

DU should forge ahead now

Maturity expected from all sides

WHO ever heard of the highest seat of learning with as large a number of faculties as Dhaka University runs being in an unscheduled limbo for 63 days? Only perhaps DU of all the national universities in the world has had such a misfortune of unbroken shuttering down. This was something patently incompatible with the new millennium appetite for a knowledge-based society.

So, at long last, when came the news that doors of all the residential halls of Dhaka University opened yesterday and that the faculties would resume classes on October 3 all concerned heaved a sense of relief. One would have thought the inordinate delay entailed to open the university must have been well-spent in deliberations over how to avert any further trouble on the campus. Hopefully also, any hang-up of the commotion created by the most obnoxious police action on the female students' hall of residence on July 23 has been sloughed off. The one-man judicial commission of Justice Tafazzul Islam has censured the outrageous mid-night police excesses at Shamsunnahar Hall. What is galling, to our mind, is that nobody in the administration admitted to knowing who had given the go-ahead to the police raid on the female dormitory. The fact is somebody in authority must have done it otherwise the police simply would not have dared it. That is the chink in the armour which will have to be consciously guarded against in the future by the new vice-chancellor in the person of Professor SMA Faiz. The Education Ministry will have to play a complementary role there. Eternal vigilance is the price of balanced administration.

The general students' maturity was key to averting any student inter-party disaster on the campus the last time over. They must stick to their guns as the university pulsates back to a compensatory academic life of makeup classes.

As for the JCD, it has to be wizened not to create any misgiving of an arrogant image. The ruling party will be well-advised not to even unwittingly prop it up either.

The other student parties, especially the BCL better not fall in a desperate mould. Actually, partisan rivalry among the students should end where the academics begin. It's also imperative in the overall that the teachers sink their differences to play a persuasive role with the students to promote excellence in the academic life of the nation.

Siege on Ramallah ends

The cat-and-mouse game continues

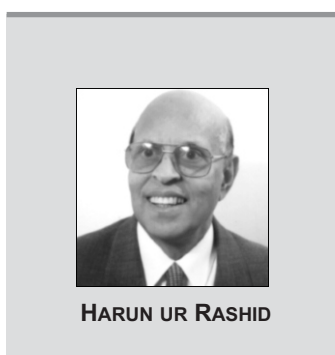
IF it were a design to undermine the popularity and acceptability of Yasser Arafat among the Palestinians, then the ten-day Israeli siege on the 73-year-old leader's Ramallah headquarters, even Israeli analysts acknowledged, was a rank failure. Despite the large-scale destruction all around that razed the key symbol of his authority down to dust, Chairman Arafat has come out victorious; the big question-mark over his political credibility following forced resignation of his cabinet earlier this month stands erased. However, what matters most to the Palestinians and, for that matter, to all people in the region - peace -- remained elusive as ever. The latest Israeli incursion into Palestinian territory and subsequent excesses such as indiscriminate destruction of offices and residences thereon has only renewed the vicious cycle of bloodletting. Whatever progress the Middle East peace process made now stands negated. And one cannot help blame Israeli Prime Minister Ariel Sharon and his hawkish council of ministers for the setback.

Tel Aviv persists in justifying that the latest military action and the ones before that have been in reaction to suicide bombings targeted at its people. It has found staunch support from the United States all along. However, the question is, has it borne any positive outcome? It has not, which means the path Prime Minister Sharon has decided to tread leads to nowhere. More than anyone else, Washington should understand that. Unfortunately, the Bush administration has so far viewed peace in the Middle East through Israeli perspective and has backed Tel Aviv through and through. It has been quick to condemn attack on Israeli establishments but remained mum when Israeli army committed excesses. The latest siege on Ramallah was no exception.

If the current US policy towards the Middle East continues, the vicious cycle of death and destruction will never end. The Bush administration must distance itself from Prime Minister Sharon and take an objective look at the crisis. It must pressure Israel to rein in its trigger-happy forces. The militants will have to be brought to the negotiation table. If anyone can do that, it is Chairman Arafat and his Palestinian Authority. He must be given time to work in that direction. Use of excessive force, as Israelis are wont to, would only intensify the vicious cycle.

general citizens also face a lot of inconvenience due to frequent traffic disruption and law and order around the *Shahid Minar*. While many feel that *Shahid Minar* should not be a place for putting such demonstrations, it is hard to enforce such a rule given our track record of following rules. The attempt to control the use of *Shahid Minar* by the government is a positive step, but it may not be successful in the long run. In order to free the citizens and the educational institutions of the area from these and bestow proper honour on the *Shahid* of the Language Movement, I would suggest that the *Shahid Minar*, the students, teachers and all others suffer a lot as *Shahid Minar* is bustling with commotion all the time. The

US bypassing the International Criminal Court!



