

## Warm-up to Indo-Pak dialogue

Peace dividends could be enormous

THE door that remained slammed shut for the last about one and a half years for any worthwhile communication between New Delhi and Islamabad has opened. The two countries are within a striking range of having talks -- hopefully, with a change of heart. Indian Prime Minister Vajpayee's sagacious overture responded to by the Pakistani leadership with aplomb, is making possible what looked like an impossibility only the other day. One is tempted to surmise though that they being caught in the whirlpool of geo-political complexities fostered by the US-British occupation of Iraq, a new realism may have sunk in them to mend their bruised relations. The two countries having gone nuclear with missile capabilities need to give each other space in spite of the so-called deterrence of the mutually assured destruction factor.

Let's catalogue the warm-up gestures. Atal Behari Vajpayee on Saturday received a formal invitation from Pakistan prime minister Zafrullah Jamali to visit Islamabad. Just a day earlier, the Indian prime minister had announced the restoration of full diplomatic and air links with Pakistan cut off almost 17 months ago after gunmen alleged to have been sponsored by Islamabad carried out an attack on the Indian parliament. Sitting well with the outlook, a dozen Pakistani parliamentarians are visiting New Delhi next week by way of building people-to-people rapport.

President Musharraf had made offers for talks to India earlier on, but the latter would spurn these saying resumption of dialogue were contingent upon Pakistan stopping cross-border infiltration and terrorism. Pakistan banned some Islamic militant groups which India didn't apparently consider enough so that she kept harping on that point. But now it seems that talks are poised to be held without any preconditions. This itself is a welcome sign.

Vajpayee has received all-party support behind his initiative for a dialogue with Islamabad. Significantly, he has called for 'careful preparations' so as to ensure a meaningful engagement at the highest level. There is a perception that his Agra bid for peace had suffered from lack of careful planning. The Lahore visit was more of a success because of good preparations.

Vajpayee adds an emotive note to his latest bid calling it the 'last' in his lifetime. "After two experiences," he seems confident, "the third round of talks will be decisive."

We congratulate him on his developing an emotional stake in the matter hoping that Pakistani leadership will not be wanting in reciprocating the sentiments. Basically though, India and Pakistan should be driven by sheer pragmatism to come to terms with each other. The money they can save from their futile nuclear race could raise millions of their people from the depths of abject poverty and deprivation. Overall, it will bring advancement not merely to India and Pakistan but also clear the course for regional prosperity. We, in the SAARC, are eager to see Islamabad and Delhi engaged in a meaningful and productive dialogue.

## Deaths in Turkey

A reminder of our own vulnerability

WE are shocked to learn that an earthquake at the Turkish town of Bingol has left at least 150 people dead, including a number of school children. We condole the tragic deaths and express our solidarity with the people of Turkey in their hour of distress.

An earthquake is one of those vagaries of nature, the precise cause of which is still not known. But there are risk factors and certain zones are identified as highly vulnerable. It is disturbing to know that Bangladesh is one of the countries that are at a risk of being jolted by tremors of medium to high intensity. The experts have pointed out that the city of Dhaka is on the same tectonic plate as the western Indian town of Bhuj, which was battered by a severe earthquake not long ago. They have also predicted that around 70 per cent of the buildings in the city might just fail to withstand the pressure of an earthquake of medium intensity. It seems neither the planners nor the builders could foresee that earthquakes could ever become a real threat for us. But all indications are now there that severe or medium intensity earthquakes may hit the country any time.

The universally prescribed method of minimising deaths and destruction caused by an earthquake is to follow a building code which will make the structures far less vulnerable to seismic convulsions. California, an earthquake-prone city in the United States, has succeeded to a great extent in protecting buildings and other structures by strictly following the building code designed to reduce the impact of an earthquake. So there are examples of how we should set about the task of facing the danger.

It is also necessary to enhance earthquake preparedness by raising specially trained teams of volunteers who could help the victims if an earthquake strikes. Quick and effective rescue operations will be needed to keep the situation under control. Finally, earthquakes should not be treated as an imaginary threat, after all that we have heard from the experts at home and abroad.

