# SOUTH ASIAN STUDIES

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#### Articles

 The Status of Refugees in South Asia : A Legal Study

Manoj Kumar

 A Challenge to the Supremacy of the Constitution of Bangladesh : An Overview

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 Socio-Economic Characteristics of Khasi Tribal in Bangladesh

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- Book Review
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JANUARY 2001 JULY 2001 (Combined)

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Editor

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## The Status of Refugees in South Asia : A Legal Study

#### MANOJ KUMAR

#### INTRODUCTION

With its generous traditions of being a home away from home, the South Asia is today saddled with at least two million asylum seekers and as such has become the safest haven for refugees pouring in from almost all corners of the world. The gigantic task of the modern state building process of the post-colonial states has been marked by the trails of divided communities, disturbed neighbourhood, and the wails of rejected people. This gives rise to statelessness and illegal but not unnatural cross-border movements of uprooted millions. The diversities of the refugee population in SAARC is extremely impressive. Millions of Tibetans, Sri Lankans, Afghans, Bangladeshis and Kashmiris, besides a fair number of Somalies, Sudanese, Iranians and a motley group of various other nationals, keep on coming to the countries of SAARC region. Yet it is an irony that non of these countries is signatory to the 1951 Convention or its 1967 Protocol relating to the status of refugees. More so do they have any national law on refugees. Governments have dealt with refugee problems through bi-lateral negotiations and ad hoc solution. More often than not, these refugees are treated like foreigners and subjected to the laws, and regulations governing the entry, stay and departure of foreigners. This clearly manifests an apathy to the humanitarian needs of these refugees. This situation warrants an urgent action and raises interest about the international law with regard to this subject. A question also arises whether there is a need for regional or national legal framework of refugee law? This article examines the legal

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status of refugees under various International Legal Frameworks and also summarizes the domestic laws and policies of SAARC countries in this connection. In this back drop, it is worth while to note that, despite everything the South Asian community has always been prompt in providing adequate human right norms to refugees. Yet these efforts have mostly been sporadic, half hearted and less forceful then what was needed. However, decades of negclect, denial, apathy and cynicism, the issue has now assumed enormous proportions and a number of measures are in the offing both internationally and domestically in order to develop a legalistic approach in tackling this gigantic and tragic humanitarian problem.

#### THE EXISTING INTERNATIONAL LEGAL FRAMEWORK FOR REFUGEES : AN OVER VIEW

The movement for ensuring minimum human rights for the refugees was pioneered by the UN General Assembly (UNGA) which adopted a resolution on 3rd December, 1949, and decided to establish a High Commissioner's office for refugees. Afterwards the UNGA passed another resolution on 14th December, 1950 on the "Status of the Office of the UN's High Commissioner for Refugees." In this resolution, the UN called upon the member governments to cooperate with the High Commissioner in the performance of his functions. According to the statute the work of the UN's High Commissioner for Refugees (UNHCR) is humanitarian and social and of an entirely non-political character. The magnacarta of international refugee protection law, the 1951 International Convention Relating to the Status of Refugees was adopted by the UN's Conference of Plenipotentiaries held at Geneva from 2nd to 210 July, 1951. The convention has 46 Articles and a schedule. Article 1 defines refugee as "a person, who owing to wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and unable or unwilling to avail the protection of his country." The convention recognizes various rights of refugees like non-discrimination, religion, residence, property, association, access to courts, employment, profession, relief movement, etc. The convention came in to force on 22nd April, 1954. More than 130 states are signatories to it.

