Karachi's suburbs are supposed to be teeming with such persons. The point of it all is that it is just the beginning. Terrorism, it is feared by some as well as joyfully proclaimed by others, has arrived in

religiously-oriented sections. From this source only terrorism, lawlessness and general restiveness are likely to grow which would preempt the turning around of the economy. But this was nothing compared to the unrest and ferment caused by May 21 Musharraf speech.

All the rightwing -- in both its manifestations of religious lobbies and a plethora of mainstream and peripheral parties that are supposedly modernistic and west-oriented -

election by Oct. 12 next. But his political agenda demands that elections should yield a National Assembly and Provincial Assemblies that say yes to his reforms. 'Reforms' he is to propose are anti-democratic. No opposition party, rightwing or leftwing, can support them. There are many questions that have no answers from Musharraf and only he can give them. Under what political framework will the new polls be held, for

demands of ARD (which combines the two biggest mainstream parties of Nawaz PML and PPP). The General wanted to talk on just one point: India's menace of the massed troops on the borders -- with a view to getting their support against a possible Indian aggression. Nawaz loyalists are however protesting against the new Musharraf policy on Kashmir and many top leaders and nearly 300 workers of the PML(N) have been arrested by the police.

to empty benches, so to say, it is now rightwing religious parties who are the new significant inheritors of the mantle of anti-imperialism who are pushing an entirely different agenda from that of earlier anti-imperialists. Well, such is life. A fledgling school of thought has made its appearance. It is just beginning to walk. It is of NGO provenance. It thinks that Subcontinent's biggest problem is religious intolerance bequeathed by centuries of social stasis and stagnant religious thought and an antediluvian world view. Dire need is seen of dragging South Asia into Modernism and even 20th Century, let alone the 21st. But without violence and through political education.

Secularism -- in the sense of keeping the states totally outside the sphere of religions -- is the crying need of the hour. Both India and Pakistan are seen to need it badly. Votaries of this school think that secular and democratic forces in the two countries need to coordinate their work and explore the possibility of joint campaigning... Secularism as a stark political need has to be accompanied with the concept of extending as well as deepening of democracy as the first social and political priority.

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MB Naqvi is a leading columnist in Pakistan.

PLAIN WORDS

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this country in a big way.

The description of Pakistan by this ostensible al-Qaanoon organisation as 'slave of America' is eloquent enough. One has underlined the quintessential Jihadi mind as being the common factor in all terrorist activity. It is a local product and is found in abundance. Linkage with terrorist organisations of Arab provenance can only make them more adept and resourceful. Insofar as Gen. Pervez Musharraf's endeavours are concerned, he may have set Pakistan on a course of becoming a modern and moderate Islamic state on the pattern of Egypt, Tunisia, Morocco and Jordan thanks to the US connection. But this status carries a price tag: soulmates of al-Qaeda are bound to proliferate here.

The general political and intellectual background is a mixture of multiple confusions amidst pervasive intellectual fermentation. The policy vote face by Gen. Musharraf in Afghanistan has produced the local edition(s) of al Qaeda and a generalised alienation amongst the

-are more or less aghast at the scale of the U turn on Kashmir by Musharraf. It is an equivalent of beating up the tribe's totem. Anguished cries of sell out, betrayal and Judas rise up from the heart of sentimentalists. But by the time they reach the lips the realisation smother them that it is America, the bigger god has ordained it. But heart burning goes on and the urge to shout Judas is strong. Indeed, the Jamat-e-Islami chief Qazi Hussain Ahmed -- the link party between modernist rightwingers and the more religiously oriented parties and groups -- has been out in front wanting to have a full-time COAS, as Musharraf can only give part of his time to Army with the Indians pushing at the door.

General Musharraf's politics is a joker in the pack. He wants to pose as a brave warrior against India as well as to regularise and legitimise his power through democratic procedure. This latter raises a clutch of huge and tricky problems. There is a commitment to hold a general

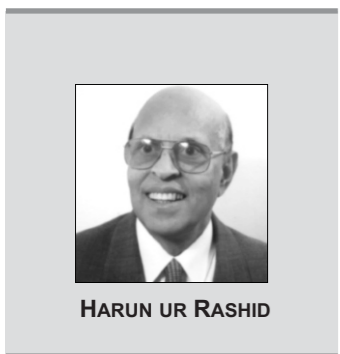
there is no Constitution in force except his say so? Will he restore the Constitution that is supposedly alive but in suspension before the polls? If so, where will he stand? He has yet to specify what amendments he wants to make in the organic law and how? If he writes them in his own hand, will that compel the newly-elected Assemblies to remain within the four walls of the amended Constitution? Above all, what will happen if the elected Assemblies do not comprise a two thirds majority of Musharraf supporters? How will he get himself elected, as there were indications from him that he did not regard the April Referendum to be a proper election for himself? Would he resign if the new Assemblies refuse to elect him, give him the indemnity for transgressing the Constitution or to accept his 'reforms'? And so forth.

