

## Judiciary under extremists' threat

*But crippling it will be playing into the hands of terrorists*

WE are more than a little surprised by the statement of the Secretary General of Bangladesh Judicial Service Association threatening to paralyse the judiciary should any of their members fall victim to extremist acts in future. The extremists have made the judiciary their target and we can understand the anxiety and concerns of the members of the fraternity. The nation is with the judges and lawyers in sharing the concern for their safety. But, while we share their concern, we cannot but disagree with them when they threaten to cripple the legal system. Giving out threats and ultimatum is neither the way out nor is it the type of language that one expects from the members of the judiciary and the legal profession.

By all means take the government to task for failing to provide adequate security. By all means censure those that failed to take cognisance of the advance warnings that the intelligence agencies provided to them. By all means bring all the pressures to bear on the government to arouse them into concrete actions against the extremists. But do not deprive the common man of whatever little judicial service that is available to them.

What our judges and lawyers have apparently failed to understand is that, not only will their proposed action deny justice to the common man, more dangerously, it will be playing into the hands of these religious extremists. For it is exactly what their aim is -- to cause the collapse of our judiciary. Dangers can be fought, not by running away but by seizing them by the neck. There is always the risk of being run over by a car when one goes out on the street. Does it mean that one stops going out?

Neither striking work nor providing gunmen is the permanent solution to the challenge that has been thrown up by the terrorists. To thwart them requires two-pronged action. The government must do everything to get at the masterminds and brains behind these extremists and destroy their network and sources of support. For our part, the people must not show any signs of being cowed down by the extremists' acts of violence, but carry on business as usual with a brave face.

Otherwise, it will be the terrorist who will have the last laugh.

## GrameenPhone makes history

*Our congratulations!*

IN less than eight years since inception, GrameenPhone has achieved a meteoric rise in terms of clientele reach topping 50 lac at the moment. In other words, it has provided communication access to one-twentyeighth of the country's total population. The coverage ratio should read stunningly more impressive if one were to set aside the under 15-year-old segment which constitutes the largest proportion of our population.

The main growth spurt for Grameen has happened in the last three years or so; for, it took first six years to reach the one-million mark. Then on the subscription grew by leaps and bounds -- in the seventh year, the second million was reached, in the next six months the third million, fourth million in September, 2004 and now it hovers over five million. Just how the mobile has caught on, can be measured by the simple statistic that, in the first ten months of the current year alone, the subscription has doubled from 25 lac to 50 lac.

The public sector BTB with its long history, excluding the Pakistan days, still has a long way to go before tallying even the first million. The success of Grameen, or for that matter, of Citicell, Aktel and BanglaLink goes to basically underscore the point of what right policy decisions and business environment could do to multiply communication access to people.

Grameen's joint venture with Telenor of Norway, the first in Asia, has provided the technology and management expertise required to vanguard the mobile revolution in these parts.

However, on reaching the landmark figure in terms of subscription-base, the GrameenPhone's obligations to improve its services, even more, by promptly responding to subscribers' complaints, if any, grows that much more.

There is a feeling that GrameenPhone has not always matched its commercial success with service to its customers or sensitivity to the latter's complaints. The point that telecommunications have a huge potential for empowering people economically, socially and politically through greater information sharing and interaction need not be laboured too much. In view of what more could be achieved in this domain, it is time the government thought of withdrawing the tax on SIM card.

# SAARC Summit: High expectations, limited achievement

SYED MUAZZEM ALI

THE term 'historic' has been devalued by its indiscriminate use in the context of SAARC during the past two decades. Whenever a SAARC Summit is held after some break, it is promptly labeled as historic as if the holding of the meeting itself was the end in itself. Nevertheless, the Dhaka Summit was held at an important juncture. SAARC had completed two decades of its existence and the Summit was to take decisions on some crucial issues to chart out a new course for the coming decade for the quarter of humanity who live in South Asia. Naturally, there were high expectations all over the region.

The SAARC leaders had also raised hopes at the inaugural session, when they had reiterated their commitment to the importance of regional cooperation and had expressed their desire to work for the implementation of their earlier decisions. Yet the Declaration, obviously drafted by lesser mortals and adopted after the end of the two-day Summit, has largely belied those hopes. Some notable progress has been made but the crucial issues have either been bypassed or merely re-delegated to Ministers for further negotiations without giving them any fresh guidelines. The much-talked about commitment to work for implementation of earlier decisions or for strengthening the SAARC Secretariat and other institutions have also remained largely unfulfilled.

