the fissile materials treaty in 2000, but

the Bush administration dragged its

feet. Eventually the administration

gave the go-ahead for negotiations,

but on conditions. The conditions were

that the US would not support the

inclusion of binding monitoring, verifi-

cation, and inspection provisions. The

US knows very well that any new non-

proliferation treaty is all but unenforce-

able without effective monitoring and

verification. Inspections are essential if

the treaty is to work. The allies of the

DHAKA WEDNESDAY JUNE 15, 2005

Rumblings in the hills

High time for Accord implementation

VERYTHING is not well in the hills. There is a brewing discontent noticeable in the CHT that gives us a cause for worry. Recent reports indicate a state of conflict between two regional parties, one of which chooses to remain underground. The CHT Affairs ministry has indicated as much, suggesting the verdant green of the hills may turn into red if the situation is not addressed with alacrity. The ministry has seen it fit to ask the government to beef up its security measures to prevent 'mayhem' as our report indicates the likely outcome might be. The problem in the hills is not only between the local groups but also between the Bengalis and the tribals, particularly insofar as it relates to land disputes.

The United People's Democratic Front's (UPDF) opposition to the CHT Peace Accord of 2 Dec 1997, which occurs primarily from their opposition to the Parbattya Chattagarm Jana Sanghati Samity (PCJSS) per se, and not so much on matters of principles or issues, is well

In the midst of local rivalry to establish dominance in the region the peace process that the December Accord was intended to initiate, remains a non-starter. And it is the nonimplementation of the Accord, even eight years after its signing, which has allowed those opposed to it to reinforce

And this is what begs the question. The signing of the accord demonstrated a pious desire to see the winds of peace blow through the hills that had for more than 20 years been in a state of turmoil; to see its nonimplementation gives the wrong signals to the detractors of the Accord as well as to our friends abroad.

The present government has inherited the problem but cannot afford to shelve the issue hoping that it would go away on its own. If there are genuine problems that resist implementation of some provisos of the Accord, the government should seize the problems by the scruff of the neck and go the whole hog to remove those predicaments that stand in the way of full implementation of the Accord.

Although it was signed between the National Committee on CHT and the PCJSS, state support to the Accord must continue unabridged.

Insanity on the street

Giving whom the lesson?

segment of Dhaka College students went riotous on Monday evening reacting to long hours of power black-out, euphemistically called load-shedding, in their hostels. They bashed vehicles, 48 of them, and barricaded traffic for three hours in front of their institution with knock-on effect on public mobility around.

Clashes occurring with the police, 20 persons were hurt. People were held ransom to their demonstrably misplaced angst and destructive swipe taking it out on public and private property.

One tendentious thing we have often brought up with horror has been the violent post-accident mayhem on the street. But now it seems another threshold has been crossed in terms of vandalism, this time using it as a medium to air complaints about utility services. The whole country is simmering with problems, big and small; and if those facing them were to hit the street, smash cars and block traffic, the thin fabric on which social balance rests would be torn asunder.

The issue with such thoughtless behavioral eruption is that one of the smashed transport could have had one of the agitating student's close relative in it. Even the wrecked vehicle's owner might well have been his kith and kin. That's where such rabid demonstration of irresponsibility and lawlessness hurts, that's where the students must see their deeper social responsibility lying.

The students thought they had reasons to resort to what they did in the street in front of Dhaka Government College. They blamed the electricity authority for allegedly keeping the nearby market-places lighted while the residential students suffered long hours without electricity, at a time when HSC exams are on. They also complained of indifference on the part of the hostel or college authorities to their repeated entreaties to take the matter up with the utility services people. But why must their bid to draw the attention of relevant authorities to their hardship degenerate into hostility against those who had no hand in their predicament? That is the question they must ask themselves and find a conscientious answer to.

How long can the NPT survive?



HARUN UR RASHID

HE failure of the review conference of the 1970 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) by its188 member countries has been no surprise because of the competing interests of nuclear and non-nuclear weapons states. The month long conference did not even succeed in issuing a unified

Some of the world's most senior diplomats spent almost four weeks trying to strengthen the treaty, but the accord has broken down. The blame for the failure depends on who you talk to.