The "Protocol Relating to the Status of Refugees" was adopted by the UNGA on 31st January 1967 and came into effect on 4th October 1967. The Protocol consists of 11 articles and an appendix. It affirms the basic tenets of 1951 Convention on Refugees. Besides, the Human Rights Laws like: Universal Declaration of Human Rights-1948, International Covenant on Civil and Political Rights, 1966 and International Covenant on Economic, Social and Cultural Rights, 1966 are very useful for ensuring minimum human rights to refugees. Some of the pertinent decisions of the Executive Committee of UNHCR are also very important and have become part of International Refugee Law regime. These are : decisions regarding Asylem, 1977, Determination of Refugee Status, 1977, Protection of Asylum seekers in the situation of large-scale influx, 1981, Refugee Women and International Protection, 1985, Voluntary Repatriation, 1985, Detention of Refugees and Asylum-Seeker, 1986, Refugee Children, 1989, Refugee Women and International Protection, 1990, and Refugee Protection and Sexual Violence, 1993. Furthermore, there are many regional legal instruments for tackling the problems relating to refugees. The first such example is that of the Organization of African Union (OAU) Convention governing the specific aspects of Refugee Problem in Africa, 1969. It was adopted on 10th September, 1969 and came into force on 20th June, 1974. At present over 40 African states have signed this Convention. The second example is that of the principles concerning treatment of Refugees as adopted by the Asian-African Legal Consultative Committee in it's Eight session, in Bangkok, 1966. Again the Cartagene Declaration on Refugees, 1984 becomes the third such specimen. All these aforesaid legal documents share the same view and acknowledge similar rights for refugees as recognized by the 1951-Convention and 1967 Protocol.

#### BASIC TENETS OF INTERNATIONAL REFUGEE LAW

The existing International Legal framework on refugees recognizes a variety of rights to them, some of which are discussed here under :

#### **Right of Non-Discrimination**

Refugees and Asylum seekers remain in a perpetually vulnerable situation even in their host country. They do not enjoy the same rights that are granted to citizens under national law. However, the right of nondiscrimination is a general rule of human right law. Article-3 of the 1951 Convention on "the Status of Refugees?" provides that "the contracting states shall apply the provisions of this convention to refugees without discrimination as to race, religion or countries of origin." The convention classifies these rights into two parts :

- 1. The equality of treatment with other citizens, which includes freedom of religion, intellectual property rights, the right of access to courts, the right to elementary education, the right to public relief and the rights associated with employment, labour legislation and social security.
- 2. Equality of treatment with other non-citizens. These include: moveable and immovable property rights, the right of association, the right to work, the right to form a private business or practice a profession, the right to housing, the right to postelementary education, and freedom of movement. There is a UN Charter, Article-1 (2) of the Convention on the "Elimination of all forms of Racial Discrimination." Article 2 (3) of International Covenant on "Economics, Social and Cultural Rights" and Article 2 of the Convention on "the Right of the Child" recognize the right of congenial and non-discriminatory environment to refugees. The right against non-discrimination includes, protection against xenophobia and racist violence.

#### Right to Assembly, Opinion, Expression, and Religion

Religious freedom, freedom to hold and express opinion, and the freedom to organize and participate gatherings are some of the most important civil rights that are recognized and protected under major international and regional humanitarian and refugee laws. Though, the 1951 Convention does not contain any provision about freedom of assembly but it is protected under the law on general human rights. However, the Article 3 (2) of the OAU Convention on refugees, protects the freedom of opinion and expression, subject to certain restrictions on grounds of the right, reputation, protection of national security, public order, public health and morals, etc. The freedom of religion is recognized under Article 4 of the 1951 Convention. It says that "the contracting states shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children." The freedom of religion includes, freedom to hold a religion or belief, freedom to adopt a religion and freedom to observance, worship, practice and teaching subject to reasonable restrictions on the grounds of public safety, order, health, moral and fundamental rights and freedom of others.

#### Freedom of Movement

The freedom of movement of a refugee means his right to move freely within the borders of the country of asylum and to choose one's place of residence. Articles 26 and 31 of the 1951 Convention on refugees guarantee this freedom. It also includes of the right to leave or to remain in one's country, right to return voluntarily and the right not to be expelled without a decision in accordance with the law.

#### **Right not to be Detained**

Though, the 1951 Convention and 1967 Protocol did not include the right against detention overtly but it is a well recognised right of refugees under International Human Right Law. Even the Article, 31 of 1951 Convention on refugees and Executive Committee decisions silently recognize this right. However, it recognizes a lawful detention for verification of identity, protection of national security and public order. The Convention affirmed that the detention should be subject to judicial control.

#### **Right of Non-Refoulement**

The right of non-refoulement being a part of customary international law, binds all states to respect the principle of non-refoulement even if they have not signed the 1951 Convention. Article, 33 of the 1951 Convention provides that, "No contracting state shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of particular social group or political opinion. However, this right is subject to the security of the state and safety of the people of host country. Article 11 (3) of the OAU Convention on refugees and other human right laws also guarantee the right of non-refoulement.