The SAARC leaders decided, in principle, to admit Afghanistan as a member and to grant observer status to Asian giants China and Japan, and asked their Ministers to work out the modalities. This is surely a timely decision and it should bring new vitality to the moribund organisation. Some experts have expressed reservation about admitting Afghanistan at this stage in view of its current security situation and lack of control over its territory. I do not share their skepticism. Afghanistan has and will always be a part of South Asia and its admission was only a matter of time. At the

time of launching of SAARC, they could not be included as the country was under Soviet intervention. Afghanistan is a connecting land bridge between South and Central Asia and its admission should offer new opportunities to SAARC to establish institutional contacts with the Central Asian countries and their regional body Economic Cooperation Organization (ECO). Likewise, granting of observer status to China and Japan would surely bring in rich dividends.

The issue of poverty alleviation has been considered with due importance and the Summit, at the initiative of Bangladesh, declared the years from 2006-15 as the SAARC Decade of poverty alleviation. However, a mere declaration would not alleviate pov-

erty in the region where the world's 40 percent absolute poor live. There was a clear need for some new initiatives and concrete actions. At the least, the leaders could have pushed forward the decisions, which were taken at the Islamabad Summit a little over a year ago. In Islamabad, a provisional fund of US \$300 million had been created and India had pledged US \$100 million. At the Dhaka Summit some effort should have been made to obtain some fresh pledges from other members. The fund was too small to address such a gigantic issue and Bangladesh was right in asking for its considerable expansion. But unless they themselves make their own pledges and show their commitments, others will not come. The South Asians surely need generous international assistance and there is no disagreement on this issue. Yet the Finance Ministers have merely been mandated to work out the detailed modalities about the fund without being given

any authority to undertake even preliminary negotiations with donor countries, World Bank or any other financial bodies. Likewise, the issue of the launching of South Asian Free Trade Agreement (SAFTA) from next January, as was decided at the Islamabad Summit, has been dwelt at length by all SAARC leaders. Yet when it came to implementing that decision by removing the roadblocks, they merely passed on the buck to their Commerce Ministers without giving them any guidelines for the resolution of outstanding issues like the negative lists, the rules of origin and the mechanism to compensate the Least Developed Countries (LDCs) in South Asia, namely Bangladesh, Bhutan, Nepal and Maldives, for the loss they would incur due to tariff reduc-

countries in the region.

Unless the SAFTA is fully operational, it is somewhat premature to talk about economic integration under the aegis of South Asian Economic Union (SAEU). Nevertheless, the leaders expressed their optimism that it would be possible to hasten the process and launch the SAEU by 2020. To that end, three important agreements were signed in the areas of mutual administrative assistance in customs matters, establishment of SAARC Arbitration Council and limited multilateral agreement on avoidance of double taxation.

These are basic agreements for any economic integration, but the more important fourth agreement relating to promotion, protection and guarantee of investments, which was sched-

uled to be signed in Dhaka, fell through at the last minute due to lack of consensus among the members. South Asia, due to lack of necessary legal infrastructure and chronic instability, has so far received only one percent of global Foreign Direct Investment (FDI). Conclusion of such an agreement would have partly allayed fears of regional and international investors; yet, this opportunity was missed.

The SAARC leaders also expressed their desire to collectively fight terrorism and expressed satisfaction at the ratification of the additional protocol to the SAARC convention on suppression of terrorism by all member states. They underscored the need for an early conclusion of a Comprehensive Convention on International Terrorism, and emphasised the need for exchange of information, and coordination and cooperation among the relevant national agencies. It was also decided that Home/Interior Ministers would

meet annually and that it would be preceded by a meeting of Home Secretaries. Here again, the sensitive issues, like extradition of terrorists among member countries, were not addressed nor the Ministers were given any definitive guidelines on other sensitive issues.

The South Asian region was badly affected by tsunami, floods and earthquakes during recent months and naturally, the leaders emphasised the need to set up a permanent regional response mechanism devoted to disaster preparedness, emergency relief and rehabilitation. Likewise, they underscored the importance of cooperation in energy, road transportation and transit, and regional food bank.

