

Will Israel and the US respect international law?

A test case



HARUN UR RASHID

To protect the settlers, Israel has begun to construct illegally a 700-kilometre wall (fence/barrier) from north to south at a cost of US\$ 1.4 billion dollars on the West Bank that belongs to Palestinians.

Israel gives the pretext that the wall is being built on the Palestinian lands to prevent suicide bombers from carrying out attacks inside Israel or against Jewish settlers. The question is why does Israel not build this wall on its own border between

\* Israel was under obligation to cease construction and dismantle the wall

\* Israel should compensate owners of land seized to construct the wall

\* all states are under obligation not to recognise the situation and ensure Israel's compliance with international law

\* the UN (General Assembly and the Security Council) should consider what further action to take.

tantamount to de facto annexation.

Non-binding nature of opinion

From 1946 to 1983, the Court dealt with 17 requests for Advisory Opinion, delivering 18 such Opinions. Although, the Opinions are non-binding in character, the UN Security Council is empowered to impose sanctions on a state that does not comply with the Opinion.

illegal and should be torn down. Palestinian leader Yasser Arafat described it as a

"victory for the Palestinian people". Prime Minister Ahmed Qurei said it was "a historic day. The judges said it was to be torn down and we say that we must tear it down."

Israel's insolent reaction

Israel, like a spoiled child, does not accept the opinion because it does not suit it. A senior aide to Israeli

ruling of the World Court demonstrates that Israel, with the support of the US, can defy the decision of the World Court because it knows fully well that the US will veto any Security Council resolution against Israel. Israeli Foreign Minister Silvan Shalom said on 10 July that Israel asked the US to intervene to prevent any Security Council's move against Israel. The US has also reportedly dismissed the UN Court's intervention.

Israel's insolent behaviour shows that being pampered and patronised by the US, it can do anything it likes, even when Israeli action is palpably illegal under international law and contrary to the UN Charter. Some law experts believe that time has come when Israel should be expelled from the UN for its contempt of the ruling of the World Court.

Conclusion

The ruling of the World Court is seen as a moral, legal and political victory for Palestinians. The decision places Israel with an obligation, as a UN member, to dismantle the wall forthwith because its construction is contrary to international law.

While the Bush administration is keen on exporting 'freedom and democracy based on rule of law' to other countries in the Middle East, it does not pursue the same when it adversely affects Israel. This demonstrates the double standard of the US policy -- one policy applies to other countries and another to Israel. How the Bush administration can get respect for pursuing such contradictory policy from countries across the world?

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LEST WE FORGET

Nawab Ali Sarwar Khan A man of qualities

ALI HAMID KHAN



TIME never stops, it ticks away. People are born, play their part and pass away to the next world. Soon memories too fade away. This is the way of the world. But, some people leave their indelible imprints behind and are remembered for their work and contributions. On the 9th death anniversary of my father Nawab Ali Sarwar Khan these thoughts crisscross my mind. Going through his life remembering the words he spoke and the things he did, the values and principles he espoused and strove for, the visions and ideas that he held, I am more than convinced he was no ordinary man and was special in many ways to the people and region he belonged to and his family.

My father Nawab Ali Sarwar Khan was the third and the youngest child of Nawab Ali Haider Khan of Prithimpassa, Langla (Kulaura). He was born on 15 May 1924 in Kolkata, went to school in Shillong, and later went to Aligarh Muslim University. After completing his education he settled down in his father's estate at Prithimpassa and assisted his father in the development and progress of the estate. He had special interest in tea, so he focused on the tea estate of the family and there he developed his skills and expertise and contributed greatly to the development of the tea estates. Historically too, the family had special affiliation with tea as an industry. My great grand father Nawab Ali Amjad Khan was one of the pioneers of tea plantation in the country and in the late 19th century set up Rungcherra Tea Estate in Moulvibazar district, one of the earliest tea estates of the country.