# Is America choosing her options in Iraq?



M. M. REZAUL KARIM

The slogan of "Allahu Akbar" with which the marching American troops in the "newly-freed" land were greeted was not only highly significant but fraught with sinister implications for the Americans. Iraq has been ruled by the Baath party since the assassination of monarchy-toppler Abdul Karim Qassem in 1963. I was then a junior diplomat in Baghdad and, 20 years later, returned there as Bangladesh Ambassador in the beginning of the Saddam era. I, there-

the long suppressed force now burst out of the pot like a genie, whose nature and mood are yet to be discerned.

The slogan of Allahu Akbar, as referred to above, is symptomatic of what may be stored for the Iraqis or, at least, a major section of Iraq's population. The least America would like to see is the establishment of a theocratic state in a land freed from the tyranny of an autocratic ruler. It is not only a matter of

clergy in Iraq, and know for certain the preponderant influence they exercise on the Shiite community. The reported issue of an edict by the chief clergy of Najaf to regard Americans as enemy only fuelled the fire already kindled among the majority Shiite population in Iraq. No amount of humanitarian assistance and distribution of sweets among children by the British and American troops appears unlikely to put out the burning flame easily and endear them to the locals.

and unseen enemy. The killing of 15 unarmed demonstrating civilians on Saddam's birthday added a new dimension to the archaic scenario already tarnished by so many untoward events. The demonstrations that followed those killings and further death of civilians in the hands of US soldiers as well as attack on American base portend great ills and negate the possibility of an immediate or even early settlement of the issues that cropped up following the war.

their neighbours, especially Turkey.

The present American Administrator of Iraq, General J. Garner, has an arduous task to perform. He has to secure some degree of acceptability for himself and for his plans among the not-so-friendly Iraqis, and also have to work within the given framework of American interests and policy. The bone of contention now lies between USA and almost rest of the world community on the issue of who would act as the focal point of service in Iraq before a democratic setup is installed there. It may take as long as two years, indicated as such by the US administration itself. It may take even longer, who knows? But the world community in general advocates the principal role to be played by the UN on political, economic and humanitarian issues faced during the post-war era. Even America's staunchest ally, the United Kingdom, draws tune with the world community on this issue.

The coming days will witness intense and flurry of activities both at the United Nations and on the grounds in Iraq. The situation in Iraq is getting more complex and untenable for the Americans in the wake of growing anti-American sentiments there. American options will, therefore, depend upon these developments. Over and above, the combined forces are obliged to unearth evidence of Saddam's possessing weapons of mass destruction. Otherwise, America and UK would not be able to justify their invasion of Iraq and would be subject to severe criticism and even more as an international bully by flaunting world opinion, wilful violation of international law and establishing a dangerous precedent of forcible occupation of a small state by a big one.

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## CURRENTS AND CROSSCURRENTS

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fore, had some first hand knowledge about political evolution in the region. The Baath party was founded in 1943 in Damascus by Michel Aflaq, a Lebanese Christian. Its basic philosophy rested on the principles of socialism and secularism and it advocated pan-Arabism or creation of a single Arab socialist nation. In the Arab world where reigns of kings, Sultans and Shaikhs are rampant and divisive sects of Islam are noticeably pronounced, preaching of the gospel of any departure from hereditary rule and introduction of secularism is no mean task. The principal aim of the Baath party was simply to attain that goal. The party envisaged systematic and periodic training of its members and established a cadre of skilful and dedicated party workers. After the fall of Saddam, Syria is the only country harbouring the Baath party.