The social challenges before the

**There is no substitute for regional cooperation in this era of globalisation and yet the pace has been so slow in South Asia. The SAARC leaders at the Dhaka Summit had raised hopes of the people of the region through their renewed commitments and resolves, and had also given new vision to SAARC. The sooner they can reduce the gap between their words and deeds the better they shall do.**

South Asian countries are simply mind-boggling. The region, in the global context, lags behind other regions of the world, both in income and in human development. Despite recent high GDP growth, the living condition and basic facilities for the vast majority have been very poor. Largest number of illiterates lives in the region, and the basic health care facilities are still lacking for the vast majority. The South Asian countries have always occupied the bottom positions in all UNDP Human Development reports. The Social Charter, signed in Islamabad, had identified specific goals for members to achieve, and the Dhaka Summit asked all National Coordination Committees to complement the national level programmes with regional efforts.

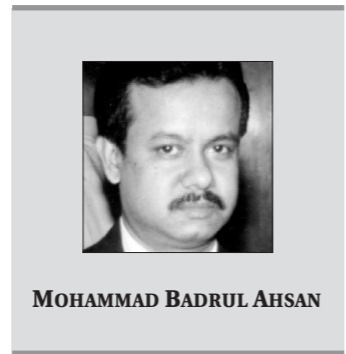
Who will implement the SAARC decisions? As per the Charter, the national-level bodies have been entrusted with these tasks and the SAARC Secretariat has been given very

important decisions and given new visions to the SAARC but unfortunately no concrete action was taken to hasten the process of integration. As other regional organisations have demonstrated, SAARC will only succeed when all its members forsake their narrow national interest for the larger benefit of the region. India as the largest member has to assume its primary responsibility in steering the process forward. There is no substitute for regional cooperation in this era of globalisation and yet the pace has been so slow in South Asia. The SAARC leaders at the Dhaka Summit had raised hopes of the people of the region through their renewed commitments and resolves, and had also given new vision to SAARC. The sooner they can reduce the gap between their words and deeds the better they shall do. Otherwise, SAARC will remain a lame duck entity, while other regions will continue to move far ahead of our region.

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## Where is the state?



MOHAMMAD BADRUL AHSAN

NOT a nice question to ask, nevertheless the answer is already given. Whether we like it or not Bangladesh is ranked 17th in the failed state index introduced by an organisation called Fund for Peace. Pakistan is ranked 34th and India is ranked 76th out of 76 countries, which basically says that some states fail more than others. We are just ahead of the rest.

There are twelve counts to measure a failed state. Bangladesh scored high in most, except in the areas of Massive Movement of Refugees and IDPs, Chronic and Sustained Human Flight, and Intervention of Other States or External Actors, where we scored 7, 6 and 6 respectively on a range of 1 to 10. We are low in foreign interference in our affairs, and not too many people are leaving the country, which is good news. But 9 other indicators spoil the fun, which show that we are to blame for our own distress.

How does a state fail? According to Professor Robert Rotberg of John F. Kennedy School of Government at Harvard University, the overriding criterion of determining the status of a

given state is its ability to deliver political goods and services. States fail when such goods and services are in short supply. Civil war is then a symptom of state failure, when a nation descends into violence and chaos. Its people focus on immediate survival rather than the longer term, while saving, investment, and wealth creation taper off. Government officials seek spoils for their cronies rather than designing policies that might build long-term prosperity. A cycle of poverty, instability, and violence perpetu-

ates itself giving the perception that the state doesn't exist. The most important political goods, Rotberg writes, is the provision of national and international security and the preservation of order. Other goods include implementation of the law, existence of institutions of political freedom, regulation of arteries of commerce and communication, provision of an economic network conducive to growth and prosperity, and such things as medical services, power, running water and control of the environmental commons.

Recently an article appeared in a website called The Black Commentator, which includes commentary,

analysis, and investigations on issues affecting African Americans. The U.S. is becoming a failed state it says, because the government is failing to provide political goods to the black population of the country. Henry C.K. Liu explains that the United States is leaving the responsibility for delivering political goods to non-state actors, i.e., the private sector through the market mechanism. Privatisation of the public sector, Liu adds, is more than the outsourcing of state functions. It is the selling off of state prerog-

atives. The crux of the question for Bangladesh is whether the state is failing to provide political goods and services to its people. A failed state is when the prevailing condition gives the impression that there is no state. This impression can come at four different levels. A state can be strong, weak, failing and collapsed. According to Professor Rotberg, Somalia was the only collapsed state in 2003. There were partially failed states like Indonesia, Colombia and Sri Lanka where political goods and services couldn't be delivered to some parts of the country due to civil strife. Zimbabwe showed all the indications of a failed state except for violence. Paraguay,

celebrating its four years of success when the country was going through a major load-shedding besides other problems. There is general despair in the country, lawlessness, corruption, galloping prices, bad road conditions, plight of workers, plight of women, famine like situation in the North, and the halo of the most corrupt nation for the fifth time hanging over our head. To make it even worse, we are now heading for a deadlock over how to go about the next parliamentary elections.