Since coming to Prithimpassa my father showed interest in other areas too, like politics. This too was basically ingrained in him through the family's long involvement with politics. In the 30s and 40s, my grandfather as a leader of United Muslim Party played a pivotal role in the cabinets of Sir Syed Muhammad Sadullah, Premier and G. Bardalai, Premier, of Assam. In the referendum which led to the separation of Sylhet to become a part of East Pakistan my grandfather's role was momentous having far-reaching impacts. So, naturally this environment rubbed off on my father and soon he was a political leader in his own rights. He had the innate qualities that a politician needs to make his mark and those were the charisma and communication skills. Quickly through his sincerity, honesty and sense of empathy with concomitant hard work he touched people, won their hearts. As days went by he immersed himself more and more into politics and eventually they are transformed into the

actually joined Awami League. From Awami League he contested the elections in 1970 and 1973 and won hands down. They were testimony to his endearing personality and popularity. He developed his political instincts in the course of his life with his father and political elite he came across. Hussain Shaheed Suhrawardy also had enduring influence on his mind and thoughts and added to the culmination of the political direction he embarked upon.

He had many other qualities and one was his mastery over musical instruments while he was gifted with a melodious voice. Fashion was another area he had mastered and was envy of all. His collection proved without doubts the sartorial elegance he had attained. He was a voracious reader and collector of books. All kinds of books were on his shelves. He was a connoisseur of antiques and our ancestral home was filled with rare pieces collected from different places and sources. His knowledge of firearms, hunting was astonishing. He excelled in marksmanship.

During his tenure as Member of Parliament he contributed to total development of his area and it was due to his farsightedness and single minded efforts that electricity was introduced and the villages were lit up in 1974. This and abundant other consequential matters he undertook and positive efforts prove that he was a visionary leader with a mind focused on balanced development in all essential areas. He never relented till he accomplished his mission. He faced challenges with fortitude and conviction. During the liberation war of 1971 he was Member of Parliament from Kulaura constituency and later member of the Constituent Assembly after the liberation of Bangladesh. During the war of liberation he played a very important role giving leadership and direction in his sector. Today the people remember him for his leadership, honesty and selflessness. On his 9th death anniversary (he passed away on July 21, 1995) I express my profound gratitude and love.

The decision of The Hague-based International Court of Justice (World Court), the principal judicial organ of the UN, is a severe blow to Israel and to its mentor, the US because on 9 July, the Court has ruled that Israel's construction of the wall on the occupied West Bank territory is contrary to international law and should be dismantled forthwith.

Both the countries now stand in the court of "world opinion" as whether they abide by and respect rules of international law or ignore it. It is a case where both the members of the UN are put to test for practice what they often preach to respect rule of law.

The Secretary General of the UN said: "I think the decision of the Court is clear. While we all accept the decision of Israel has a responsibility and indeed the duty to protect its citizens, any action it takes has to be in conformity with international law and has to respect the interest of the Palestinians."

The Palestinian UN Delegation has sponsored a draft resolution at the UN General Assembly in the light of the decision of the World Court. It seems that the draft will go through discussions among the delegates and will be put to the General Assembly for its adoption.

Thereafter the Palestinian Delegation is to move the Security Council for appropriate action where they are likely to meet objection from the veto-carrying member US. There is a speculation that they may postpone taking it to the Council until the Presidential election is held on 2 November in the US.

Background of the wall Palestinians have consistently stated that they do not object to the construction of wall but it should be on the Israeli land. They have pointed out that the wall has not been built on the "Green Line", the border between the West Bank and Israel. Israel thought that it could get away building a wall on Palestinian lands, occupied after the 1967 war, so long its mentor, the US, does not say anything.

Since 1967, Israel built settlements on the Palestinian lands (the West Bank) for 320,000 Jewish settlers. The settlements are illegal and contrary to the fourth Geneva Convention on Armed Conflicts of 1949.

Israel and Palestinian lands (West Bank)? For example, India is constructing a fence on the Ceasefire line in the Indian side of Kashmir and not on the Pakistani side of Kashmir.

The answer is simple for Israel. Israel forcibly wants to grab Palestinian lands by constructing a wall on the West Bank. It is like that an owner of a residential house constructs a fence not on his/her own land but on neighbour's land. In the eye of the domestic law, the fence will be illegal and be dismantled with compensation to the neighbour for causing damage to the neighbour's land.

UN GA's request for Advisory Opinion from World Court

The UN General Assembly requested a non-binding Advisory Opinion from the World Court on the legality of the wall being built on the occupied West Bank. Israel did not appear before the Court because it rejected that the Court had no jurisdiction on the issue. Several Western countries including the US and Britain had argued that the World Court should stay out of the issue, warning that any opinion it gave could interfere with the Middle East peace process. Many Islamic countries including Indonesia, Jordan and Egypt appeared and argued that the purpose of the wall was to annex about 17 per cent of the Palestinian lands.

