

Work plan of the Law Commission

Indifference towards the body does not bode well

THE Law Commission, for all the inactivity it has been forced into since it came into being thirteen years ago, remains undaunted. It has just formulated a work plan for itself for the next two years. That is indeed a bold move, but for such a move to be translated into reality on the ground it will need a good deal of spirit and energy. Experience shows only too clearly that it has in the past made as many as 88 recommendations on the law and its various aspects to the government. Now, obviously, such a number is remarkable. The unfortunate bit in the story is that no more than four or five of these recommendations have been accepted by successive governments. Which brings up the matter of whether governments, political in nature as they are, have ever been ready and willing to take the Law Commission seriously? One feels here a whiff of the partisan. Every time a new government has taken over, it has found the reasons to keep the commission at bay.

The attitude has thus been one of studied indifference to the Law Commission. And such indifference can only lead to either an emasculation or redundancy of the body. Of course, no one would want to see either of these possibilities turn into practical reality. It is especially in a country like ours where, for all the wrongs and misinterpretations and misapplication of the law happening on a fairly regular basis, much faith is generally placed in the law. That faith not only comes through a wish to see rule of law prevail. It is also manifested in citizens' desire to see many of the laws in operation updated from time to time in accordance with social and national needs. Clearly, such thoughts were uppermost with Justice M.A. Rashid and others in the commission when they decided that a new work plan for the next two years was in order. The 21-point plan, as one can surmise, covers an entire gamut of subjects that might call for reassessment or review. In a modern state, one that also remains busy giving shape to its often interrupted democratic structure, such reviews of existing laws can only reinforce the social and state structure, the aim being a progressive promotion of the public weal.

All said and done, the most important point that has to be borne in mind, particularly by the government, is that the Law Commission should be so empowered as to enable it to function as a credible and productive body. One could suggest here that just as some other bodies, notably the Anti-Corruption Commission, the Public Service Commission and the Election Commission, have been recast to give them a sure sense of independence, the Law Commission needs to be transformed into an organization neither individuals nor the administration can ignore.

Road congestion

The menace is back with more intensity

THINGS are back to square one as far as traffic management is concerned. After the short-lived respite during Eid holidays the everyday urban menace called traffic congestion is back with a bang. Throughout the week thousands of vehicles of every description are to be seen clogging the main roads and alleyways of the metropolis from morning till midnight. While traffic lights keep turning from red to green and back in sheer futility, exasperated policemen try to control the burgeoning number of vehicles with their hands. Alternative system of modern and effective signalling is yet to be installed to address the situation.

The problems of traffic congestion so far identified are: old and unfit vehicles slowing down traffic flow, roadside parking of vehicles, violation of traffic signals and overtaking on narrow roads. None of these problems has been addressed properly, and to make things worse, thousands of unfit vehicles that had been hauled away by the police before Eid have now been released from custody for reasons beyond our understanding. Reportedly, the owners of the unfit vehicles had vowed not to ply them in Dhaka but in reality they have hit the roads to worsen the situation.

It is common knowledge that unless and until old, unfit vehicles are removed/destroyed permanently and the relevant authorities stop registration of all such vehicles, the traffic condition will not improve any bit. The existing laws have to be enforced without any fear or favour and new laws have to be enacted, if the authorities are sincere about bringing sanity on the roads.

The very fact that hundreds of new vehicles are joining the fleet on the roads everyday should make the authorities rise to the situation and motivate policy makers to initiate effective action plans before the city bogs down completely. At the same time, the government should contemplate construction of new roads, widen the existing ones, and build overpasses to ease the situation.

The capital city is the hub of diplomacy, commerce and education. Therefore, under no circumstances can its roads be allowed to remain dysfunctional for hours together.

Obama's tricky prize

The Oslo Nobel Committee by announcing the 2009 peace prize has actually awarded the American people more than Obama for the historic verdict to elect the first African American as their president.