HARUN UR RASHID

THE International Criminal Court has become a reality from 1st July of this year at The Hague (the Netherlands). It has a long history. A Swiss person (Gustav Moynier of Red Cross) first conceived the setting up of an international criminal court in 1872 but the idea met difficulties in that no State would sacrifice its sovereignty. Then the two World Wars intervened and the proposal took a back seat. After the Second World War, two international criminal tribunals were established -- one in Nuremberg to try German war leaders and the second one in Tokyo for Japanese leaders. Both the groups were charged with crimes against humanity and war crimes.

The traditional definition of international law is a body of rules that govern relations among states and individuals do not come within the ambit of international law. Individuals are governed by national (municipal) laws. It is the States that wage war and therefore delinquent States are to be held responsible under international law, thereby leaving individuals free from any trial.

After the Second World War, limits of sovereignty of state were not only put into practice but individuals were brought within the jurisdiction of international law. It was for the first time rules of international

individuals could not be held responsible for crimes under international law.

The trial by international criminal tribunals generated a fresh momentum for establishing an international criminal court. The ad hoc International Criminal Tribunals for Yugoslavia and Rwanda in the 90s added a boost in setting up a permanent International Criminal Court. Finally, the UN convened a diplomatic conference in Rome in 1998 and the

US has been opposed to the Court since 1998.

Since the US could not block the setting up of the Court, it wants a blanket-immunity to ensure that its troops are not put in the dock for war crimes without Washington's approval. The UN Secretary General reportedly said that he was not about to change the Rome multilateral Treaty. Many believe that if immunity was given to the US troops, many countries would follow

end. They have switched to a new plan to secure bilateral agreements from states which would put the US troops beyond the reach of the International Criminal Court. The US has been on an aggressive diplomatic campaign to obtain such agreements reportedly using veiled threats to withdraw US military aid from countries that refuse to sign the immunity deals. The US even has reportedly warned that its role in NATO will change unless the Euro-

pean Union agrees. It is reported that the US has been able to conclude bilateral immunity agreements with Romania, Tajikistan, East Timor and Israel. This means that these countries will not hand over US troops to the jurisdiction of the Court. The US argues that the bilateral agreements are consistent with Article 98 of the Rome Treaty which provides that bilateral agreements may exempt individuals appearing in the dock of the Court.

Many legal experts argue that the US has misconceived the spirit and intent of Article 98 of the Treaty. Article 98 is applicable between parties of the Treaty and the US, not being in this category, bilateral immunity agreements, in terms of Article 98, appear to be legally flawed. Others think that bilateral agreements mean acceptance that the US and its troops should somehow be above international law. The European Union's legal office argues that countries that strike such immunity deals effectively make themselves "safe haven" for war crime suspects. Furthermore, Germany, Switzerland and Canada are among those countries that oppose the idea on the grounds that Article 98 agreements would undermine the integrity of the court.

The 26th President (1901-09) of the US Theodore Roosevelt said: "No man is above the law and no man is below it". Many lawyers believe that the Bush administration is going exactly opposite to what President Roosevelt underscored as the universal principle of law. Moreover the US is setting a bad precedent in international law by concluding immunity deals and regardless of who is right, the Court is receiving a terrible blow in its jurisdiction of global justice for all. The irony is that the Court is being attacked by a country which champions democracy and human rights in the world.

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

BOTTOM LINE

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law were directly applied to individuals. The victors of the Second World War (the US, Britain, former Soviet Union) changed the traditional notion and laid down a new rule of international law, i.e. individual responsibility under international law. The Nuremberg tribunal confirmed the responsibility of individuals when it held: "Crimes against international law are committed by men, not by abstract entities and only by punishing individuals who commit such crimes, can the provisions of international law be enforced". Gone was the notion that

delegates were able to agree to conclude a treaty containing the Statute of the International Criminal Court (commonly known as Rome Treaty); 139 countries signed the Treaty.

The Treaty required 60 instruments of ratification from signatory states to come into effect and this requirement was met early this year (so far 72 have ratified the Treaty). The ratifying governments assembled in New York to bring formally the Court into being with 18 judges. But behind the celebration, there is a worry for delegates because the

suit and the jurisdiction of the Court would severely be undermined.

