

DU strike crosses critical threshold

A body blow to higher education

DHAKA University, the premier seat of higher learning and a trend-setter for other academic institutions, has been dysfunctional for more than three weeks, disquietingly exacerbating the existing session and examination jams in the process.

A combine of six student bodies called an indefinite strike last month, the crisis originating from a BCL procession coming under attack by the JCD activists. Academic activities in Dhaka University have come to a standstill. It was no doubt highhandedness of the most despicable kind meted out by the JCD. But can the opposition-backed student bodies hold over 30,000 general students hostage only because a rally was attacked? The general students are no stakeholders in this game, yet they are the ones paying the highest price due to inter-party confrontation.

The highly damaging impact of such indefinite strike is being felt in every aspect of the university's academic life. So many classes of different faculties couldn't be held. At least 600 exams had to be postponed. And it is not at all clear how many more days will be lost.

Any perceived rationale behind such strikes is weakened or badly diluted by the fact that the general students stand ignored. Besides, the way the strike has continued, it couldn't be anything but an imposition on majority students. The exercise goes against the interest of education, welfare of the students, and concomitantly, the interest of the nation. It is not clear who they are serving, but it is surely not the students.

The opposition parties do have a role to play here. They could try and dissuade student activists from following a self-defeating course which they are on. Likewise, the ruling party should see to it that its student front does not engage in disruptive politics.

The DU authorities have to end the deadlock by initiating a meaningful process of dialogue. And, for its success, the parties in the fray should be in a reconciliatory mood, instead of trying to obliterate each other from campus politics.

Children and the law

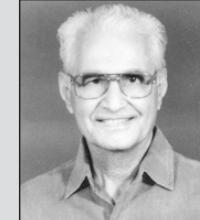
Determined approach needed to stop abuse

THE conclusion that can be made from the deliberations at the roundtable on 'Children in Trouble with Law' held jointly by The Daily Star and Save The Children UK, and participated by senior ministers, lawyers, child rights activists and NGO leaders, is that rights of child offenders in our country are not being protected by the law as it is applied, especially those in confinement. Though all the participants unanimously agreed that the Children Act, 1974 is fairly comprehensive and child-friendly, the unfortunate truth is that its provisions are hardly followed, thus violating the fundamental rights of children.

That the bodies and agencies that deal with child delinquency have no coordination among themselves only goes to show that the issue is not taken seriously. It seems that instead of taking a juvenile approach, the authorities while dealing with these children have been taking a juvenile delinquency approach. It is obvious that the treatment of juvenile offenders should be totally different from the adult ones; but in reality, what we have been witnessing over the years is quite distressing. Children less than ten years of age are being made prime accused in criminal cases, sometimes given life imprisonment terms or kept in jail with adult prisoners.

All these smack of insensitivity on the part of police force, lower judiciary, prosecutors and jail authorities. Though official figures show that more than 1500 children were freed from 51 jails around the country till August of the current year, the harsh truth is 1004 more children are still languishing in various forms of confinement. We are glad that at least the name of the correctional centre has been changed to a more acceptable name -- Kishore Unnayan Kendra, but we hope, not just the name, the activities at the centres should also undergo a complete transformation. Allegations of corruption and mismanagement at different levels, and most alarmingly, abuses committed against children have taken on an endemic character over the long haul. We also demand that the curriculum at these centres be mainstreamed into the general education system in order that they can compete with others after their release.

A historic beginning, again

M B NAQVI
writes from Karachi

any, was achieved is not obvious. The controversial report said that Indian Army was afraid that once-agreed the "redeployment of the troops of both countries" takes place to positions before 1984 Pakistanis will come and occupy those heights. Now that the report has been denied, it is useless to go into the obscure details of where and how far should the LoC be extended. The position as it obtained between 1972 and 1984 in Siachen areas can however serve as a basis for agreement. Pakistan can and should provide the assurance

CBMs, although the two worthies believe that these (CBMs) "will contribute to generating an atmosphere of trust and mutual understanding so necessary for the well-being of the peoples of both countries". Everything from an easier and more civilized visa regime and Khokrapar railway and bus links to the grave security problems created by two hostile Nuclear Deterrents is being treated as amenable to peaceful resolution qua individual problems through mere CBMs.

What is a CBM? Ordinarily it

or Pakistani authorities may not want Khokrapar rail and road links on security considerations. These are exaggerated difficulties not impossibilities.

Why have they qualified the phrase about CBMs with "practical possibilities", although the two have expressed a robust confidence that "CBMs will contribute to generate an atmosphere of trust and mutual understanding so necessary for the well-being of the peoples of both countries". This walhalla of trust and mutual understanding is not

cisely in the joint statement detracts something from the rhetoric of historic breakthrough.

