

## Focus on family planning belated but welcome

*Draft policy should be made public for expert evaluation*

THE government's decision to formulate a single-child policy for all families by the year 2015 has come rather late in the day. That the growth in population, which has been rather unbridled, would someday turn out to be a barrier to socio-economic progress should have been recognised much earlier. And, indeed, the kind of move that has now been made through the preparation of a draft policy on the issue ought to have been prioritised years ago in order for the country to have experienced some positive results by now. Obviously, the absence of a clear, well-defined policy on birth control has had grave ramifications. With the present population of Bangladesh being 150 million, one hardly needs any convincing reasons to comprehend the dilemma. Even so, the fact that the government has now looked reality in the eye and has moved to act is welcome.

Let it be noted, though, that there is often a gap between the formulation of policy and an implementation of it. Against such a reality, it should now be for the authorities to ensure that the draft policy it speaks of is comprehensive in terms of what it seeks to achieve. Given Bangladesh's social conditions and cultural as well as religious traditions, it is extremely important that a detailed, well-laid out plan be presented to the nation on the projected one-child-per-family policy. The most important component in such a policy must naturally be a sustained raising of awareness among people across the country. This can be done through soliciting the services of teachers, religious leaders, social workers and community elders, especially in the rural regions. Since a whole package of incentives comes with the policy, the government must reassure people that a delivery of services in the process of an implementation of the policy will be in place. Constant follow-up will be called for. That, of course, will require closely spaced evaluation of the results and monitoring and supervision by the authorities.

The task before the government is huge. The fact that as many as twenty ministries will be involved in popularising and implementing the programme underscores the gigantic nature of the plan. This calls for co-ordination in a system that rather lacks it, so that institutional back-up will have to be well-defined with the concerned ministry equipped to deliver the goods.

It is of critical importance that the draft policy, once finalised, be made public in order for the opinions of experts, think tanks and other stakeholders to be voiced before implementation gets underway. There is little question that this is a massive undertaking for any government in a resource-strapped country like Bangladesh to be embarking on. The nation now expects the authorities to go all the way towards fulfilling the goal which underlies the policy. If the growth in population is not put on a leash, all our dreams and goals will go awry.

## Climate adaptation techniques

*Using indigenous knowledge and experience-sharing needed*

PEOPLE of Bangladesh are known to be resilient while facing up to yearly visitation of some form of natural calamity or the other. They are driven by a strong survival instinct to be fending for themselves. Though this is an inherent trait here, yet the kind of challenges that severe forms of climate change pose to their lives requires more than just resilience. It warrants ingenuity, improvisation and innovation on a scale never demanded before as it is today.

Moreover, climate change effects being transnational in character and impact it involves gaining from others' experiences to buttress national preparedness and add value to it.

Bangladesh for its part is striving with all her limited resources to be adaptive to severe forms of climatic ravages. This was glimpsed at a presentation session organised by Bangladesh Centre for Advanced Studies (BCAS) in Copenhagen. Thanks to the showcasing of some Bangladesh experiences before a body of policy advisers on Practical Action vis-à-vis climate change. This, added to the presence of some Bangladesh victims who were heard in person on the sidelines of the conference refurbished understanding about Bangladesh situation.

On the adaptation side, the list of our successes reads rather impressive: Bina-7, Biri-33 and BU-1 seeds with short-life cycle, limited rain water harvesting, floating gardens, plants keeping above floodwater table and new seed preservation techniques. But this is by no means adequate, given the immensity of climatic challenge.

Peoples of many developing countries in Asia and Africa are making serious efforts to innovate newer techniques in a bid to reduce risks and vulnerability, in one word, to adapt to changing environment. So that we need to exchange our experiences with them to our mutual benefits. This calls for access to information and research results and application methods. That is why it's a good idea to have a national board in each country to synergise local knowledge, international experiences and assistance.

## Lessons from security-centered discourses

Discussions indicated a huge variety and complexity of often baffling sources of insecurity outside the ken of traditional security analysis. The considered view is that security today is the conjoint responsibility of the state, the civil society and the market, entailing a shift from the state to the society as a whole.