The US-UK invasion of Iraq brought in the fore, not so much any nostalgia for the monarchy, but the latent force of religious and ethnic divisiveness, which had hitherto been kept suppressed by the Baath regimes of Aref and Saddam. The governments, which were headed by Sunni Muslims, took pains to see the census of a majority of Shiite population in Iraq is never published. The lid of

principle and distaste for America to support any state based on religion, except perhaps Israel, but the apprehension of such a regime in Iraq to be close, if not an associate, to the fundamentalist regime of the neighbouring Iran poses greater danger to America's interests. I had the opportunity of visiting Najaf, the base of the Shiite

The scenes in Baghdad and other cities, as one can witness now, are important pointers to the despair of the combined forces. The troops are seen patrolling the streets in full battle gear with fingers poised at triggers ready to act against snipe shooters. They do not look like saviours. They are still searching for pockets of resistance

The United States from the very outset of its plan of toppling Saddam went into action to organise and settle the post-Saddam era of Iraq. To that end, American authorities started to negotiate with Iraqi exiles living abroad in order for them to decide upon how to go about with the formation of an interim government and establishment of a democratic regime in Iraq. As expected, there were strong and diverse opinions and groups as to who and how to accomplish the task. The ostensible American choice of Ahmed Chalabi, provided with a self-designated Free Iraqi Force, is yet to make any perceptible and positive impact on the Iraqi populace. It is not only due to Chalabi's past criminal records, but Iraqis appear averse to those, who had no direct contact with them for a long time. If the exiled faction becomes unacceptable to the people and the Shiite faction is ruled out as untrustworthy for the victors, there remains only the Sunnis inhabiting the central part of Iraq. Among them exist some renegade supporters of Saddam Hussain, thereby making the choice of truly democratic leaders further limited. The Kurds in the north are happy at the prospect of obtaining real autonomy in their regions, albeit under keen and constant vigilance of



# Jamali responds to Vajpayee : Now walk the talk!



PRAFUL BIDWAI writes from New Delhi

ward--despite hitches.

On the issue of prime concern to India, "cross-border" activities of *jehadis*, Pakistan's Interior Minister Hayat has made positive signals. On April 28, he said *jehadis* won't be allowed to use Pakistan's soil for hostile activities against another country. This reiterates Gen Musharraf's January 12, 2002 address, which India welcomed.

He also said that the Anti-Terrorism Act would be applied to banned *jehadis* who "have

It's irrelevant whether Mr Vajpayee's move was made from a position of strength. Regardless of motivations, it represents a live-and-let-live policy vis-à-vis a neighbour, with whom we have to co-exist.

India-Pakistan reconciliation is a precondition for the security and prosperity of both. It's also necessary to combat the scourges of chauvinism, militarism and, above all, communalism.

Assuming Mr Vajpayee's offer

themselves. Both have pursued a policy of *compellence*, especially since the December 2001 Parliament attack. India tried to bend Pakistan to its will by mobilising 700,000 troops and issuing ultimatums on 20 terrorists.

Pakistan too has used coercion to try to get India to discuss Kashmir. It deployed 300,000 soldiers at the border. Both dangerously ratcheted up their war machines and at least twice came close to actual combat--with a potential

unstable, degenerative, and prone to failure.

Compellence is worse. It assumes a big disproportion between rivals. You can't compel your adversary unless you have *overwhelming* superiority.

Between India and Pakistan, there's no such asymmetry--only a conventional superiority of under 1.5-to-1, and nuclear-level disproportion of 3-to-1.

Thus, even within the (flawed)

of the *critical minimum* for a breakthrough. This minimum derives from the logic of returning to non-coercive diplomacy.

What's needed is the restoration of all communications links and diplomatic relations severed or downgraded in December 2001. Their continued disruption is causing hardship to people without giving either government advantage.

There's no reason why India shouldn't unilaterally restore such relations as a prelude to a structured dialogue on Kashmir, end of support to militancy, economic relations, Siachen, and other matters. The two missions must be upgraded and new High Commissions appointed.

This isn't an excessive demand. Rupturing links was a reaction to the Parliament attack followed by escalated military rivalry. The de-escalation and end of that rivalry now entails restoration.

Here lies the test of the principle of bilateralism which India advocates. If India and Pakistan don't pursue reconciliation, they will invite external intervention. The coming visit by US Deputy Secretary Richard Armitage and the G-8 summit coincide with a hardening of US positions post-Iraq under neo-conservative influence.

This could create new challenges to bilateralism. India and Pakistan must show a resolve to walk the talk--before domestic and global uncertainties complicate matters.