#### **Right to Education**

The international refugee law as well as international human rights law guarantee the right of equality of treatment to nationals with regards to elementary education. According to Article, 22 of the 1951 Convention "the contracting states shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education". As regards the higher education, it called upon member states to guarantee equal opportunities so far as all aliens are concerned.

#### **Right to Work**

The right to work is a fundamental economic right, which is very important for ensuring a self supporting mechanism for refugees and their families in long term. Articles 17, 16, 19 of the 1951 Convention on Refugees recognize this right. It consists of 3 types of right. First, right on wage-earning employment; second, right on self employment and third, right on the practicing of liberal professions. But the right to work does not ensure that every person be given the job as they choose. The host state, however, cannot compel the refugees to do a job that they do not want.

#### **Right of Family Life**

To have a family life is an inalienable right of a human being. As such, it is duly recognized under Article 12 (2) of the 1951 Convention and the Executive Committee decisions. It says that "Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a contracting state". Further more, it recognizes that family being the natural and fundamental group unit, is entitled to protection by society and the state.

#### **Rights of Women**

According to general principles of International Law both men and women have the same status and enjoy equal opportunities. Ironically, the women are more vulnerable than men in so far as the problems of refugees are concerned. This is because the unequal access to procedures, unwillingness to recognize women as a particular social group, by affording greater care for children and other family members and risk of being subjected to sexual violence. The UNHCR and its Executive Committee, therefore, adopted certain guidelines for ensuring greater

protection to refugee women in 1991. Through an other resolution in 1995 it prohibited the sexual violence against refugee women. Further more, the International Human Right Law recognizes the equality of men and women in every respect which includes; *inter alia*, nationality, education, employment, health care, equality before law, right to marriage and family relations and suppression of all forms of exploitation of women including prostitution.

#### **Rights of Children**

The UNHCR and it's Executive Committee in their guidelines on "the Protection and Care of Refugee Children," have recognized that the refugee children need special care and assistance for their developmental need and dependency on adults. Article 22 of the 1951 Convention on Refugees deals with the general problems. It says that "the contracting states shall accord to refugees the same treatment as accorded to nationals." It means that the status of the refugee children should be the same as that of the children of the host state itself. Also "the Convention on Right of the Child" 1989, which is recognized by 185 states, recognizes a variety of rights to children including the rights of refugee children. There rights are like: right against discrimination, right to survival and development and right to acquire nationality.

#### THE INTERNATIONAL LEGAL FRAMEWORK ON REFUGEES : A CRITICAL ANALYSIS

The international refugee law regime recognizes a very broad concept of human rights to refugees and is concerned with both, protecting the right of refugees as well as solving the refugee problem. It defines the roles and responsibilities of all involved in the process. While the country of asylum had the responsibility and obligation to protect refugees, the country of origin had the obligation to create congenial condition so that refugees could return to their homes in safety. It also noted that, there is a close link between violation of human right and the refugee problem. Some of the basic rights of refugees have become part of customary international law while fulfilling the two tests for such recognition like : psychological test (opiriojuris) and material test, i.e., state practices. The right of non-refoulement can be cited as an example here. Hence, it is binding on all states, whether or not they are signatories to 1951 Convention and its 1967 Protocol regarding status of refugees.

Still, however, there are many a lacunae in the International Refugee Law Regime. The limited definition of 'refugee', for example, covers only those persons who became homeless as a result of conflicts in Europe during and before the 2nd World War. However, in 1976 Protocol, this limitation was removed and now it applies to all persons, who had to leave their country due to fear of prosecution on the basis of race, religion, nationality, membership of a particular social group or political opinion. Thus, it is clearly seen that several other categories of refugees still remain outside of the scope of the 1951 Convention and 1967 Protocol on refugees. It is, therefore, suggested that a refugee who is displaced from his homeland due to external aggression, occupation, foreign domination, or events seriously disturbing public order in the society, should also be included in the scope of the definition of refugees.

The other main defect from which the International Law Regime suffers is that many important rights of refugees are not absolute. Most of them are subject to limitations imposed by the legal instruments themselves, like: security of state, safety of own community, public health, public order, morality and the right and freedom of others.