The opposition Alliance for Restoration of Democracy has just refused to meet Gen. Musharraf on June 18 because the General did not agree to discuss the political

The leftwing in Pakistan has been in tatters as a political force for a long time. The implosion in the Soviet Union hit them too hard and none of their leading lights has even the foggiest notion of what programme or policy they can or should adopt -- beyond a few simple notions of Social Democracy, anti-imperialism, minority rights and secularism, regional autonomy etc. But there are many intellectuals who are groping. Abul Fazal, a former Ambassador, is one of them who has in a *Dawn* article called Pakistan a neo-colonial state presumably requiring a national liberation struggle.

Others are freely describing Pakistan as an occupied state -- indeed it is seen as being under double occupation: of a neo-colonial Army and of the overlordship of the American imperialism which has chosen to stay on militarily in Pakistan, indefinitely, to fight terror. Now, these descriptions are made with a variety of motivations. While some politically insignificant lefties say this

Why didn't New Delhi launch the war?



HARUN UR RASHID

border attacks would be stopped permanently.

Some observers believe that India wanted to give impression that war was imminent, although Indian military leaders knew well the difficulties in war with Pakistan. Some of them appear to be as follows:

First, the military on both sides

opposed to the Indian army's presence in the India-held Kashmir since 1989, would be able to diminish military capabilities through passive resistance and providing vital information to Pakistani army. One thumb rule appears to be that if local people are against the army, the war cannot be won.

terrorism and that would have deterred Indian army's advance into Pakistan's underbelly.

Finally, the weather would be turning to monsoon at the end of June and it would very difficult to mount military operations in Kashmir during the rainy season.

India's plan reportedly was to strike Pakistan hard so as to occupy areas of "Azad Kashmir" and other adjoining areas overlooking the capital, Islamabad in Pakistan. It seems that apart from diplomatic pressure, Indian civil and military leaders must have weighed the factors whether they would be able to achieve their goal in the war against Pakistan. Furthermore India was not sure whether Pakistan as a last resort would not use nuclear weapons in the event of serious reverses in battles. The Pentagon warned that any nuclear strike would cost between 17 to 20 million lives immediately and countless lives thereafter because of radiation from nuclear blast.

Both India and Pakistan have realised that war would destabilise political power in their countries unless decisive results were achieved. Both sides have indulged in brinkmanship to achieve their goals. India has succeeded in pressurising the Western countries to force Pakistan to shut down the militant bases in Pakistan and Pakistan has been able to internationalise the Kashmir issue which was almost forgotten in the West.

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

BOTTOM LINE

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reportedly said that they could maintain stocks for 40 days of fighting. Analysts suggested 20 days was a realistic period. After that, fuel, ammunition and manpower would begin to run low.

Second, Indian army believed that thousands of Kashmiri insurgents in the Indian-held Kashmir were poised to disrupt the army's supply lines by blowing up bridges and railway lines as well as threatening national highways including the one in Jammu and Kashmir, the state's life line.

Third, Indian army intelligence feared that such Kashmiris, as long

Fourth, Indian army expected that Pakistan army would launch a multi-pronged attack on India's vulnerable areas including Khem Karan in the Punjab which was overrun by Pakistan army in 1965 and 1971 wars. Pakistan would also concentrate on the "Chicken Neck" area in Jammu region which was surrounded by Pakistani territory on three sides.

Fifth, India's quick thrust to the Sindh province (where almost all the oil deposits exist) splitting Pakistan into halves would have met the US forces now stationed in that province in connection with war on

OPINION

Unocal's reply to Nuruddin Mahmud Kamal's article on USGS

SCOTT BARBER

I read with much interest Mr. Nuruddin Mahmud Kamal's article "The USGS gas resource assessment myth" (DS 13-6-2002). I would like to make several points in response to Mr. Kamal's interesting writeup.