What did the World Court decide?

After spending five months considering the issue, the Court unanimously rejected Israel's argument that it had no right to rule on the legality of the issue. The 15-member Court ruled (15 to 1) that:

\* the construction of the wall and its associated regime was contrary to international law

Only the US judge, Thomas Buergenthal, dissented from the above findings. Other 14 judges who held the above opinion are from Britain, Brazil, China, Japan, Jordan, Egypt, Germany, France, Hungary, Madagascar, Netherlands, Sierra Leone, Russia and Venezuela. President of the Court, Shi Juyong of China, read the Opinion and took almost four hours to read it.

It is a common sense decision of the World Court because no country can build a wall on land belonging to others. The West Bank belongs to the Palestinians and since the 1967 war, it is an occupied land of Israel and contrary to the UN Security Council resolution number 242 of 1967, it has not withdrawn from it.

Rationale of the opinion

The Court held that approximately 975 square kilometers would lie between the "Green Line" and the wall. This area is stated to be the home to 237,000 Palestinians. If the full wall were completed as planned, another 160,000 Palestinians would live in almost completely encircled communities, described as enclaves. As a result of the planned route, nearly 320,000 Jewish settlers would be living in the area between the "Green Line" and the wall.

The above opinion shows that more than three hundred thousand Jewish settlers have been allowed to live not in Israel's territory but in the occupied Palestinian West Bank. This is nothing but simple annexation of Palestinian lands by constructing the wall beyond Israel's territory. Israel does not acknowledge publicly the position and the international media do not seem to highlight this fact.

Furthermore, the ruling shows that the Court is not convinced that the wall was the only means to achieve Israel's aim of protecting its people from suicide attacks. The President of the Court said that the construction of the wall would be "

Each member of the UN has to respect the principles and purposes of the UN Charter that are based, among others, rule of law and justice. The Security Council took such action on South Africa for ignoring an Advisory Opinion from the Court on its hold of South West Africa (now Namibia).

Arab opinion

The wall, according to Palestinians, has separated thousands of Palestinians from their fields, schools and medical services -- hardship Israeli leaders do not care. According to them it is a "racist" wall, worse than the "Berlin Wall" of the Cold War era.

Palestinians and many in the Arab World have hailed the World Court's ruling that Israel's wall is

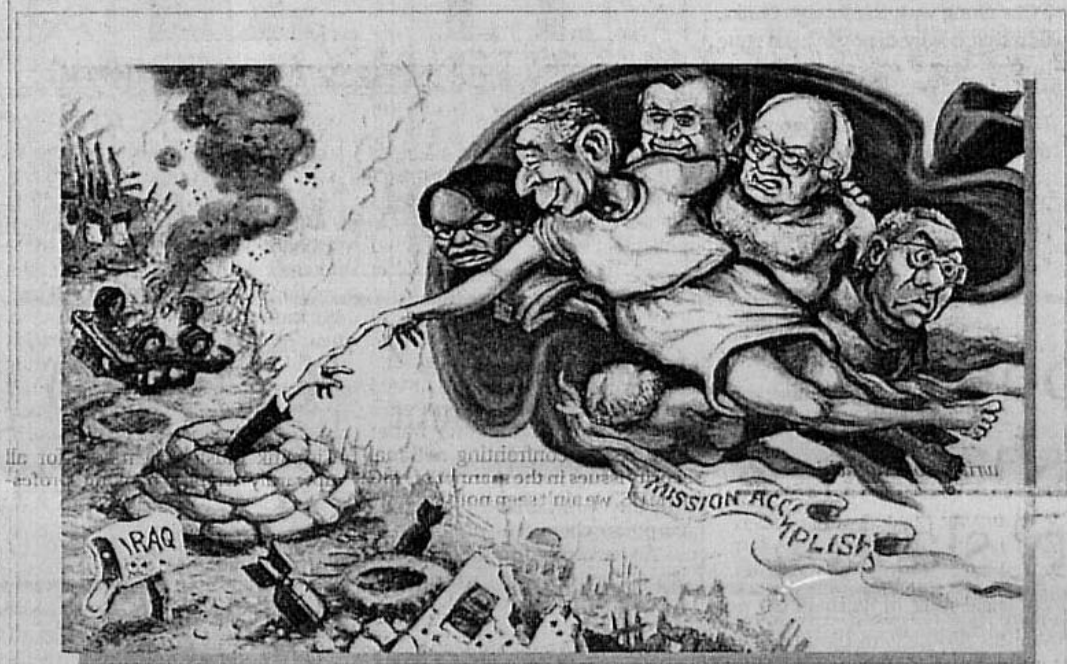
Prime Minister Raanan Gissin said that "this resolution (opinion) will find its place in the garbage can of history".