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resumed activities under new names". Mr Jamali also told Mr Vajpayee: "Terrorism in all forms should be condemned".

This suggests that Pakistan's "system" or Establishment has decided to give dialogue a fair chance.

Both New Delhi and Islamabad must seize the moment. Mr Vajpayee's talks offer has been widely welcomed in India, even by the RSS. Its only opponents are maverick *Hindutva* extremists like Mr Ashok Singhal, who call even Mr L.K. Advani a "traitor".

The consensus is, Mr Vajpayee's move signals the end of a sterile phase of rigid "coercive diplomacy".

was made after serious deliberation, it could only have resulted from a mix of factors: gentle external goading, and anticipation of greater, overt, US pressure for talks with Pakistan.

Mr Vajpayee may also have other motives: assert himself within the NDA (where challenges to him have weakened), and do something before the coming Assembly elections. Reviving SAARC, moribund because of India's refusal to attend its last summit, may also be a motive.

Mr Vajpayee must now get his own party to back his overture solidly.

India and Pakistan must break the logjam in which they find

for nuclear escalation.

However, coercion didn't work because compellence is even more difficult to achieve than deterrence. Deterrence is about *preventing* your adversary from doing what you *don't want* him to do--by threatening "unacceptable damage". Compellence is about *forcing* your adversary to do what you *want* him to do.

Deterrence can, theoretically, work between equal or unequal adversaries who can inflict unconscionable damage upon each other. It doesn't matter much if one has 3,000 nuclear missiles, and the other 800. Both can wipe each other out. In practice, deterrence, as this Column has often argued, is

"realist" framework, it was foolhardy of India and Pakistan to resort to compellence. The dangers of raising their military standoff to its highest pitch are great given their *systemic* hostility, complicated by competing notions of nationhood, territorial disputes, distrust and religious factors.

So the turn against coercion-based approaches is a *long-overdue* correction. This gain must not be dissipated. That can only happen if some hard-to-reverse steps are taken. As of now, five have been identified: economic cooperation, cultural exchanges, people-to-people contacts, resumption of flights, and sporting links.

These are worthy, but fall short

## OPINION

# How about a UN sans the US?

ESRAJUL ALAM

IN the preamble to the charter of the United Nations, which has been amended from time to time, the main objectives are "to save succeeding generations from the scourge of war, to unite our strength to maintain international peace and security, to establish conditions under which justice and respect for treaties and international law can be maintained". The solemn pledges made by the leaders from fifty countries of the world, including the United States, the Great Britain and Soviet Union, at the adoption of the charter in 1945 in San Francisco, appear to be hollow in the light of aggression launched by the United States and Great Britain without the mandate of the Security Council against Iraq. Having failed to secure approval of the Security Council to wage war the United States declared that with or without UN approval she had the rights to strike Iraq to disarm Saddam Hussein regime of weapons of mass destruction in spite of negative report by UN inspectors on WMD. The

war was launched without any threat or provocation from Iraqi regime towards the United States and Great Britain. The attitude shown by the United States is arrogant, which by implication means that United Nations has no relevance.

By adhering to the Charter, all member countries of the United Nations are committed to fulfil in good faith the 'obligations assumed by them in accordance with article 2 of the charter.' Article 2 further states that "all members shall settle their international disputes by peaceful means in such manner that international peace and security, and justice, are not endangered; all members shall refrain in their international relations from the threat or use of force against territorial integrity or political independence of any state." It appears that the United States has simply violated the charter by invading Iraq.

According to UN charter, a member country of UNO cannot attack any country except for self-defence. In that case the affected country in the exercise of this right

of self-defence shall immediately report to the Security Council as per article 51. On the issue of Iraq it was the United States that launched attack against Iraq along with Great Britain. Iraq was not a threat nor it made any provocation against the United States. Therefore, breach of conditions as reflected in the charter is clear violation of the charter and international law. One is tempted to quote from chief prosecutor Justice Jackson of the United States Supreme Court at the Nuremberg war crimes trials. He said, "If certain acts and violation of treaties are crimes, they are crimes, whether the United States does them or whether Germany does them." Justice Jackson said to initiate a war of aggression is not only an international crime, it is the supreme international crime differing only from other war crimes in that it contains within itself the "accumulated evil of the whole."