Let us not underrate the problem posed by nuclear weapons in the arsenals of India and Pakistan. It is even more urgent and important than Kashmir. It is true that Pakistan's long hard pursuit of a Kashmir solution, conceived in a militarist mind set, has used nuclear weapons after 1971

experience. The Bomb was conceived as an equaliser for India's undoubted superiority in conventional arms. Origins of the Indian Bomb are myster-

into Lahore. Pakistan effectively rebuffed Vaipayee's offer of talks by Kargil operations. After that India did what it did in 2002.

The 2002 experience sums up the situation nicely. Kargil had shown that Pakistan was not afraid of the Indian Bomb. India's massing of troops for an invasion in 2002 showed that India was in effect saying: 'we are not deterred by Pakistan's nuclear weapons; we will invade despite them'. Nationally they were daring Pakistan to use its doomsday weapons first so that they will wipe it off the map later. The threat by either side was not idle; both have tremendous capability -- but only to cause destruction in the other. Neither side has any defence against such weapons. Well, anyone who believes in the doctrine of deterrence is living in a make believe world of his own; 2002 a real life war game with nuclear weapons. But neither could muster the courage to do the real thing. Let's all have a sigh of relief that the two did not live up to their over macho bravado.

But the damned issue remains alive and kicking: the two Nuclear Deterrents are staring at each other. The idea that enough "trust and mutual understanding" can be generated by CBMs needs exhaustive examination. What do Manmohan Singh and Parvez Musharraf propose to do after CBMs have created a better atmosphere?

Hardliners in Pakistan, usually the military, developed a hubris of their own by the middle of 1980s. They said goodbye to the quietist course dictated by the Shimla Accord and started a more assertive Kashmir policy, edging out JKLF and converting the 1987-90 secular and nonviolent movement by Valley's Kashmiris first into an armed insurgency and later Islamic Jihad, strong in the belief that while they can do what they please, India cannot do anything too injurious to Pakistan. That is the reason BJP government first ordered five nuclear explosions and later made a diplomatic overture by the bus ride

PLAIN WORDS

What do Manmohan Singh and Parvez Musharraf propose to do after CBMs have created a better atmosphere? Neither faces the fact that CBMs are palliatives and not solution. If other issues remain unresolved, the two will speedily begin clashing again. Not only Kashmir problem has to be resolved -- to the satisfaction of Kashmiris, all Kashmiris -- the Nuclear problem too has to be resolved. Besides, many things like facilitation of travel and intellectual and cultural interaction -- are ends in themselves. They are the criterion of how civilized and peaceable the two are.

that it will not move into the positions vacated by India. That would end the ridiculous sporadic war on world's highest battleground in which more soldiers die of frostbite than by enemy fire. It simply shows a rather infantile ill will on both sides.

The operative parts of the Joint Statement are: (a) to continue the bilateral dialogue, the purpose of which is (b) to restore normalcy and cooperation. (c) All Confidence Building Measures (CBMs) need to be implemented, "keeping in mind practical difficulties"; (d) the piece de resistance was (they) also discussed the issue of J and K and 'all options for a peaceful, negotiated settlement should be explored sincerely'. (e) The two "agreed that CBMs will contribute to generating an atmosphere of trust and mutual understanding so necessary for the well-being of the peoples of both countries". (f) Gas pipeline to India through Pakistan was recommended "in the larger context of expanding trade and economic relations between India and Pakistan".

What else was discussed we do not know. A contradicted report said that Siachen Glacier came up for discussion. But what progress, if

signifies some links and safeguards to generate trust in the other side so that they can get down to seriously negotiating a final solution of the problem dividing the two countries. Here, what we have is seven disputes. They are problems or disputes in their own right. They need resolution through give and take by the two sides. CBMs can help in clearing up mists of mistrust so that the two antagonists can resolve their differences in an atmosphere where neither side thinks that the other is out to cheat or get the better of the other. CBMs are about atmospheres, not substance of any dispute.

The two leaders have said the CBMs of all categories should be implemented. But they immediately qualified this soft desire with "keeping in mind practical possibilities". They seem to imply that some CBMs may not be a "practical possibility". This is intriguing. One can concede that India may not be politically able to give Jinnah House in Bombay for fear of Bal Thackeray

qualified by practical possibilities. And these CBMs, all by themselves, are supposed to provide the necessary condition for the well-being of the two peoples. Which CBMs would these be? One is left guessing. Although obviously the term CBM has been stretched to the limits -- all categories under discussion -- one subject with which the term has been associated with has not found specific mention: the question of Nuclear weapons on both sides.

Could it be that the near certainty with which the CBMs' role has been lauded as leading to the well-being of the two peoples -- with no qualifications -- is about atomic weapons. Anyone would think that two hostile nuclear deterrents, sitting cheek by jowl in South Asia -- especially in the context of these two feuding nations, so prone to frequent military tensions and to war psychoses -- will demand immediate and adequate attention at the highest level. Not discussing it in depth and not saying something clearly and pre-

rious; it is claimed to be in pursuit of national greatness, being the currency of power and influence. It might actually be so but this writer suspects that 1974 PNE was related to Pakistan's pursuit of the Bomb. India reminded Pakistanis about the advances it had made and that it has atomic weapons too. It is inconceivable that Mrs. Gandhi had no reports of what Pakistanis were up to.