Sometimes when a state becomes party to an International Refugee Law Regime, it makes a "reservation" to some of the provisions of the treaty. It is like a declaration, clarifying the manner in which the state will interpret a particular provision of the treaty or indicating that the state will not be bound by a particular provision. However, under Article 42 of the 1951 Convention, the right of state parties to make reservation is limited.

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Many states, through their national constitution allow for the suspension of constitutionally guaranteed rights and the imposition of martial law or emergency in the case of war, external aggression or armed rebellion. Even, Article 9 of the 1951 Convention allows the states to take special measures regarding refugees "in the time of war or other grave and exceptional circumstances." Besides above the problems of conflicting provisions of the treaty and lack of implementation, control and enforcement of the provisions of the International Refugee Law Regime and lack of awareness are among the important reasons which impede the application of basic human right norms to refugees.

#### THE LAW AND POLICIES OF SAARC COUNTRIES

As mentioned earlier the Governments, of the SAARC state, have not formulated a definite policy towards refugees. Responses to the influx of refugees are adhoc and half-hearted. The status of refugees is often arbitrarily determined at the local level. The regional governments have declined to ratify the 1951, International Convention for Protection of Refugees and the 1967 Protocol. In this back drop, a "draft model law" was prepared in 1997 by a group of eminent persons from the region, headed by Mr. Justice P.N. Bhagwati, the former Chief Justice of India. Basic provisions of the "Draft Model National Law on Refugees 1997" and the law and policies of SAARC countries are highlighted in some detail below:

#### The SAARC Model National Law on Refugees 1997

The model law on refugees was adopted at the 4th Regional Consultation on Refugees and Migratory Movement in South Asia, held at Dhaka on 10th -11th November, 1997. The purpose of the Act is to establish a procedure for granting of refugee status to asylum seekers, to guarantee them fair treatment and to establish the requisite machinery thereof. The model law consists of 18 Articles. Article 4 defines the term .

"refugee." According to it refugee is a "person who is out side of his or her country of origin and who is unable or unwilling to return to and unable or un-willing to avail himself or herself of the protection of that country because of a well founded fear of persecution on account of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion. This definition includes every person who, owing to external aggression, occupation, foreign domination, serious violation of human right or other events, serious disruption of public order in either part or whole of his or her country of origin, is compelled to leave his or her place of residence in order to seek refuge in another place outside his or her country of origin. On the other hand, Article 5 excludes a person from refugee status if he or she has committed a crime against peace, a war crime, a crime against humanity or has committed a serious non-political crime out side the country of Asylum prior to his or her admission in to a country as a refugee. Article 6, recognizes the "principle of non-refoulement." Article 8, calls upon the member states to appoint a commissioner for refugees and a refugee committee as the appellate body to address the grievances of refugees. Article, 9 deals with the powers and functions of these bodies. The fundamental criteria for determining the refugee status are enumerated in Articles 12 and 13. Rights and duties of refugees are also recognized under Article 14. These are very similar to those of 1951 Convention and 1967 Protocol on refugees. Article 17 of the model law deals with the repatriation of refugees. It says that the repatriation of refugees shall take place at the free volition expressed in writing on appropriate and clearly expressed means.

#### THE POSITION OF THE SAARC MEMBER STATES

#### Law and Policies of Nepal

In Nepal, the mass influx of Tibetan and Bhutanese refugees has attracted serious attention of the international community. Besides these two big refugee groups, there are various other refugees residing out side

the notice of international agencies. These include : Kashmiries, Punjabis, Burmese, North-East Indians, Sri Lankan Tamils, Chinese, Iraqi, Afghan and Saudi refugees. With the assistance of the International Red Cross and UNHCR rehabilitation operations are being done as a part of international initiatives. The Ministry of Home Affair, through its Department of Border Administration is entrusted with the responsibility of handling the refugee issues. Each of the 19 Districts of Nepal has a Division of Border Administration to deal with the issue at local level. At the central level a National Unit for Co-ordination of Refugee Affair (NUCRA) has been set up to plan, monitor and co-ordinate the refugee affairs. The Ministry of Foreign Affairs handles the bilateral talks with the country of origin and is entrusted for dealing the issue on international level.