To pressurise the UN, the US vetoed the proposal in the UN Security Council in June on extension of time for UN peacekeeping forces in Bosnia until the Council assured of immunity for its troops. The Council refused to do it. Later under pressure from European countries the US relented and agreed extension for another three months.

The failure of the US to obtain an iron-clad exemption for its peacekeepers did not bring its efforts to an

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Many legal experts argue that the US has misconceived the spirit

Threat to world order: Say no to war on Iraq

PRAFUL BIDWAI writes from New Delhi

AFTER President Bush imperiously taunted the United Nations either to show "some backbone" -- that is, fall in line with Washington -- or become "irrelevant", the US is set to move a new Security Council resolution on Iraq.

This is likely to contain unreasonable conditions, which Baghdad can't comply with. That's exactly what Washington wants! Then, it can get authorisation for attacking Iraq.

Washington is approaching the Security Council not because it respects it but because its allies, and China and Russia, want a resolution. America has already decided on a "regime change" in Iraq.

War on Iraq would be disastrously ill-advised. War is permissible only under two conditions: self-defence, or Security Council resolutions under the UN Charter to counter "threats to" peace. But Iraq is not about to attack the US or any other state. It has not attacked another state since 1990. Nor was it recently involved in "terrorism".

Iraq is being wrongly accused of "defying" UNSC resolutions. In reality, it has complied with them, including the all-pervasive Resolution 687, which mandates the destruction of its weapons of mass

destruction (WMDs).

Yet, the ultra-hawkish US vice-president Dick Cheney claims with supreme confidence: "there is no doubt that Saddam Hussein... is amassing [WMDs] to use against our friends... and... us..."

This is contradicted by the UN Special Commission (UNSCOM) and International Atomic Energy Agency. They carried out thousands

of inspections based on the toughest-ever multilateral sanctions in history. The IAEA verified in 1998 that Iraq complied a "full, final and complete" account of its nuclear projects.

UNSCOM chief Hans Blix has endorsed this view. The sanctions regime was used to supply intelligence to the CIA, says former UNSCOM chief Rolf Ekeus. As does ex-UNSCOM US marine Scott Ritter.

One should endorse neither Mr Hussein's tyrannical regime nor his intentions. In the late 1980s, he had WMD-acquisition programmes and used chemical weapons against Iran. The US, then obsessively anti-

nationalist Hard-Right knows the Democrats don't want to be seen opposing the administration on "national security". War will tilt the balance in the Republicans' favour.

Second, Mr Bush's one-year-long war against "global terrorism" has produced few results barring a "regime change" in Afghanistan. To this day, 80 percent of Al-Qaida/Taliban top leaders remain

unaccounted-for. Mr Bush has to show some kind of "victory" in this "historic" war. Hence Iraq. Mr Hussein has no connection with 9/11, but 9/11 can be exploited to target him.

Closely tied to America's Iraq plans are grander designs to restructure West Asia. Vice-president Cheney describes the purpose of "regime change" in Iraq: "Extremists in the region would have to rethink their strategy of 'jihad'. Moderates... would take heart. And our ability to advance the Israeli-Palestinian peace process would be enhanced."

The third factor at work is Black Gold -- oil. US energy companies

have reacted sharply to a recent RAND Corporation report terming Saudi Arabia "the kernel of evil", a likely prey to Islamic extremism.

They want Iraq's huge reserves -- 112 billion barrels, the world's second largest -- to be opened up. Once "Evil Saddam" is displaced, production can be cranked up from today's 2.4 million barrels/day to 4 mbd.

dominated state, a southern largely-Shia country, and a Sunni Arab centre.

The global repercussions of war on Iraq will be grim; powerful resentment in West Asia at an unprovoked, unjust US invasion. This will negate even the limited gains from the so-called "war on terror". The Palestinian crisis will worsen. The Middle East could plunge into unprecedented violence. Globally, religious fundamentalists will gain the most.

America's "Might is Right" action will greatly weaken multilateral institutions. They have evolved over two centuries through nation-states voluntarily abridging absolute sovereignty. The undermining of multilateralism spells anarchy and brigandage.

This confronts India with a serious dilemma. It has good relations with Iraq, its single biggest oil supplier. There are 3.1 million Indians in the Gulf whose remittances are more important to the economy than FDI flows. War on Iraq also spells instability in Iran, Pakistan and Afghanistan -- an unpleasant prospect for India.