What make it more strident are the bomb threats and bomb attacks, which clearly show that an organised group of people are challenging the state. If

nothing else, this invisible state within the state is clearly a sign of the failing state, one that repudiates the hallowed notion that the state is a sovereign entity, subordinate to nothing but the will of the people. Our situation amounts to an aggravating status of negation that diminishes the state in its might and authority, giving rise to pockets of insurgency.

Those who doubt please answer my question: Where is the state? If the state can't give me protection, supply water, electricity and other basic utilities, if

men but to build the fortunes of ministers and their minions? Where is the state if politicians don't talk, holding visceral grudges as if warlords are waiting to zap each other?

Common sense is that it doesn't light a fire if you strike a match on the damp surface. The sun rises in the morning and sets in the evening. It rains in the summer, and gets cold in the winter. The cycle of seasons turns the wheel of time, and today ushers in tomorrow. Much of the world runs on prevalent wisdom, which is to accept the world as it comes. Maturity is to learn that certain things just happen.

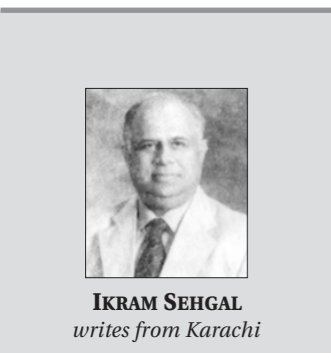
Yet revolutions come to speed up evolution, edgy men taking dodgy course to change what they can't accept. We are hesitating to accept that ours is a failed state. We have lots of discussions, but very little repercussions. We hold roundtables, we hold rallies, we demonstrate, we remonstrate, we criticise, we canonise. We flatter, we patter, we rumble, we grumble. But what are we doing to change the fact that the state is receding behind the vested interests?

Week before last a television channel invited politicians and their sons and daughters to a talk show. It was impressive to know that our politicians have raised good children, who are established in life and who spoke highly of their parents. Successful families should make a successful state. Why doesn't it work for us? The answer is obvious if you can't guess. The politicians don't take care of this country like they take care of their children.

Failed or not, there is the state.

Mohammad Badrul Ahsan is a banker.

## Tapping experience in tackling disaster



IKRAM SEHGAL

writes from Karachi

IN November 1970 a catastrophic cyclone hit East Pakistan (now Bangladesh). With over 300,000 confirmed deaths (some estimated even 1 million) in the coastal areas, almost all the small islands were wiped almost clean, luckily the two major islands of Hatiya and Sandwip escaped much death and destruction. Rivers and smaller channels flowing into the Bay of Bengal were blocked with human bodies and carcasses of animals. For almost 48-72 hours, the extent of the disaster was not known. The 10-12 million survivors needed shelter, food, medicine, etc above all

potable water. Launches, tugs, barges, fishing boats, etc were swept away. Very much today, the immediate need was helicopters (and more helicopters), followed by boats of all kind. As in Pakistan today, the US reacted quickly by airlifting thousands of tons of relief supplies, bringing in badly needed heavy-lift helicopters to supplement the small "Log Flt Eastern Command" fleet of 2 Alouettes and 2 MI-8s.

That East Pakistan was lucky to have avoided a greater catastrophe in disease and malnutrition among the survivors in the aftermath of the cyclone was mainly because of the presence of a few giants among men, Admiral Ahsan, then Governor East Pakistan and Lt Gen Sahibzada Yaqub Khan, Commander Eastern Command at the helm of affairs. The helicopter effort led by Col (later Maj Gen) Naseerullah Khan Babar and Maj (later Brig) Tirmizi was outstanding, the thread of that spirit is continuing in the Army Aviation of today. Kurmitola runway (Dhaka International Airport at that time) soon became choc-a-bloc with aircraft bringing in relief goods and helicop-

## AS I SEE IT

**Hundreds of intending donors are going through similar frustrating experience, particularly foreigners and Pakistani expatriates trying to expedite relief for those still living, badly bruised and/or dying. More of the survivors will die if we depend upon dyed-in-the-wool rigid and inflexible civil (and military) bureaucrats. The government must turn for advice to the invaluable experience of selfless men.**

ters, the aircraft turnaround had to be constant. The logistics effort required unloading, loading onto trucks, then into river transportation like boats, launches, barge etc, for forward despatch areas, and so on till they reached the affected. To overcome this logistics nightmare, Admiral Ahsan provided civil administration cover while the Pakistan Army led by Lt Gen Sahibzada Yaqub did a magnificent job.