#### The Law

Not being a party to the 1951 Convention and its 1967 Protocol, the refugees are treated like aliens in Nepal. It has no specific law to handle the refugee issue. However, the Constitution of the Kingdom of Nepal 1990, accepts the basic rights of individuals which are accepted universally. These laws include : right to personal liberty, right to equality, equal protection of law, right to criminal justice, right to religion and right to constitutional remedies. The Citizenship Act 1963, under Section 3, permits the naturalization of refugees. The Extradition Act 1992 recognizes that the political offenders are not to be extradited. On the other hand, the Immigration Act 1992 and the Foreigner's Act empower the government to expel and regulate the entry of aliens into Nepal. The Passport Act empowers the government to impose conditions for obtaining passport. In brief, without having any specific legislation the issue is being tackled through administrative measures. The existing mechanism to deal with refugees is not up to the mark as it is basically entrusted to deal with border issues and lacks an expertise on the subject.

#### Law and Policies of Pakistan

Pakistan is perhaps the only country of SAARC region whose almost 1/3 of the total population consists of refugees who crossed into the new state at the time of its inception in 1947. All of them came from far and wide corners of India. This influx has continued almost unabatedly. In recent times, however, the largest number of refugees in Pakistan have come from Afghanistan. Earlier, this country was saddled with migration of Bihari Muslims in 1971, Iranian and Afghanis in 1978 and Iraqi, Saudi and Kashmiri refugees. Like the other SAARC countries Pakistan is not a party to any convention in relation to refugees and has no domestic laws. The issue is taken up at local level with the Islamic traditions of sympathetic treatment to the rehabilitation of displaced people.

#### The Law

Besides the constitutional recognition of some of the inalicnable rights of human being, which are equally applicable to both foreigners and citizens, the state has some other related laws to deal with the issue of refugees indirectly. The Foreigners Act, 1946 and Foreigners Order 1951, empowered the government to regulate and restrain the entry of foreigners into Pakistan. To tackle the issue at the time of Partition in 1947, the Registration of claims (Displaced Persons) Act 1956 and The Displaced Persons (Compensation and Rehabilitation) Act 1958 were adopted to deal with the registration and verification of claims of displaced persons. These Acts also laid down the procedure for allotment and transfer of evacuee property. At the present time, the laws and procedure of Pakistan in relation to the status of refugees are being regulated and tackled in the light of the provisions of the Universal Islamic Declaration of Human Rights-1981.

#### Law and Policies of Bangladesh

The recurrent flights of the Burmese Rohigy to Bangladesh and those of the Bangladeshi Chakmas to India is the major refugee related

problem of Bangladesh. The country had no domestic law and was not a party to any international convention with regard to refugees. Prior to 1971, the issues were regulated by the aforesaid Pakistan laws. But after 1971, the issues are being tackled bilaterally and through administrative mechanism at the local levels. Besides, the Bangladesh constitution recognizes most of the fundamental human rights of an individual which are equally applicable to both nationals and foreigners. But, the Ministry of Home, internally and Ministry of External Affairs, externally deal the issue at the central government level. From the experience of Chakma refugees It can be concluded that the country is committed to the principle of non-refoulment and granting of Asylum.

#### Law and Policies of Sri Lanka

Sri Lanka has not ratified the instruments of the primary International Refugee Law because of its economic ramifications. Asylum seekers in Sri Lanka are treated like ordinary aliens. Sri Lanka's policies are more oriented towards the "Internally Displaced Persons" (IDPs). The Ministry of Reconstruction and Rehabilitation deals with resettling the persons dislocated as a result of the civil war. However, the state is totally committed to the norm of "non-refoulement" as a part of doctrine of "Jus Cogens", as a binding rule to the states even without ratification of the International Convention on the status of refugees. Besides, the Sri Lankan constitution guarantees some basic human rights to individuals like other SAARC nations.