Yet, Mr Vajpayee kept silent on Iraq at the UN -- because India wants a "strategic partnership" with the US! As the war tempo builds up, India will find it hard to take an independent stand. Like with the 1991 refuelling, it will be asked to fall in line. That's bad news.

Praful Bidwai is an eminent Indian columnist.

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Unsolved mysteries keep on puzzling Japanese mind

MONZURUL HUQ writes from Tokyo

WHEN Prime Minister Junichiro Koizumi announced the decision of his planned historic trip to North Korea in early September, many in Japan were overcome with a sense of relief that this would probably initiate the process of ending a long period of hostility and mistrust that left many mysteries unsolved. At the top of the list of such mysterious incidents was the abduction charge of Japanese nationals by suspected North Korean agents. As a result, with the approach of the day of that historic trip, pressure started to mount on the prime minister to exert pressure on North Korean side to reveal what exactly happened to those who were missing during late 1970s and early 1980s. North Korea until now always rejected such accusation claiming it as mere falsification of facts by the Japanese government. So, expectation of any radical breakthrough in that highly delicate issue lay quite low even among the most optimists of Koizumi's entourage, and few expected that North Korea would come forward with an open mind and admit country's past misdeeds.

Japan had a list of eleven missing nationals, who the authorities in Tokyo always suspected were kidnapped and forcibly been taken to North Korea to work as Pyongyang's agents. At the summit meeting with the North Korean leader

Kim Jong Ill at Pyongyang, the Japanese prime minister handed over the list and asked for a confirmation from North Korean side about the whereabouts of those enlisted. To many of those skeptics who in Japan were a clear majority, this was supposed to be formality before moving over to other pressing issues considered vital for the stated normalization talks between

eleven of those who Japan claimed were abducted to North Korea, but also provided additional information on two others who were not listed by Tokyo. Of the thirteen abducted Japanese nationals eight have already died while five were living in North Korea. Foreign ministry officials in Japan later contacted grieving families of those who had fallen victims of tense bilateral

relations to convey details of their deaths, which they came to know from their North Korean counterparts.

North Korean officials provided the information on dates of death just before the start of the official summit between the two leaders and one of the most surprising aspect of the detail was that all of them died at a relatively younger age with two passing away on the same day. This raised many questions among the members of the grievd families as well as among those who would like to see the issue finding a definite solution before moving over for normalization talks to be resumed. Many of the relatives were waiting to hear news of the whereabouts of their loved family members and none expected the outcome to be that

much tragic. A relative of one of the abducted Japanese said that the word of the deaths of so many young people was like a cruel verdict handed down right from the hell.

Koizumi traveled to Pyongyang with the promise that he would reveal the fates of abducted Japanese nationals to his fellow citizens. It was sort of a gamble that could have backfired would he had to

without delay to prevent other kidnapping.

But despite such optimism, the truth remains that there was no elaboration from North Korea on when and how each victim was abducted, how they lived in North Korea and how they died. What Kim Jong Ill revealed at the summit was that there was no systematic engagement in the abductions, which were undertaken by a handful of people who acted out of blindly motivated patriotism. As long as details of abductions are not made public, it will be hard for people in Japan to agree with Kim's claim that the abductions were isolated attacks by a handful of over-motivated agents of country's intelligence service.

It is time for North Korea to realize that as talks on normalization of diplomatic relations with Japan are scheduled to restart in October, solving unresolved mysteries could only help paving the way towards reaching that particular goal. Pyongyang's confession of the abduction charges is a clear indication that North Korea today is no longer the intransigent hard-line state that refused to abide by accepted diplomatic norms. Hence, for Japan also, grasping the opportunity in a more rational way other than expressing grudge and dismay might lead to a situation where not only the abduction issue, but charges of North Korea's suspected development of nuclear weapons and missile technology too can be meaningfully tackled.

the two countries to restart. And many of Koizumi's critics at home had taken it for granted that Koizumi would return empty handed from Pyongyang and this would provide them with a new opportunity to intensify their criticism of the prime minister for his failure in tackling vital issues. But to the utter surprise of them as well as many of those who accompanied the prime minister, Koizumi didn't have to wait for long to see the North Korean leader acknowledging his country's involvement in kidnapping of Japanese nationals and expressing profound regret for things that happened in the past.