MUHAMMAD NURUL HUDA

OF late, there have been a number of meetings, workshops, seminars and symposiums on the very sensitive subject of security, both traditional and non-traditional, by concerned groups and institutions. The atmosphere of frankness and hitherto unobserved candour in such forums of interaction was a refreshing departure from the past. Such discussions brought together serving and retired practitioners of the security apparatus, prominent academics and other public leaders and experts under one roof for meaningful deliberations.

What, however, attracted a discerning observer is that though the Bangladesh state is the product of an armed freedom struggle and is credited with the adoption of a written liberal democratic constitu-

tion, it still retained the colonial administrative structures without recasting them to meet the changed situation. The colonial-repressive character emerged when the governing elite of a supposedly decolonised society decided to retain the inherited security and coercive outfits, ignoring justified demands for change.

One also noticed that the roots of political terrorism did not have the benefit of careful analysis. Official views have often excluded illegal violence such as torture by state agencies from the definition of terror, which is to say that the bias is against the people and in favour of the governments. However, one may have to admit that lives have been lost due to both the unjustified actions of terrorist and the government functionaries.

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security analysis. The considered view is that security today is the conjoint responsibility of the state, the civil society and the market, entailing a shift from the state to the society as a whole.

Observers felt that though security had become a matter of everyday engagement for the entire population, it did not attract the desired attention of the decision makers. It is also felt that, while the security of the state is important, it has often exceeded the limits of legitimacy and indulged in unacceptable levels of force and coercion. The state often became the provider and predator of security, and this dimension needs to be examined in any optimal notion of security.

The idea of a distinction between state and civil society as the realm of governance and negotiations of interests cast in a legal and formal framework, and the political society as the realm of negotiations and struggles between state and populations through political parties and movements, appeared to be appreciated in some measure. That is a healthy sign.

A realisation is perhaps slowly dawning that rule of law is supreme and no attempt to undermine it in the name of addressing the problem of terrorism must be permitted. The consensus was that once the rule

of law is abandoned or compromised with, then there is no difference between the extremist perpetrators of violence and the violence of the forces of law and order.

Discussions pointed to the necessity of a new definition of security since a narrow definition focused on the threat of terrorism encouraged military responses that failed to achieve collective security. A new framework, it was thought, must take into account the fact that poverty, social breakdown and civil conflict are today the core components of the global security threat.

It was also realised that security threat from political violence is not just a matter of crime or law and order to be handled by the police agency; political violence is a national issue that calls for a national response.

There appeared to be an appreciation that a surfeit of discussion and analysis on matters pertaining to security will not serve any useful purpose. It needs to be realised that development and violence are two sides of the same coin and that violence is fast becoming, if it already has not, an autonomous phenomenon with a life of its own, with beneficiaries and stakeholders profiting from it.

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## Can Obama's Af-Pak strategy succeed?

The question, however, remains whether Obama's Af-Pak strategy will succeed, or indeed if such a policy is at all necessary to safeguard US national interest. One has to consider that since the birth of Pakistan was on religious ground and successive regimes in that country believed that Pakistan was the place of last resort for "distressed Muslims" Islamisation of Pakistan is inevitable, and perhaps this will lead to Talibisation or to a form of extremist Islamic rule.

KAZI ANWARUL MASUD

A possibility exists that despite the struggle against the al-Qaeda in Afghanistan a day may come when the US will be faced with "Vietnam syndrome" (totally discounted by President Obama in his West Point speech on December 1 on grounds of legitimacy of the Afghan war given by the international community. Unlike Vietnam, the US is not facing a broad based insurgency, and unlike Vietnam Americans were viciously attacked in the US homeland from Afghanistan).

The American people may get tired of young men and women being killed in a war in a far flung area that had for centuries never seen anything remotely liberal, progressive or modern. Hamid Karzai's controversial re-election and Afghanistan's lack of resources to attract Western entrepreneurs would discourage the American soldiers from bunkering down in a God forsaken land.

Professor Rory Stewart, in his testimony to the Senate Foreign Relations Committee, said that Obama's strategy of disrupting, dismantling and defeating al-Qaeda in

Afghanistan and Pakistan, preventing its capacity to threaten America and its allies in the future, and building a stable government in Afghanistan was impossible because, he thought, it was highly unlikely that the US would be able to build a legitimate state in Afghanistan or defeat the Taliban.