Wanton destruction of infrastructures, houses, offices, market places, hospitals, killing of innocent men, women and children and raping of women constitute as crimes against humanity. During

the time of war invading forces should have avoided killing of civilian population as demanded under Geneva Convention. Apart from this, the wounded and sick persons shall be collected and cared for. Unfortunately, as the press reports indicate, the invading forces did not pay any attention to wounded civilian population, which is also violation of Geneva Convention. The looting of Iraq Museum in presence of American troops is the violation of the Hague Convention. Under this convention the invading forces should protect property. Iraq Museum was known as world's great collection of artefacts from early Mesopotamian civilisation.

Fundamental human rights, as accepted in international law and laid down in international instruments, continue to apply fully in situations of armed conflicts. It has been acknowledged internationally that war crimes and crimes against humanity cover a wide common area since the Nuremberg tribunal. Geneva convention, the Genocide convention and resolutions of 9 December 1970 adopted by the General As-

sembly of the United Nations are applicable in holding war crimes trial. Apart from these, another resolution 2712 (XXV) adopted on 15 December 1970 by the General Assembly of the United Nations is significant in respect of punishment to be meted out to persons, who have committed crimes against humanity. Since the invading forces have not only violated charter of the United Nations but also they have committed crimes against humanity in Iraq in violation of international law, the international community has the moral obligation that the persons responsible for terrible inhuman crimes committed in Iraq should be brought to justice. For the crimes committed during Second World War by Nazi regime in Germany they had to face trial and still continue to face.

Trial is an act of justice. Therefore, crimes committed by invading forces in Iraq should be tried. They should also be tried in International Criminal Court set up recently on the basis of Rome statute of 17 July 1998. The United States is one of the signatories but Bush administration in a letter to

the Secretary General is reported to have distanced from ICC by refusing to ratify. It is regrettable that Bush administration continues to signal its opposition to the International Criminal Court and other important international treaties including Kyoto Convention on environment. On the other hand, Bush administration has succeeded in signing bilateral agreements with some countries to avoid ICC. According to international norm and practice, US cannot back out from its commitment to the establishment of ICC. The UNO may also consider setting up war crimes tribunal like war crimes tribunal on Yugoslavia.

Since small and Developing countries attach importance to the United Nations for multilateral diplomacy, efforts should be made by LDC group and Non-Aligned Movement (NAM) to make UNO more effective international mechanism to solve conflicts around the globe and bring about peace and tranquillity. The United States in particular gave damn to the role of the United Nations violating the charter. In spite of the talks on involvement of the United Nations

in reconstruction of post war Iraq, the United States is more reticent about it. The image of the United Nations has been eroded because of the high handedness of the United States. The United States has become defaulter, as she has not been paying its share of 22 per cent to the budget of the UNO. Therefore, the United States in fact ceased to be a voting member because of the arrears in payment of its financial contribution to the organisation. Article 19 of the charter is relevant in this connection.

The United States has persistently violated the principles contained in the present charter. As per article 6 of the Charter the United States could be expelled from UNO on account of persistently violating principles of the charter and submitting false documents at the Security Council in December. A concerted effort should be made by LDCs and developing countries to convene a special General Assembly session to discuss the matter and take a decision to expel the USA from the world body for the greater interest of small states in particular and

survival of the world body in general.

Secondly, initiative should also come from NAM, OIC and other such groups to build up opinion for the shifting of the headquarters of UNO. To get rid of the dictatorial influence of the American administration it is recommended to move UNO headquarters to a neutral place like Switzerland.

The Secretary General should also be advised to review staffing pattern in the world body in line with section 3 of the article 101. America's contributions to the world body should be shared equally by all other member states of UNO in the event of departure of the United States from the world body for a certain period for the offence her highhandedness. This has become all the more necessary in view of the irrational and irresponsible behaviour of present American administration.

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