One group says: "What is the point of going on if past commitments have not been delivered?" The other group says: "Look we are all under threat from nuclear terrorism, from proliferation. It is no use of focusing on the past." It seems the two groups of states have not be able to engage with each other. For Western countries including

the US, countries such as Egypt and Iran were responsible for failure in stopping nuclear proliferation to new states. On the other hand, nonnuclear weapons states blame the stance of the US at the conference.

Iran and Egypt argued that the Middle East should be free from nuclear weapons, implying that Israel should be a party to the NPT and the Bush administration should not ignore the possession of Israel's nuclear weapons, while they have targeted Iran in the region. Furthermore, non-nuclear weapons states accuse nuclear states of backtracking on their commitments to reduce nuclear arsenals made at the 1995 and 2005 review conferences.

Two-way street

The treaty is a two-way street. Nuclear and non-nuclear weapons states have obligations under the treaty to implement the preamble and the provisions of the treaty. If nuclear weapons states fail to abide by their obligations, non-nuclear states think that insistence by nuclear states on their adhering to treaty obligation is hypocritical

between nuclear and non-nuclear

North Korea has withdrawn from the treaty, largely because of the flawed and aggressive policy of the Bush administration. While the Clinton administration was dealing with North Korea successfully, the present administration, in particular the Under-Secretary of Arms Control John Bolton (nominated as the UN Ambassador to New York, vet to be approved by the US Senate) had a different approach towards North India and Pakistan did not become party to it. Pakistan did not do it because India refused to become a member. India's reluctance was partly due to China's possession of nuclear weapons. Not being parties to the NPT, both India and Pakistan could test nuclear weapons in 1998 (India first tested in 1974 but declared voluntary moratorium on further

No justification to retain

The destruction of nuclear weapons is immense. Any use would be catathem become themselves targets of nuclear weapons. They must be

Paul Keating, former Prime Minister of Australia saw no need of possession of nuclear weapons. In his book, he argued: "Three possibilities exist with regard to nuclear weapons and three only. First, that they will be used, either deliberately or accidentally. Second, that they will not be used, but will be managed forever by wise, prudent and well-meaning governments and military forces and will never fall into the hands of terror-

US, such as Britain and Australia, were disappointed at the US stance For much the same reason, the key aims of the 1997 Chemical Weapons Convention remains unfulfilled. It is reported that between them, Russia and the US possess more than 97 per cent of the world's known chemical weapons, but neither will remotely meet the 2007 deadline for full elimination.

Iranians and North Koreans are under intense pressure to cooperate with inspectors from the IAEA. But to the Bush administration, it seems international verification procedure is a oneway street and it unilaterally rejects similar inspections over its own arsenal of weapons of mass destruction. Is this not a double standard?

Conclusion

The failure of the review NPT conference demonstrates that nuclear weapons states are responsible for reducing the treaty to a piece of paper. What the US did at the review conference was not to discuss their obligations as a nuclear state, but concentrate on Iran and North

The conference saw the contest between disarmament and nonproliferation of nuclear weapons. It is a contest between the nuclear states versus the non-nuclear states. The failure means that the US is likely to concentrate unilaterally on producing smart atomic bombs, much smaller and deadlier, and Russia and China will not be idly watching it. The nuclear arms race is likely to begin and the future of the NPT seems to be doomed.

Barrister Harun ur Rashidis a former Bangladesh

The treaty is a compromise

states. While nuclear states agreed

Korea. As a result, it withdrew from

The failure of the review NPT conference demonstrates that nuclear weapons states are responsible for reducing the treaty to a piece of paper. What the US did at the review conference was not to discuss their obligations as a nuclear state, but concentrate on Iran and North Korea.

BOTTOM LINE

to pursue negotiations "on effective measures relating to cessation of the nuclear arms race at an early date, and to nuclear disarmament, and or a treaty on general and complete disarmament under strict and effective international control," nuclear states agreed not to "receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive device or control over such weapons or explosive devices directly or indirectly and not to manufacture or otherwise acquire nuclear weapons or other nuclear devices."