SYED FATTAHUL ALIM

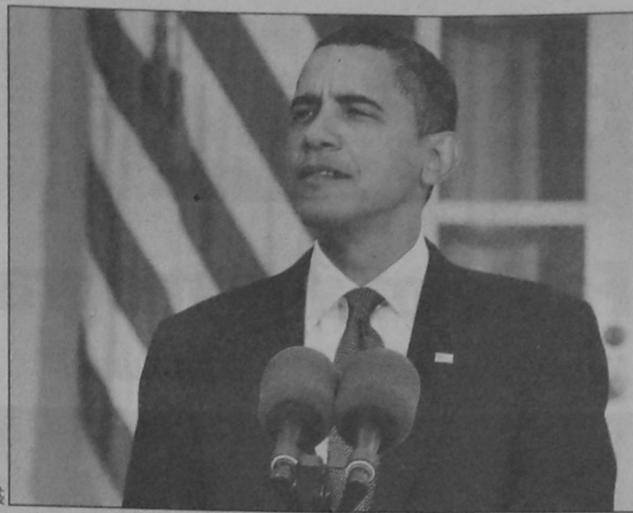
THE Norwegian Nobel Committee has stunned the world with its announcement of the Nobel Peace Prize for 2009. Of the 205 names in the list, US president obviously was the most prominent personality in the world to draw the attention of the Nobel Committee. But his being the most powerful and illustrious global celebrity apart, many have questioned the wisdom of the Nobel Committee for its decision to exalt Barack Obama so early in his career in the US presidency as he is yet to deliver the promises he made to the people of the US and the world at large. The former Polish president and winner of the Peace prize in 1983, for instance, exclaimed in reaction to Obama's luck saying, "So soon? Too early... He is only beginning to act." In a similar vein the former US ambassador to UN John Bolton called "it is indicative of the politicisation of the Nobel Peace prize process. This just carries it to the n-th degree." On the other hand, the 2002's Nobel peace winner former Democratic US president Jimmy Carter welcomed the Nobel Prize committee's decision as "a bold statement of international support for his vision and commitment."

So worldwide the reaction to Obama's getting the peace prize has been a mixed one.

However, the most interesting part of the controversy over the Obama Peace Nobel is not so much the recipient, as the giver of the prize that has been drawing negative publicity.

Seeing that the winner of the award is none other than the US president should be enough reason for any negative publicity. But what was really in the Norwegian Nobel Committee's mind when they chose Obama, the fourth US president after Theodore Roosevelt (1906), Woodrow Wilson (1919) and Jimmy Carter (2002), for the honour can be best understood from the words of Thorbjorn Jagland, the Nobel Committee's new chairman in an interview after announcement of the 2009's winner: "It's important for the committee to recognise people who are struggling and idealistic, but we cannot do that every year. We must from time to time go into the realm of realpolitik. It is always a mix of idealism and realpolitik that can change the world." Reassuring the sceptics for their fear that the Nobel Committee's 'integrity' itself might have been at stake for this year's choice of the prize's recipient or that the prize may become an 'embarrassment' for Obama in case he gets bogged down in a war like it happened during Johnson presidency (Lyndon B. Johnson) in Vietnam, he added saying that, Willy Brandt hadn't achieved much in 1971 when he got the prize for his 'Ostpolitik', a policy of reconciliation with the communist East. "But a process had started that ended with the fall of the Berlin Wall," he argued. He further extended the analogy to the case of Mikhail Gorbachev's getting the same award in 1990 for launching his 'perestroika'.

So Barack Obama's challenge of changing the world fits well into the pattern of the paths treaded by Brandt and Gorbachev in changing the Europe, Jagland stressed.



Obama must now turn his words into action.

In fact, the Nobel Prize committee's choices for the peace prize had never been without any controversy. The world was never united in the way it viewed awarding of the Prize. In the past when the world was divided between two camps led by two superpowers it was not only peace prize, but other Nobel Prizes including, for example, that for literature, too, drew criticism from their opponents for being politically motivated. Even today different cross-sections of the population in the same country view the award-giving procedure differently. So, one is hardly surprised at President Obama becoming the butt of unkind remarks from many personalities and quarters from across the globe. But even before the outside reactions both adulatory and critical started to pour in,

what the prize-winner himself said about the event is interesting: "To be honest, I do not feel that I deserve to be in the company of so many of the transformative figures... I will accept this award as a call to action..."