This view contradicts Obama's belief that US "security is at stake in Afghanistan and Pakistan. This is the epicentre of violent extremism practiced by al-Qaeda. And the stakes are even higher within a nuclear armed Pakistan because we know that al-Qaeda and other extremists seek nuclear weapons and we have every reason to believe that they would use them."

The question, however, remains whether Obama's Af-Pak strategy will succeed, or indeed if such a policy is at all necessary to safeguard US national interest. One has to consider that since the birth of Pakistan was on religious ground and successive regimes in that country believed that Pakistan was the place of last resort for "distressed Muslims" Islamisation of Pakistan is inevitable, and perhaps this will lead to Talibisation or to a form of extremist Islamic rule.

Under this scenario, Pakistan will pose a threat to international peace and security and become a haven for the Taliban. The possibility of the danger of nuclear weapons in Pakistan falling into wrong hands was extensively explored by Seymour Hirsch in *The New Yorker* ("In an unstable Pakistan can nuclear warheads be kept safe?" 16.11.09. He revealed President Obama's concern over the fragility of the Pak civilian government and the US's concern of transfer of some nuclear assets, not to the Taliban but to extremists in the Pakistan military establishment, through a coup d'etat.

The question would arise as to what should be done even if nuclear Pakistan were to be Talibised. Should the world repeat Bush's doctrine of preemption with predictable disaster, or remain satisfied with a 21st century version of Chamberlain's Munich Agreement that Hitler reportedly asked Von Ribbentrop to tear up as Chamberlain left for Britain? Since Pakistan is neither Afghanistan nor Saddam Hussein's Iraq it cannot be treated lightly. Therefore, even if Pakistan were to turn to Islamic extremism the world has to tread softly with a combination of hard and soft power.

A Stanley Foundation report points out that "the NPT was never designed to deal with the rising danger of nuclear terrorism, and Al Qaeda has stated that obtaining nuclear weapons is a priority goal. Terrorist organisations have proven that they can operate globally, plan quietly, and inflict devastating damage. Pakistan has been called the most dangerous nuclear state in the world (and) terrorist activity in that country, especially attacks on military personnel and the Rawalpindi headquarters, and in Afghanistan, provides good reason for

continuing concern."

The situation becomes serious in the light of a report that Pakistan faces a "demographic disaster" if its leaders fail to invest in a youth population that is disturbingly cynical about democracy. Half of Pakistan's population is less than 20 of age, with two-thirds still to reach their 30th birthday. But they are deeply divided about how the country should be run. Only a third believes that democracy is the best system of governance, one third supports Sharia law, while 7 percent think that dictatorship is a good idea. This inconsonance among the Pakistanis about the war being waged against the al-Qaeda is likely to affect its outcome.

In the ultimate analysis, it is difficult to foresee a victory in Afghanistan and Pakistan in the sense of obliteration of the global terrorist threat. It is difficult to foresee Afghan warlords abjuring poppy cultivation and replacing it with any other cash crop that will nearly compensate their age old earning, as it is to see in Pakistan a civilian government controlling the army and the general people convinced of the moral imperative of the Nato war against the Taliban. This war would be difficult to win.

So the West, and the US in particular, has to strengthen and rely on Homeland Security, give assistance to eradicate poverty in the Muslim world and pressurise their leaders to secularise the education system and pluralise their governance system, while the countries of South Asia, particularly the Muslim majority ones, have to remain ever vigilant against Taliban and Taliban-like terrorists taking roots or getting sustenance within their territorial boundaries.

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## Extradition from Canada

To expedite the process, however, Bangladesh has the option (according to the 1999 amendment of the Extradition Act) of signing a multilateral convention or a person-specific agreement that may not include the "assurance clause" as it was implicitly ruled redundant as per two separate 1991 rulings of the Supreme Court of Canada for two non-Canadians.

MOZAMMEL H. KHAN

I wrote a piece for *The Daily Star*, entitled "Extradition of the Fugitives" (October 28) summarising the processes needed to be followed in extraditing the fugitives from Canada. Following the Bangladesh law minister's visit to Canada last month, a piece on the lone fugitive's deportation appeared in the news daily *Ottawa Citizen* on December 4. The piece was written by Randy Boswell and Jorge Barrera of Canwest News Service.