First, we want to reassure Mr. Kamal and the readers that Unocal and Unocal Corporation are indeed one and the same. Unocal is the same company that discovered the Bibiyana gas field (with 2.4 Tcf of proven and probable reserves) and the Moulvibazar gas field, and is the same company that now produces between 80 and 100 million cubic feet of gas each day for the people of Bangladesh from the Jalalabad gas field in Sylhet. We could, by the way, produce even more gas from the Jalalabad field but the Bangladesh domestic market is unable to use more gas.

Second, in his article Mr. Kamal attempts to discuss proven reserves, probable reserves, and resource potential. How does the petroleum industry assess these different reserve and resource levels? Proven reserves are typically determined based on actual production data, backed up by additional geological knowledge gained from seismic data and well logs. Probable reserves are generally determined based on a geological assessment of the same field, only there may not be enough production data from various parts of the particular field to make a firm

assessment. As more wells are drilled in the same field, then probable reserves are reassessed to be proven reserves. Depending upon the data and the reputation of the particular petroleum company, lending institutions typically provide development funds to a company based on the assessment of the proven and probable reserves determination. And finally, there is the resource assessment of the geological region. This assessment is typically done using regional geological data, with a strong reliance on analogies to similar geological provinces around the world and experts familiar with world-wide geological trends. The USGS-Petrobrangla resource assessment was done through collaboration between experts from both Petrobrangla and the United States' Geological Survey (USGS). If I am not mistaken, both USGS and Petrobrangla endorsed the results (32 Tcf) of that study, contrary to what Mr. Kamal has stated.

Recently Mr. Kamal has also criticized the latest resource assessment conducted by Energy Ministry's Hydrocarbon Unit (HCU) with the collaboration of Norwegian Petroleum Directorate (NPD) who does not have any vested interest in the country's gas sector. The expertise from HCU, Petrobrangla, Bapex, Bangladesh Gas Fields Ltd. (BGFL), Bangladesh Geological Survey as well as experts from NPD took part in the study and found the Bangladesh undiscovered gas potential (resource) to be about 42

Tcf which is 10 Tcf higher than USGS-Petrobrangla Study. It is worthwhile to mention that during the period of last 20 years more than six countrywide resource assessments have been conducted by different agencies, some working jointly with Petrobrangla, and none of these studies arrived at a number less than 32 Tcf. So the question may arise whether Mr. Kamal has the appropriate background (such as petroleum geology or petroleum engineering) and/or professional experience to evaluate or challenge the USGS-Petrobrangla and HCU-NPD resource assessments that have been conducted by reputed professionals. In his article Mr. Kamal has urged a review of the USGS-Petrobrangla resource assessment by Bangladeshi experts. Apparently Mr. Kamal has forgotten that Govt. has already formed a national committee with the Bangladeshi experts who are currently reviewing different studies on country's gas reserves and resources including USGS-Petrobrangla study.

Now, about Unocal trying to "hoodwink" the government regarding the reserves of Bibiyana, let me explain that the 6.6 TCF of gas that Mr. Kamal refers to is the gas-in-place number. We have always advised the government as such. The actual gas reserve recovered from the reservoir is less and depends upon the geology of the reservoir and the skill of the company developing the field. The proven and probable recoverable

reserve number, as Mr. Kamal correctly points out, is 2.4 TCF. Again, this has been no secret. This proven and probable number is based on data provided by only two wells (one exploration and one appraisal). But, based on the results of a 3D seismic survey on the field, Unocal is hopeful that the Bibiyana field contains an additional 3.1 TCF of possible recoverable reserves. The international firm Degolyer and MacNaughton (D&M) also certified 3.1 Tcf as possible reserves in Bibiyana. But only by drilling more wells "possible" reserves can be converted into "proven and probable" reserves. And when will Unocal invest an additional \$20 to \$40 million in new wells? When we are reassured that we will have a good chance of recovering our investment. But it is important to realize that we have enough confidence in our geological assessment of Bibiyana to propose a plan that will, as Mr. Kamal points out, require 3.65 TCF, and we are ready to take that risk. We are confident that additional drilling will be enough to convert the "possible" reserves into "proven and probable" reserves.

Unocal's success in Bangladesh to date in finding and developing gas fields is a good predictor of our future success. We're ready to invest more, but we're just waiting for the government of Bangladesh to allow us to do so.

Scott Barber is President & Managing Director of Unocal Bangladesh Ltd.