Hardliners in Pakistan, usually the military, developed a hubris of their own by the middle of 1980s. They said goodbye to the quietist course dictated by the Shimla Accord and started a more assertive Kashmir policy, edging out JKLF and converting the 1987-90 secular and nonviolent movement by Valley's Kashmiris first into an armed insurgency and later Islamic Jihad, strong in the belief that while they can do what they please, India cannot do anything too injurious to Pakistan. That is the reason BJP government first ordered five nuclear explosions and later made a diplomatic overture by the bus ride

to remain as constituent part of a federal Europe, should be judged from different angles having regard to their history, tradition, size of their population, location etc.

Despite the fact that France and Germany play a dominant role in the EU as equal partners, the French voters, unlike their political masters, have not yet forgotten their history about their resistance to halt the adventure of Germany to occupy them during the second world war.

The question may arise whether or not the adoption of a two-tier system inside the EU should be adequate to solve the problems confronting it at present, having regard to the divergent views of the

A K M A Rahaman (Santu) is a retired British civil servant.

Prick of domination in EU
Two-tier system may help avert crisis

AKMA RAHAMAN writes from Essex, UK

FINALLY, the draft constitution of the European Union (EU) has been approved, which needs to be ratified by the member states in about two years time. Such constitution, in addition consolidating the previous treaties, has also incorporated certain provisions, which if ratified, is likely to change the shape and structure of the union. Such constitution is a blueprint for a centralised Europe, based on the existing institutions of EU and on legal supremacy over its 25 member states. The principles of a federal government demand that the legislative, administrative and financial powers should be distributed in such a way so that both sets of government may feel equal in status. The EU has been given wide powers under the constitution. The union is given a group of powers which are called exclusive competencies and made a senior partner in another group called shared competencies.

Unlike the American states, the European nations have no exclusive competencies. Many of the powers exercised by federal government are listed in the shared category. There is not a list of exclusive powers of national government, although they retain all powers not otherwise listed. Such distribution of powers between the union and the member states implies an element of subordination of the national government to the EU. In a federation, it is considered essential that the two sets of government, whatever might be the jurisdiction of their respective sphere of action, should be supreme in their respective jurisdiction. Such supremacy of the legislative bodies of national government has been undermined by

giving general primacy to European law in all the areas of the constitution. In addition to conferring more powers on the EU, the constitution unlike the USA, has made provision that such powers should be exercised by the unelected bodies, i.e. the Council and the European Commission.

The European Union, which originally started with six member states with the objectives of having a common tariff in order to promote economic activities among its members, has changed its strategy under the influence of France and Germany to acquire more powers for political integration. The surren-

make it more effective.

The concerns expressed by some groups about some provisions of the constitution, giving more powers to the union, may raise fundamental questions about the retention of British membership of the union in case the constitution is rejected by the British voters. Germany and France on one side and Britain on the other side are moving in opposite directions with regard to the ratification of the constitution. In the power struggle inside the EU among the major European countries, Germany and France played a vital role in preventing Britain from playing a significant role in the

French leadership for more integration. Britain and other countries, who want to reject the present constitution, may still remain as partners to promote economic activities as embodied in a patchwork of intersecting treaties and cooperative arrangements in which each of them should play their respective role in order to achieve its desired goal. Such two-tier system inside the EU, if operates effectively, should go a long way to promote economic activities and at the same time strengthen political union among the countries who want to go along this road. This should provide a golden opportunity

to better serve. Their choice to remain as economic partner may provide scope to re-negotiate their terms, giving them the option to revoke the Maastricht, Amsterdam and Nice treaties originally ratified by the member states to promote political integration at the expense of the sovereignty of nation states by stripping them of powers to govern them in a wide range of areas.

The question may arise whether or not the adoption of a two-tier system inside the EU should be adequate to solve the problems confronting it at present, having regard to the divergent views of the European states who want more integration. The success or failure of such a two-tier system inside the EU, assuming it can function properly in promoting economic co-operation among the integrationists and leaving the non-integrationists outside the framework of the EU, may help in solving the crisis facing the EU at present provided it can reconcile the divergent views of the European states who want more integration. The success or failure of such a two-tier system should depend on how the European states who want to remain as integral part of a federal Europe should react to the dominant part played by Germany and France

member states. The adoption of a two-tier system inside the EU, assuming it can function properly in promoting economic co-operation among the integrationists and leaving the non-integrationists outside the framework of the EU, may help in solving the crisis facing the EU at present provided it can reconcile the divergent views of the European states who want more integration. The success or failure of such a two-tier system inside the EU, assuming it can function properly in promoting economic co-operation among the integrationists and leaving the non-integrationists outside the framework of the EU, may help in solving the crisis facing the EU at present provided it can reconcile the divergent views of the European states who want more integration. 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