It was of course an expression of his modesty when President Obama uttered those words. But what one cannot deny is that, surprised he certainly was. He need not have been that way, though, after achieving the great feat of becoming the first black president of USA! And the Oslo Nobel Committee by announcing the 2009 peace prize has actually awarded the American people more than Obama for the historic verdict to elect the first African American as their president.

Syed Fattahul Alim is a senior journalist.

How safe are we?

Despite the allegation that during Parvez Musharraf's regime out of \$6 billion given by US only \$500 million found its way to the Pakistan military, the recent US Congress decision to give a five-year authorisation of \$1.5 billion per annum to Pakistan reflects America's and the West's concern about this nation.

KAZI ANWARUL MASUD

LIKE Paul Nitze, who served US presidents from Franklin Roosevelt to Bush Sr. in different capacities, and George Kennan, who conceived the containment policy of communism that guided US after the Second World War till recently, Harry Truman also had, in his Defense Secretary, a hawk and Chairman of the Atomic Energy Commission, a dove, who were called upon by Truman along with Secretary of State Dean Acheson to advise him in whether US should try to build a hydrogen bomb, knowing that the bomb could destroy civilisation as was known at that time.

When the trio met the president with their final recommendation, Truman asked, "Can the Russians do it?" The answer was, "Yes, they can." Thus, in seven minutes, one of the most momentous decisions of the 20th century was made by the American president. (Hawk and Dove-Nicolas Thompson -- September 10, 2009).

No degree of George Kennan's pleadings to Acheson, to advise Truman against making the bomb because of its terrifying destructive capabilities, could sway the

decision. Kennan had ignored the way the US was interpreting Russia's technological success and was concerned over the "intention" that the Soviets could conceivably drop an atomic bomb on US.

Is it possible to imagine such a scenario in this region given Pakistan's implacable conviction that India, and not the Taliban, notwithstanding Hekmatullah Mashud's warning that more blood will be shed to avenge the killing of erstwhile Tehrik-e-Taliban Pakistan head Baitullah Meshud by US drone attack, may put this region in an atomic confrontation?

President Obama's Af-Pak strategy body's Chair, Bruce Riedel, has been convinced for a long time that South Asia remains the most dangerous part of the world and Pakistan is now the epicentre of terrorism in the world.

Robert Blackwill (Rand Corporation-occasional papers, 2009) unequivocally states: "It is important to stress that Pakistan quite apart from global recession, is the epicentre of global terrorism and one that represents potentially the most dangerous international situation since the 1962 Cuban Missile Crisis."

Though Thomas Friedman's much discussed book, *The World is Flat*, essen-

tially deals with the barriers taken down between the First and the Third Worlds by the technological advances, he describes al-Qaeda and the related terrorist groups as the greatest threat to this flat world.

Friedman believes that much of terrorism is driven by the humiliation that the societies that terrorists come from have suffered. This, in a way, converges with the thesis of historian Bernard Lewis that the root of Muslim rage is due to the Muslim world's defeat at the hands of Judeo-Christian civilisations over several centuries. Such an explanation is simplistic yet may not be easily contestable.

Despite the allegation that during Parvez Musharraf's regime out of \$6 billion given by US only \$500 million found its way to the Pakistan military, the recent US Congress' decision to give a five-year authorisation of \$1.5 billion per annum to Pakistan reflects America's and the West's concern about this nation.

The Kerry-Lugar Bill passed by the Senate says, "There are at least three serious, interlocking threats to the United States emanating from Pakistan today: Direct attempts by al-Qaeda to attack the US and Americans abroad; the possibility that al-Qaeda influenced jihadists could acquire direct or indirect influence over Pakistan's nuclear arsenal; and the possibility that Pakistan-based jihadi groups could provoke a war between India and Pakistan. The only way to help mitigate these threats is to attempt to stabilise Pakistan, and then, in the longer term, construct a strategic partnership that breaks the patterns of the past and promotes normalisation of ties between India

and Pakistan. The best way for the US to contribute to that daunting effort right now is to encourage and assist the Pakistani military as it tries to roll back the Taliban (which the Pakistan Army succoured and created) while simultaneously attempting to strengthen Pakistan's economy and its shaky power-sharing arrangements between the military and civilian politicians."