Since the treaty came into force in 1970, nuclear states have not kept their obligations of reducing nuclear weapons and of agreeing to take concrete steps on general and nuclear disarmament.

Although the US and Russia have reduced nuclear weapons, they have kept nuclear heads in storage and the veapons can be brought back, if they decide to do so.

If the treaty is flouted by one party, the obvious corollary is the other party can also flout it. If nuclear weapons states do not keep their obligations on disarmament under the NPT, why should non-nuclear states keep their obligations? This was the point on which the review

the NPT and expelled the UN weapons inspectors two years ago

Who has nuclear weapons and how many?

The Director General of the UN Agency of International Atomic Energy Agency (IAEA) stated that 40 nations have the technical know-how to manufacture nuclear weapons Unless the provisions of the treaty are faithfully adhered to, it is not unlikely that many of the 40 nations will possess nuclear weapons in the foreseeable future.

There are currently nine nuclear states, the big five (US, UK, France, China, and Russia), Israel, India Pakistan, and North Korea. According to the US research organisation, Arms Control Association, the count is 6,000 nuclear warheads for the US, 5,000 for Russia, 400 for China, 350 for France, and under 200 for the UK. India has between 45-90 nuclear weapons and Pakistan 30 to 50. It is reported that North Korea has between 3 to 5 and Israel 200.

The danger to the treaty regime is that the Bush administration, instead of disarmament, has focused on manufacturing new "smart" nuclear warheads and reversed the policy of ruling out first use of them.

From the inception of the Treaty,

strophic

Current nuclear weapons are a thousand times deadlier than the bombs used on Japan in August 1945. They pose an intolerable threat to all humanity and its habitat. Yet tens of thousands remain in arsenals built up during the Cold War period. That time has passed, yet assertions of the utility of nuclear weapons continue. It leaves the world even more

uncertain as to how to stop horizontal expansion of nuclear weapons. One big loophole is that a non-nuclear state can develop full enrichment technology for peaceful purposes. But the know-how can be used to make a nuclear bomb. Experts say for peaceful purpose uranium has to be enriched only 3 per cent and to make the bomb 97 percent, but the methodology is the same. There is no doubt that, if the peo-

oles of the world were merely more fully aware of the inherent danger of nuclear weapons and the dire consequences of their use, they would reject them and not permit their continued possession or acquisition on their behalf by their governments, even for an alleged need of selfdefence. It is argued that nuclear weapons diminish the security of all states. Indeed, states which possess

Double standards The US Senate did not ratify the 1996

can secure our safety

Comprehensive Test Ban Treaty, despite President Clinton urging the Senators to do so. With the Bush administration coming to power in 2001, progress on nuclear weapon arms control and disarmament in the Geneva-based Conference on Disarmament had stalled This has been due partly to dissension within the Conference on Disarmament about nuclear weapons priorities.

ists. Or third, that we agree to get rid

of them. The first possibility offers

catastrophe to the human race. The

second requires us to make assump-

tions about the future that run com-

pletely counter to logic and experi-

ence. The third is the possibility that

One of the most important aspects of non-nuclear proliferation is to agree on the Fissile Materials Cut-Off reaty (FMCT). It has been under discussion for years, strongly supported by the European Union. Its aim is to seek a global halt to the production of highly enriched uranium and plutonium. Its main purpose is to curb the spread of weapons of mass destruction and is specifically aimed at nuclear-armed states. not parties to the NPT, such as India, Pakistan, Israel, and North Korea.

Electoral reform: Limitations of the current discourse

DR. BADIUL ALAM MAJUMDAR

T is gratifying to see that the newspapers now regularly carry items on electoral reform. Almost everyday, since the first public discourse on the subject was kicked off last September jointly by The Daily Star and SHUJAN, a citizens' initiative for good governance, one group or another holds another discussion on issues relating to electoral reform. The Daily Star later devoted its entire anniversary issue (January 14, 2005) to the continuation of the public dialogue. It is fortunate that the subject of electoral reform has caught the people's imagination and it is now on the minds of the nation's thoughtful citizens.