Israel's Prime Minister ordered the construction of the wall, ignoring the World Court's ruling and said that the bombing on 11 July at Tel Aviv bus station in Israel was carried out under the "auspices of the ruling", suggesting that the decision would only encourage Palestinian violence. He said: "I want to make it clear, the state of Israel absolutely rejects the ruling of the International Court of Justice in The Hague." Sharon conveniently forgets that the wall is being built on the Palestinian lands, and not on the border of Israel.

This defiant conduct against the

BOTTOM LINE

Israel's insolent behaviour shows that being pampered and patronised by the US, it can do anything it likes, even when Israeli action is palpably illegal under international law and contrary to the UN Charter. The ruling of the World Court is seen as a moral, legal and political victory for Palestinians. The decision places Israel with an obligation, as a UN member, to dismantle the wall forthwith because its construction is contrary to international law.



"CREATION, 2004"

Children -- the victims of apathy and neglect



MD. ASADULLAH KHAN

ARIF, 10, is a model employee. He toils more than 12 hours a day in a metal-works factory near Dolaikhal in Dhaka. Blackened by oil, grease, and smoke, and baked by constant furnace blasts, he looks haggard and ran-down. Arif earns Tk 50 a day that hardly helps him to support his old parents who, crippled by age and disease, can't work.

Jhama, 10, works 16 hours at a stretch as a domestic help in Dhanmondi. Even after working for such long hours, she was never appreciated by her masters, rather she was burned on her fingers, back, and leg with a hot iron rod.

Mustajin, working in the house of a doctor couple in the Shahbag area of the city as a domestic help, subjected to beating and burning that almost crippled him, caught public attention through media reports. We can only wonder what crime a young child working as a domestic help could commit that would cause a cultured (d), educated, and affluent family to gang up and unleash the worst kind of barbarism on him.

Sometimes it so happens that such young domestic helps, just on suspicion of taking away some money left on the table or small ornaments kept in open drawers, are subjected to such tortures to elicit a confession. In almost all cases they are honest and try to earn the confidence, love, and affection of their masters through their service. Think of the case when, under normal circumstances, a child coming from an affluent family whose material needs have been met would find it difficult to live with so much temptation and still not yield to it.

dren, about 30 million under the age of six, remaining without proper food and schooling, point to a grim future for the country. Although the number of children initially enrolled in primary schools ranges up to 75 percent, almost 60 percent of them drop out, mainly due to poverty. Only 40 percent can somehow cross the primary stage of schooling. The number of street children in the country eking out a miserable existence without food, nutrition and shelter, as revealed in a report by UNICEF, is 18 lakhs. There are about 1 lakh fifty thousand children working as domestic helps in Dhaka

ment, but with the death of his father in a road accident all his hopes have been dashed. He now works on a monthly pay of Tk 400 with free food and lodging. His mother, who works as a maid in a house in Dhanmondi, could not avoid exploitation by the traffickers. Most disquieting, despite sanctimonious pronouncements by the government and in some cases passing tougher laws, the child sex industry is booming in the country. Girls born of poor parents are being put into this trade by some human predators inside the country, who are never caught and punished

malnutrition in the long run.

The plight of these homeless children bereft of any educational support and family backing is as sad and shocking as could be possible. The city's garbage dumps are home to many of them. These rubbish pickers spend their days sifting through mountains of stinking refuse, looking for recyclable objects, such as glass, paper, polythene, cardboard, empty cans of foods, metal, cloth, bones, and food remnants. Doubtless, children make the best scavengers, they can scurry more easily among the piles of garbage. But how can society and

neglected youngsters have no parents, no families, and no support. Unless we can affirm the right of children to a life free from exploitation, neglect, and abuse, guaranteeing them access to food, health care, and education, and ensuring protection to youngsters involving juvenile justice, our commitment to democracy and national prosperity will be a distant dream of the past.