It was further amplified in the comments made on September 24 by Richard Hallbrook to the effect that "There's a growing realisation around the world that Pakistan is critically important in its own right, and it's also important in terms of the entire region, especially Afghanistan."

He added, "There seems to be a growing recognition that the Taliban and other miscreants, to use the Pakistanis' own word for this, are a threat to the entire country and are alien to the spirit of Muhammad Ali Jinnah and the founders of Pakistan."

Hallbrook's comments are familiar to the ones made by Lisa Curtis that "these radicals are forcing a way of life on Pakistan citizens that is alien to their own historical and religious traditions and aspirations to constitutional democracy" (Web Memo-April 22, 2009).

Recent arrests in Bangladesh of Hakatul Jihad and other militants testify to the cross border connections among militants from India, Pakistan and Bangladesh. The present government appears determined to root out the militancy from the country. We would be better advised if both hard and soft powers are used in this protracted fight along with international cooperation.

Kazi Anwarul Masud is a former Secretary and Ambassador.

US stance on Burma is confusing

Some argued that the crisis inside Burma is an internal problem and that we need to respect the Asean principle of non-interference. Others rightly pointed out that just about everything that takes place inside Burma -- drug production, insurgency and refugees, human rights violations, migrant workers fleeing poverty and persecution (and the list goes on) -- affects Thailand.

EDITORIAL DESK, *The Nation (Thailand)*

A recent seminar at Chulalongkorn University in Bangkok brought together academics, diplomats and government officials to discuss Thailand's relations with Burma in light of some interesting developments.

Ideas were presented, especially about the need for Thailand and Asean, as well as the United Nations, to review their policies following the United States' decision to ease its stance towards one of the world's most brutal regimes.

Of course, no one expected the seminar

to come up with a conclusive set of recommendations after just a few hours of discussion among people with similar views and intentions, but who differ as to how their objectives should be reached.

Some argued that the crisis inside Burma is an internal problem and that we need to respect the Asean principle of non-interference. Others rightly pointed out that just about everything that takes place inside Burma -- drug production, insurgency and refugees, human rights violations, migrant workers fleeing poverty and persecution (and the list goes on) -- affects Thailand.

But the problem with Thailand is that administration after administration cannot seem to prioritise what is important in our relations with Burma. The current administration placed Burmese democratisation and human rights high on its agenda, while the governments of Thaksin Shinawatra and his proxies paid lip service to issues like narcotics and refused to hold the Burmese junta accountable for the activities of drug armies operating freely inside Burma and on the Thai border. Instead, those Thai governments chose to gun down nearly 3,000 Thai citizens in the name of a "drug war" while negotiating lucrative business deals with the junta.

No wonder the Burmese generals never take Thailand seriously.

Thais don't seem to see that our demand for cheap gems and labour, not to mention lucrative logging and fishery concessions, paves the way for gross human rights violations.

It was pointed out that the natural resources we want are located in areas where some of the worst atrocities are committed, be it forcible eviction of ethnic minorities or the use of rape as a war weapon. The Burmese army is the guilty

party. These atrocities inside Burma continue as the United States is changing its tune on the issue of isolating the regime, although in real terms no one knows what this means. We see pro-democracy leader Aung San Suu Kyi talking to government representatives. But can this be billed as a step in the right direction? Let's not count our chickens before the eggs have hatched.

Yes, dialogue with the junta should be welcome. But it should not be an open-ended invitation to the generals. If it is to be a carrot-stick approach, Washington is going to have to spell out exactly what it expects of the junta -- like a free and fair election and/or the release of all political prisoners -- and state clearly what the generals will get in return.

A stable Burma is good for Thailand. But Thailand has for too long been at the receiving end of Burma's internal problems: the suppression of the Burmese people, clashes with rebel groups, the lack of good governance and the influx of illegal workers and refugees.

©The Nation (Thailand). All rights reserved. Reprinted by arrangement with Asia News Network.