The current discourse Public discourse on electoral reform,

as reported in the media, is primarily focused on two aspects: (1) the reforming of the non-party caretaker government, and (2) the strengthenng of the Election Commission (EC). The opposition parties and their allies in the intellectual community are clamouring for a redesign of the caretaker system in order to ensure free, fair and impartial elections, while the ruling coalition dismisses the idea outright. Many non-partisan thoughtful citizens appear to feel that the caretaker system, by reflecting a total lack of trust and confidence of major political parties in one another, seriously undermines the political process itself and thus prevents the institutionalisation of democracy in our country. These citizens are, in essence, in favour of doing away with the system altogether as it offers no permanent solution for our criminalised political system.

There, however, seems to be a unanimity regarding the need for a strong and independent Election Commission, although many are frustrated that the EC does not even exercise the power and authority it already enjoys under the existing statutes. For example, the EC has totally failed to enforce the limits on election expenses; to take action against those who exceeded the limit

or who failed to file required expense reports at all; to make the electoral roll reliable; to issue voter identification cards; and to take firm action against prominent violators of election rules and manipulators of elec-Nevertheless, most conscientious citizens, irrespective of party affiliations, now feel that EC must have an independent secretariat and financial independence. Many also feel that the EC must be empowered to make rules under all electionrelated statutes and hold local body

electoral equation, namely the caretaker government and the Election Commission. It totally ignores the necessity of reform on the other side, the non-official side of the equation, which includes political parties and election candidates.

The roles that each of these interested parties play in the election process, while equally vital, are quite different and, at times, conflicting, For example, the role of the care-taker system, as per our Constitution, is to equally important in ensuring the smooth functioning of the electoral process. Unless these two interested parties play positive and helpful roles, it will be almost impossible to make elections credible. For example, if political parties field dishonest individuals or criminals as candidates or 'sell" nominations to owners of black money, while ignoring dedicated party functionaries, or otherwise try to systematically cheat in elections, it

equation are political parties and

candidates, and their roles are

Unless such tendencies can be checked, election outcomes are bound to be compromised. Thus, in the interest of ensuring the integrity of the electoral process, the Election Commission, as a democratic institution, needs to be given specific authority to regulate the actions and behaviour of political parties and their nominees. The activities of political parties can be regulated through a legal provision for their mandatory registration. The requirements of

including unfair means, to prevail. given the authority to prevent undesirable elements from contesting in elections. Criminal dons, corrupt individuals, loan defaulters, bill dodgers of government services and the like must be made ineligible to run for office. The EC must also collect information about the backgrounds of candidates, especially regarding financial and criminal activities, and make that information available to the public so that voters can make nformed choices

Fortunately, a recent High Court ruling empowered the EC to require candidates in national elections to submit, with their nomination papers, affidavits disclosing their educational qualifications, criminal antecedents and the assets and liabilities of themselves and their dependents. The effectiveness of this court ruling in preventing dishonest individuals from contesting in elections will depend on the EC's seriousness in informing citizens about the backgrounds of candidates. It will also depend on the activism of citizen groups in distributing the contents of the submitted affidavits to the voting public in order to clean up our electoral process. To conclude, it is gratifying that

there is an almost universal demand for free, fair and impartial elections. Clearly, the credibility of elections as the democratic procedure is necessary for institutionalising democracy. However, this alone is not sufficient, for the election alone is not democracy. The institutionalisation of democracy will further require the demonstrated practice of democratic principles and norms by political parties and candidates in elections, and the strengthening and autonomy of democratic institutions such as the Election Commission. Thus, the demand for electoral reform must also include insistence on the mandatory registration of political parties, the nomination of honest and competent candidates, and the good behaviour of those

Trust me when I say we are not

Clearly, the credibility of elections as the democratic procedure is necessary for institutionalising democracy. The institutionalisation of democracy will further require the demonstrated practice of democratic principles and norms by political parties and candidates in elections, and the strengthening and autonomy of democratic institutions such as the Election Commission.

transparency in the EC's decisionmaking process

elections. Some are also demanding

Limitations

While the discourse on electoral reform has become a popular one, involving many of our thoughtful citizens, it appears to be still too limited in focus and content. Reforms are obviously intended to make elections acceptable and useful. Election results are acceptable if the process is free, fair and impartial, and f they reflect the unhindered and informed opinions of the citizenry They are useful if elections, as the democratic procedure, provide opportunities for honest, competent and dedicated individuals -- individuals dedicated to the people's welfare to get elected.