#### Law and Policies of India

India, like other SAAR<sup>C</sup> countries, is no exception to this problem but lacks a comprehensive refugee policy. Historically, together with Pakistan, India too has been a refugee receiving state. This country shares a long boarder with several neighbours, and has a pluralistic approach. Besides above, the secular character of the state and its

historical relations with the countries of this region. India has become a safer place for asylum seekers. India too is not a signatory to the 1951 Convention and 1967 Protocol on the status of refugees. It has a three faceted mechanism to deal with refugee problem. The Home Ministry deals with the formulation of policies of the rehabilitation and settlement on refugees. The state governments are entrusted with the responsibility of protection and maintenance of the refugee camps at the local level. The Ministry of External Affairs is entrusted with the responsibility of bilateral negotiations to deal with the issue internationally. National Human Rights Commission, Minority Commission, and SC & ST Commission are responsible for ensuring overall human rights, fundamental freedom and equal opportunity to all, at national level in their respective areas. While believing in the age-old concept of "Vasudeva Kutumbkam" or universal brotherhood, the country has in practice handled large number of refugees and thus has remarkable practical management experience, despite lacking a formal legal framework. However, the need for a legal framework is still felt as it would eliminate administrative fiat and ensure clarity, certainty and uniformity in procedures.

#### The Law

The Indian Constitution recognizes almost all the basic rights of imigrants. Chapter III of the Constitution, under Articles 14–35 deals with a variety of fundamental rights which include : right to equality, right against exploitation, right against detention, freedom of speech, assembly, association, profession, occupation, trade, right to life, right to religion and culture, right to education and right to constitutional remedy. However, all these fundamental rights are not available to aliens and at the time of emergency due to war and external aggression the enforceability of the fundamental rights other than the right to life can be suspended by the state. At the same time, under Articles 5 to 11 of the Constitution there are provisions for the imigrants from Pakistam who could acquire citizenship in India by fulfilling required conditions. Section 11 of the Citizenship Act provides for Commonwealth Citizenship and Section 12 empowers the central government to make provisions on the basis of reciprocity for implementation of Article 11 and to grant citizenship to the citizens of other Commonwealth countries. Although, India is not a party to any international convention on refugees yet it holds a good record for ensuring minimum fundamental human rights to refugees. It respects the rules of "non-refoulement" specially, under Articles 14, 21, 25 of the Constitution. The state has a constitutional obligation to guarantee these rights to all. Violation of these obligations by the state can be challenged in court of law and even the court can enforce such rights through a public interest litigation under Article 32 of the Constitution. In the case of "National Human Rights Commission vs State of Arunachal Pradesh," the Supreme Court has held that the state is bound to protect the life and liberty of about 65,000 Chakma refugees under Articles 21 and 32 of Indian Constitution. The court has directed the Arunachal Pradesh Government to take all necessary steps to ensure the life and liberty of refugees and held that they shall be protected against any forcible eviction according to the rule of "non-refoulement." As a matter of practice, the National Human Rights Commission has become a nodule agency in India to address the grievances of refugees. As a recent development, a draft "Refugees and Asylum Seekers Protection Act 2000," on the lines of SAARC Modei Law on Refugees 1997, is before the Government of India for consideration. However, there is scarcely any mechanism at the moment to deal with the scares of problem that the huge refugee population faces regularly.

#### Law and Policies of other SAARC States

The law and policy of other SAARC countries like Bhutan and Maldives are similar to other South Asian countries. Neither they have any domestic laws nor have they ratified any international convention regarding refugees. Mostly, these issues are being tackled at local level in the light of such laws as the Citizenship Act, Foreigners Act, etc., and under some of the relevant constitutional obligations.

#### **Position of SAARC: An Analysis**

A general survey of the law and policies of the SAARC countries shows that the South Asian countries have followed most of the provisions of the International Convention in practice. The provisions of admission, and non-refoulement, treatment of persons granted admission like: No penalties, wage earning employment, non-discrimination, freedom of religion, equality of treatment, access to courts, freedom of movement, issuing of identity cards and right to residence are mostly respected by the governments. But neither of them has ratified the 1951 Convention and 1967 Protocol nor do they have any specific domestic law to deal with refugees. The situation, hence, needs an urgent action by the SAARC states.