Statistics revealed that if the world leaders could urge people in their countries to spend only pennies per child, that additional annual expenditures of \$2.5 billion a year worldwide could prevent 50 million deaths, mostly children in this decade. That amount is equiva-

lence to what world's military establishments, taken together, shell out each day.

There is some reason for optimism. Almost two thirds of the yearly deaths in children caused by diarrhoea and dehydration are caused by contaminated food and water. All these can be treated or prevented at low cost. In case of diarrhoeal disease, which accounts for 30 percent of deaths, the lifesaver is a small packet containing a dry mixture of salt, sugar and potassium, that, when mixed with water, is used in oral rehydration therapy. If administered in time, ORT, which costs Tk 3 to 4 per packet, stops diarrhoea and restores vital electrolytes before the affected child goes into fatal shock.

Despite the success we have attained in immunisation, because of the commitment of the concerned agencies and use of radio and television for advertising campaign, the children of the country suffer inexorably. Presumably, penicillin and vaccines are no antidote to the abuse, neglect and denial of opportunity to these unfortunate teeming millions who continue to lead a life of misery, squalor, and exploitation because they were born poor.

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alone. While other countries in the world talk about the need to invest in their youth, much of Bangladesh has converted its youth into a pernicous capital investment: too many children are working in different fields, and most are dreadful jobs. In a host of small scale factories and workhouses, it is children who dip matchsticks into phosphorous, mix the gunpowder for fire crackers, roll the biddis, and weave the carpets.

Despite the fact that child labourers have been withdrawn from the garments sector following international pressure, there are still thousands of children now in the country eking out a living under oppressive situations in other vocations. These are the children who are working either to support themselves or their families. The number of children doing such odd jobs as splitting stones for the construction workers, or picking trash from the streets or packing groceries, working as hotel boys or coolies in bus and railway stations, etc. far outnumbers those 10,000 child workers just withdrawn from the garments factories.

Haroon, a boy or 12 who works as a hotel boy in the busy Mojibheel area of the city, had high hopes in life. He wanted to study and help his family through meaningful employ-

because of their cosy nexus with law enforcers and political masters.

Grim accounts of poor girls under 14 being taken away from around the country and sold into prostitution are pouring in. They have to sell their bodies in different areas of Dhaka, Narayanganj, Chittagong, and Khulna, often unnoticed by the administration and society at large because they were born poor. In spite of the fact that the country has strict laws to stop such repression and abuse, we have hardly been able to ensure protection to these teenagers from exploitation or to arrest this trend of being trapped in these abominable trades.

The condition of the children lacking support of family or parents are the children who are working either to support themselves or their families. The number of children doing such odd jobs as splitting stones for the construction workers, or picking trash from the streets or packing groceries, working as hotel boys or coolies in bus and railway stations, etc. far outnumbers those 10,000 child workers just withdrawn from the garments factories.

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the administration face such a cruel fact that God's best creation, because they were born poor or with no father or mother to support them in the most formative years of their lives, are destined to end up in garbage dumps or in cardboard shanties?

These unfortunate children, often the product of broken homes, sleep wherever they can find a space. "One can hardly deny this fact that society hardly tries to think about these unfortunate kids till before the moment they are beside their car begging for food or asking to give them some form of employment, maybe an hours' job as a coolie," observes one social scientist in the city. True to every sense of the term, most of our children live in a state of violence, persecution, rejection, and forced labour. In this sad setting, the only escape for many is drugs and other anti-social activities.

Although the law in the country prohibits employment of children under 14, it is seldom enforced. With the enactment of stricter laws that would put an end to child abuse, repression and trafficking, one can only envision a happy and prosperous future for the country. Because if children were happy, educated, and did not suffer from diseases and

Advertisement for Bangladesh University of Professionals (BUP) regarding a competition for the position of Assistant Director of Technical Education. It includes details about the exam, dates, and contact information.

Advertisement for Ronguni Unnayan Bureau (RUB) regarding an export promotion bureau. It includes details about the bureau's services, contact information, and a list of rules for the competition.