In our context, four interested parties are directly involved in the electoral process. They include (1) the non-party care-taker government and (2) the EC from the official side, and (3) political parties and (4) their candidates from the non-government side. Each of these four plays an important role in making elections acceptable and useful. Nevertheless the current discourse is focused only

"give to the Election Commission all possible aid and assistance that may be required for holding the general election of members of Parliament peacefully, fairly and impartially (Article 58D(2)). Clearly, it is not the responsibility of the care-taker government to hold elections, and it also must not also have any direct role in elections. Rather, its role is to create an enabling environment so that the EC can fulfil its task of holding parliamentary elections.

The Election Commission, and not the caretaker government, is clearly the body empowered by our Constitution to hold all national elections. In fact, it was created as a constitutional entity solely for this purpose (Article 119). Thus, in order to hold free and fair elections, it is imperative that the Election Commission be strengthened by giving it the constitutionallymandated autonomy and the necessary resources to function independently. It is also important that the EC is manned by competent and respected individuals so that it can courageously and effectively perform its constitutional responsibilities, and fend off any interference in its activities by outsiders

On the other side of the electoral

will be impossible for the FC to make elections free and fair. Similarly, if candidates in an election, numbering thousands, are determined to include in illegal activities (i.e. occupying polling booths, stuffing ballot boxes, casting false votes, bribing election officials or otherwise undermining the system), the election is likely to be Thus, if the political parties and the

candidates they nominate do not practice democratic principles in their actions and behaviour, even the most neutral caretaker government and most independent Election Commission would be unable to ensure the integrity of the electoral process. Political parties and candidates they nominate are, therefore, equally responsible for maintaining the credibility of elections, and they must bear the blame for problems originating from their dishonest actions and lack of democratic norms

Political parties and candidates

It must be noted, however, that the overriding goal of political parties and their candidates is to win electoral contests. Thus, it is not unlikely that they would use all possible means.

registration of political parties under it, Election Commission, in contrast to our system of voluntary registration. It must be pointed out that giving such regulatory authority to the EC does not take political parties off the hook or demonstrating good behaviour. The integrity of the electoral system also depends on the quality of

registration must include the practice

of democracy within political parties.

transparency of their income and

expenditures, and the use of system-

atic procedures to give the primary

members of the party a clear say in

There also must be a requirement

of active party membership of those

example, has a system of mandatory

seeking a party nomination. India, for

the nomination process.

the candidates running for office. Elections can cause more harm than good unless honest, dedicated and competent individuals are elected to public offices. Our own experiences provide clear evidence of how elected officials can cause great harm to a nation. Thus, criminal and corrupt elements, as intended by Article 66 of our Constitution, must be made ineligible to run for public office. Again, the Election Commission, as the constitutional body, must be

Dr Radiul Alam Maiumdar is Member-Secretary. SHUJAN, and Global Vice President and Country Director, The Hunger Project-Bangladesh

OPINION

To tax or not to tax?

NAZIM FARHAN CHOUDHURY

O tax or not to tax, is not the question. Whether 'tis nobler in the mind to suffer the slings and arrows of outrageous fortune, or to take arms against a sea of trou-

Apologies Mr. Shakespeare. At times some questions need not be asked. Answer is a self-evident truth. Somehow I get the feeling Mr. Finance Minister might have not been aware of some of the logic BASIS (Bangladesh Association of Software and Information Services) have been talking about before placing of his budget in the Jatiya

I think I should put in a disclaimer here. While my company is a general member of BASIS, I at no time represent them nor have been selected to

put forward their point of view. Though I do hope they will agree with my argument.