The aspect that drew keenest attention in Japan was the frankness with which Kim Jong Ill admitted to the abduction issue. Pyongyang not only revealed the fates of

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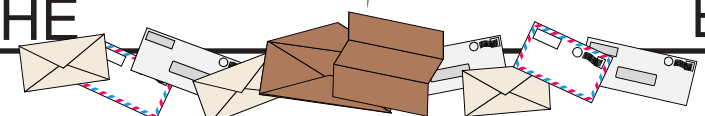
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report. Higher education is not a constitutional responsibility of the government -- mass literacy is. What is the moral justification of spending the taxpayers' money on these universities? Hordes of students are coming out from these universities adding to the soaring ranks of unemployed. Student politics will be automatically stopped if the students are made to pay the cost for their education in the state-run universities. The government must pay more attention to twelve-year (SSC & HSC) education making it free for both male and female students. It should be more vocational oriented than theoretical. The government must appreciate that quality pre-university education

for many is much better than useless higher education for a few. Those who opt for higher education must be prepared to pay for it. There is no free lunch. QS Ahmed Major (Retd) Mirpur, Dhaka

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TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR



Move the *Shahid Minar*

Recently, the incidents in Dhaka University and BUET have put the *Shahid Minar* into focus. This *Minar* is located virtually in the heart of the educational centre (and geometric centre too) of Dhaka comprising DU, BUET, Dhaka Medical College and several other schools and colleges and institutes. And almost all these organisations and others tend to select the *Shahid Minar* as their venue for demonstration and pushing their demands. Because of the location of the *Shahid Minar*, the students, teachers and all others suffer a lot as *Shahid Minar* is bustling with commotion all the time. The

general citizens also face a lot of inconvenience due to frequent traffic disruption and law and order around the *Shahid Minar*.

While many feel that *Shahid Minar* should not be a place for putting such demonstrations, it is hard to enforce such a rule given our track record of following rules. The attempt to control the use of *Shahid Minar* by the government is a positive step, but it may not be successful in the long run. In order to free the citizens and the educational institutions of the area from these and bestow proper honour on the *Shahid* of the Language Movement, I would suggest that the *Shahid Minar*, the students, teachers and all others suffer a lot as *Shahid Minar* is bustling with commotion all the time. The

students, teachers and the citizens on a daily basis.

It is time we started thinking about our best interests rather than always being driven by emotion.

Wahid Chowdhury USA

Why to donors, AL?

According to The Daily Star report (September 22) the opposition Awami League will meet donors representatives to apprise them its concern over "deterioration of law and order and fall in quality of governance" in the country. I agree with the AL on "deterioration of law and order and fall in quality of governance" in Bangladesh under the BNP-led coalition government. One can

assert that the situation in the country was no better under AL government one-year ago.

The law and order situation and quality of governance in Bangladesh will drastically improve only when AL and BNP reach an agreement that none of them will embrace any criminals in their party folds. Whining to the donors on deteriorating law and order and bad governance will not deliberate our nation from the hands of these perennial curses we are under.

Donors are not our masters. Why should our one political party, for the redress of its grievances, lodge a complaint to them against another political party? BNP behaved in the same manner as like as AL is behaving

ing when it was in the opposition. Faruque Hasan Dhanmandi, Dhaka

Student politics

Have you heard of any student politics in a private university like NSU, AIUB, Darul Uloom etc? No, there is no student politics in private universities simply because the students pay very heavily for their education in these institutions. When you pay for something you want to recover your money's worth. What is the picture in state financed public universities like DU, RU, JU, BUET etc. Here education is almost free- therefore, the turmoil, unscheduled shutdown and very poor standard of education as is borne out by PSC

report.

Higher education is not a constitutional responsibility of the government -- mass literacy is. What is the moral justification of spending the taxpayers' money on these universities? Hordes of students are coming out from these universities adding to the soaring ranks of unemployed. Student politics will be automatically stopped if the students are made to pay the cost for their education in the state-run universities. The government must pay more attention to twelve-year (SSC & HSC) education making it free for both male and female students. It should be more vocational oriented than theoretical. The government must appreciate that quality pre-university education

for many is much better than useless higher education for a few. Those who opt for higher education must be prepared to pay for it. There is no free lunch. QS Ahmed Major (Retd) Mirpur, Dhaka

"India to dig for oil, gas in the Sundarbans"

The news item "India to dig for oil, gas in the Sundarbans" (September 15) is indeed a very threatening news. If they really start drilling, the Sundarbans, the world's largest mangrove forest and the habitat of the endangered Royal Bengal Tiger would be destroyed.

Notice

The readers are requested to send their comments on "Bangladesh cricket" (the cricket team, their performance in the ICC tournament and other international tournaments--how to improve their performance, what future they have, the government's role in improving the cricket standard etc). --Editor