The prime factors were simplicity of planning, cutting across red tape, effective implementation and plenty (and plenty) of flexibility. In crisis situations rigidity and dogmatic behaviour is asking for trouble. Col (later Maj Gen) Babar, the man-in-

charge of the aviation effort, virtually took over relief controls. Those who know Gen Babar know he operates on one basis only, he leads from the front and expects his colleagues and/or subordinates to keep up, or else! Despite the selfless effort of the uniformed men in the air and on the ground (mostly from the East Bengal Regiment and East Pakistan Rifles), the great effort of the Pakistan Army was not recognized, rather it was very unfairly bad-mouthed, more or less in the manner it is being done now. The US\$ 64000 question, why have we not tapped the vast experience of man like Yaqub, Babar and Trimizi this time? This inherent invaluable experience is presently wasted.

My personal experience of the last few days on two issues concerning the present relief effort is case in point. Informed by Mr Sunil Kant Munjal, Past-President Confederation of Indian Industry (CII) and CEO Hero Industries, that CII would deliver the first lot of 26,000 blankets and medicines worth nearly Rs 10 million at Wagah Border at 12 noon on Nov 13, 2005 to the Federation of Pakistan Chambers of Commerce and Industry (FPCCI), the necessary arrangements were made to receive the relief consignment. At 10:30 am on Saturday Nov 12 we came to know that a permit was required to get the goods across, this seems to have been in effect for days. It took 4 hours of telephone calls

to reach anybody in the Federal Relief Commission (FRC). When I finally got through to Mr Mohsin Razi, DG Foreign Affairs with the FRC at about 2:30 pm. He informed me the permit was required so that "unscrupulous" elements did not "put the relief goods in their pockets". I assume he implied FPCCI and me. After some coaxing he gave the telephone numbers of the person concerned, Mr Hemayetullah Khan, Joint Secretary Cabinet Division, and Mr Ijaz Rahim, Cabinet Secretary. Since Hemayetullah was not available in his office, at his house or on his mobile, the next thing was to contact the Cabinet Secretary who had also left (it was already 3 pm Saturday). Twice I left my numbers at

his house, I should not have expected a call back and did not get one!

In the meantime we came to know that the permit was actually to be made out either by the Ministry of Industries or the Ministry of Social Welfare, it was too late to call anyone. At 6 pm I spoke to Ch Shujaat, President PML, who was to receive the goods at the Wagah Border from CII on behalf of Pakistan. Coming on the phone himself, Choudhry Sahib told me not to worry, to just forget it! The next day the blankets and medicine came over the border and will eventually reach the affected, ego and obduracy of whomsoever for whatsoever reasons notwithstanding.

Meanwhile a Boeing 747 cargo flight donated by Polar Air has left New York at 2 am on Nov 15 morning with \$3.5 million worth of, tents, blankets, wheelchairs, generators, medicines etc donated by "Operation USA" for Islamic Relief. For 14 days we kept requesting PIA for payment of fuel (including lifting 20 tons of their cargo) from New York to Islamabad but without any success, they foot-dragged successfully. Ultimately a good Samaritan in New York, Erik Brennminkmeijer,

CEO of Cofra Holdings, sent a cheque for the fuel expenses (about US\$ 160,000). Someone from the consignee rang me to ask about the invoice and permit, taking the Ch Shujaat cue I told him to forget it. Let the aircraft arrive on Nov 16 at 8 am (today) and dump the goods at Islamabad airport. Allah in his mercy (with a little help from the Army) will get the relief to the affected, stonewalling and foot-dragging by FRC and assorted foot-draggers notwithstanding.

Hundreds of intending donors are going through similar frustrating experience, particularly foreigners and Pakistani expatriates trying to expedite relief for those still living, badly bruised and/or dying. More of the survivors will die if we depend upon dyed-in-the-wool rigid and inflexible civil (and military) bureaucrats. The government must turn for advice to the invaluable experience of selfless men like Gen Yaqub, Gen Babar, Brig Tirmizi, etc. Turning to experience in handling a crisis may give the earthquake survivors some chance of living.

Ikram Sehgal, a former Major of Pakistan Army, is a political analyst and columnist.