This is the essence of my case. While Bangladesh government says that ICT and ITES (Information Technology Enabled Services) are thrust sectors in the country's growth engine, their actions do not hold forth this self-evident truth. In the recently announced budget, Mr. Saifur Rahman decided that it was wise to impose a 10% tax on corporate income the Software Industry while the sales of computer hardware is to

Now let us try to review this logic a bit. While hardware sales is basically a trading business in equipment that has been fundamentally produced overseas with hardly any value added here locally, the Software industry employs Bangladesh's most

abundant resource the minds of its citizens in the design, development and coding of the lifeline of the computer. It is a high value addition industry (100%) that uses the local talent to not only earn foreign currency through exports, but also, by developing customised solution for the local business and public sectors, it contributes to import substitution. Furthermore through computerising Bandladesh Inc., it increases the productivity and response time of almost all of our economy, influencing every business in the nation. This earns and / or saves the country valuable green bucks.

If we were to examine the developing countries that are making their mark in world of IT then it is selfevident that the growth is from ITES and Software sub-sectors. India for example has made a mark for herself

in this sector. Companies like Infosys, Wipro. Satavam or TCL are shaping the future of the world by playing an integral part in the design and development of software that will fuel business in days to come. And the BPO industry is putting money into the pockets of millions of Indians and igniting the spending spree that is the norsepower for India's recent growth.

Now the Finance Minister is correct in his view that Software industry has not lived up to the hype. Mind you, this view is arguable, as according to BASIS, the growth in software export in the first six months of this fiscal year has been 122%!) But is that a justification to throw out the proverbial baby with the bath water? The reasons for the still infant software industries shortcomings are manifold. First let us understand that nature of this business. The assets of rade walk out in evening and walk

back the next morning. Most of our banking friends are not willing to put their money in such a business as et. So in most cases the industry is fully funded by the promoters. Venture Capital and Angel funding which are main source of finance for companies like ours is non-existent in Bangladesh. (Bangladesh Bank's Entrepreneur Development Fund is another case!) Secondly, education itself is a big bottleneck. We hardly have the breadth of India's engineering colleges. Every CEO in the software industry that I meet talk of the lack of adequately trained human resource. From my own experience I say the lack of infrastructure (frequent electricity failure, telecom regulations, outdated banking policies, absence of a reliable and redundant Internet backbone, et. al.) are

dwarfing the potential that we have. What is the government doing

about these? How has the education syllabus changed to address the need for 10,000 plus software engineers per year and growing? What are we doing to allow changes in banking procedures to do away with L/Cs or allowing payment over the Internet? Why hasn't the Government of Bangladesh put in the level of computerisation that it has promised the industry? So Under-Sea Fibre Optic connection is landing in Cox Bazaar, but how is it coming to Dhaka? Who is distributing that? How can we get connected? How much will it cost? These are the questions to ask. Mr. Rahman. What can we ask the usually wise

minister for? Well right now it is of course that the 10% tax needs to go for both the software and the ITES sub-sectors. It is not that the entrepreneurs in this business want to rake in Lexus loads of money. But this

offs happening over long periods of time. The tax holiday helps attract FDI and other financing in a somewhat risky and long-term business model. Also the tax holiday means that the industry will have the resource to reinvest back into human resource training, R&D and in marceting of its product overseas I find it interesting that the Honourable Prime Minister herself heads the

is a long gestation business with pay-

high powered ICT Task Force. Is she not peing able to convince her own Finance Minister what she keeps telling us? ICT like the agro industry does two things. It uses rich local resource and it gives Bangladesh comparative cost advantage. We have the chance to find ourselves a niche in the world. Once that has been achieved it is hard for anyone to displace us. as human capital is not easy to put together, unlike garment

making "outrageous fortunes"... as yet. But we will. Given the proper impetus and guidance the software and ITES industry will be to Bangladesh's future what garments industry has been in the past. It will be the blood of our economic prosperity. It will propel us forward economically as we will earn money for something that has come from our own minds. The question to be asked is not if there will be a tax holiday or if there won't be. But to ask how can the Government help and encourage the pioneers of our trade to ensure that along with our fledgling industry Bangladesh too can thrive. This is self-evident.

Nazim Farhan Choudhury is an entrepreneur in IT