The authors of the piece dwell on the legal complications in deporting a fugitive to a country with prevalent death penalty. It mentioned two possible obstacles in deporting the fugitive in question. Firstly, it cited the ruling of Canada's Immigration and Refugee Board that said: "In cases where the death penalty is a possibility, the government will seek assurances from the country to which the person is being returned that, if found guilty and convicted, the death penalty will not be imposed." Secondly, it referred to a Canadian Supreme Court Ruling (February 2001) "that direct the government -- in all but the most exceptional circumstances -- not to surrender murder suspects to foreign countries where capital punishment is still legal."

The current piece is an exercise to elabo-

rate the jurisdiction and the context of the above two citations and how much they are pertinent to the concerned fugitive. Firstly, the Immigration and Refugee Board of Canada (IRB) is an independent administrative tribunal. It is responsible for making well-reasoned decisions on immigration and refugee matters. In IRB, the fugitive Nur Chowdhury faced a string of defeats in 2002, 2004, 2005 and 2006.

From this perspective, the IRB's observation against his deportation is self-contradictory since no one is allowed to stay in this country without any legal status. Moreover, IRB is not a judicial body and as such its decisions and observation have no legal binding on the executive branch of the government. The person appearing before the IRB, the minister of citizenship and immigration, or the minister of public safety may apply to the Federal Court of Canada for a judicial review of an IRB decision.

Secondly, the Supreme Court ruling of February 2001 (SCR283) was not categorical and has to be interpreted in proper context. It was a case between the minister of justice versus Burns and Rafay while Amnesty International was an intervener. The respondents were each wanted on three counts of aggravated first degree murder in the State of Washington. If they were found guilty, they would face either

the death penalty or life in prison without the possibility of parole.

The respondents were both Canadian citizens when the father, mother and sister of the respondent Rafay were found bludgeoned to death in their home in Bellevue, Washington, in July 1994. United States authorities commenced proceedings to extradite the respondents to the State of Washington for trial.

The minister of justice for Canada, after evaluating the respondents' particular circumstances, ordered their extradition pursuant to Section 25 of the Extradition Act without seeking assurances from the United States under Article 6 of the extradition treaty between the two countries that the death penalty would not be imposed, or, if imposed, would not be carried out.

Section 25 of the Extradition Act allows broad ministerial discretion on whether to surrender a fugitive, and if so, on what terms. In respect of seeking assurances under Article 6 of the treaty, the minister took the position that assurances were not to be sought routinely in every case in which the death penalty was applicable; such assurances should be sought only in circumstances where the particular facts of the case warranted that special exercise of discretion.

In the Court's opinion, although it was generally for the minister, not the court, to assess the weight of competing considerations in extradition policy, the availability of the death penalty opened up a different dimension. So the Supreme Court observed that "the death penalty is a justice issue and is only marginally a mobility rights issue." Citing section 6 of the Charter of Freedoms and Rights, the Supreme Court further opined that "unconditional extradition therefore leads to the conclu-

sion that assurances are constitutionally required in all but exceptional cases."

The court, however, did not elaborate on the qualifications of "exception cases" (interpreted by legal experts to be crimes against humanity). However, Section 6 of the Charter involves only Canadian citizens and states: "Every citizen of Canada has the right to enter, remain in and leave Canada." In 1991, extradition without assurances of two non-Canadians (Kindler and Ng) was declared valid by the Supreme Court (SCR779 and SCR858) that noted: "While Canada itself had abolished the death penalty, Canada should respect that most other countries had not."

The authority of the minister under Section 25 is predicated on the existence of an extradition treaty, which Bangladesh at this moment does not have with Canada. To expedite the process, however, Bangladesh has the option (according to the 1999 amendment of the Extradition Act) of signing a multilateral convention or a person-specific agreement that may not include the "assurance clause" as it was implicitly ruled redundant as per two separate 1991 rulings of the Supreme Court of Canada for two non-Canadians.

Moreover, the crime in question, no doubt, falls in the category of "crime against humanity" (exceptional cases). At the end, it boils down to the "ministerial discretion," which the constituents of this great democracy and the efforts of the Canadian citizens of Bangladeshi origin, can greatly influence -- if they are sought for and involved by the government of Bangladesh.

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