#### REASONS : WHY SAARC COUNTRIES ARE HESITATING IN ACCEPTING THE 1951 CONVENTION AND ITS 1967 PROTOCOL ON REFUGEES

Though, the problem of refugees is a global one, yet the developing countries which continue to bear the brunt and are called upon to host large refugee and migrant population. They find themselves puzzled by the extra burden imposed with the limited resources available to implement their primary responsibility of meeting the development needs of their own people. This is a particular concern of the SAARC countries. They are afraid of the extra international obligation, which may be imposed by becoming a party to International Refugee Law Regime. On the other hand, the SAARC countries and other developing countries have some serious objections to the 1951 Convention and its 1967 Protocol. *Firstly*, the Convention and Protocol stress on the right of refugees, which includes the right to food, shelter, education, health and employment, etc. This imposition is a largely one-sided obligation on the refugee receiving states. *Secondly*, the present Regime gives importance

to short term relief, in contrary to long-term development needs of the countries concerned, which does not address the root cause of the refugee problem. Thirdly, the definition of "refugee" is inconclusive. The definition should include that, every persecuted or oppressed person has the right to seek refuge and asylum and that this right should be granted to every human being without any discrimination on the basis of race, religion, colour or sex. Fourthly, the present regime lacks a proper mechanism to obilige the country of origin to "Sharing the Burden" of refugees as a part of customary international law. Fifthly, it is often seen that the issue of refugees is sometimes used selectively for political purposes. Such linkage undermines the neutrality of agencies and credibility of relief efforts. Sixthly, it is a growing concern of the third world countries that the policies of Western hegemonic states on refugees are discriminatory which deliberately introduce exclusionary policies and legal strategies to prevent asylum seekers from entering their boarders. The shift in focus to emergency aid as opposed to developmental aid, as well as the increasing focus on internally disabled peoples is a part of the global politics of industrialized nations forcing refugees to stay in the place of origin. It tantamounts to a new type of apartheid.

#### CONCLUSION

International refugee protection is in crises. The serious North-South divide, and the communication gap between different states are the root causes of the reason why the majority of Asian countries including those of SAARC, do not become party to the International Refugee Law Regime. It is, therefore, required to recognize the real systemic difficulties that jeopardise the viability of refugee protection, and to devise principles and suggest pragmatic ways to reconcile the state interests to continuance of access to asylum for those who need it. Toward this end, there is a desperate need meaningfully to share the burdens and responsibilities toward refugees by each state, including the refugee receiving state and state of origin. Second, the refugee protection mechanism needs to be seriously solution oriented. It should include a common responsibility, solution oriented temporary protection, residual solutions and a viable repatriation. It can thus be concluded that, a changed environment within the present Regime would influence the SAARC countries to be party to the International Refugee Law Regime which would facilitate the development of domestic laws on refugees in the SAARC region. At the same time, there is a strong possibility that a regional mechanism may be evolved in the near future within the SAARC as the problem is very similar between and within the member countries and most of the South Asian nations are in practice fulfilling all the basic essentials of 1951 Convention and 1967 Protocol by guaranteeing fundamental human rights to the refugees.

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The article is mostly based on the paper presented by various eminent persons in different seminars as well as primary and secondary material sources. The details are given below:

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Prof. B.S. Chmini JNU

Prof. K. Mathu Delhi University

Mr. Sarah Khan ICRC

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Dr. Partho Ghosh	ICRSSR
Prof. Imtiaz Ahmad	JNU
Dr. Paramanand	Delhi University
Prof. Kalim Bhadhur	JNU

#### On the Topic of: Refugees in India: Repatriation and Resettlement

Prof. Abhijit Das Gupta	Delhi University
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### A Challenge to the Supremacy of the Constitution of Bangladesh : An Overview

#### MD. NAZR UL ISLAM MIAN

#### Abstract

Constitution is a guide to the governance of a state whatever be its form. In democracy it is thought to be the reflection of the dream of the people. And hence constitution is treated as the fundamental law of the land. Bangladesh is a nascent democratic country operating under a written constitution. This article is intended to unfold the theoretical as well as working profile of the constitutional supremacy in Bangladesh.

#### INTRODUCTION

Every state regardless of its form of government must work under some kind of basic rules accepted by the society. Without these rules the state be torn apart by anarchy. Uncertainly would prevail as to the location of authority and quantum of limitation to the actions of the ruling elite. In democracy sovereign power lies with the people who exercise it through their elected representatives. By virtues of this power the public representatives acting as members of Constituent Assembly frame rules and principles for the organization of governmental structures, putting restraint on their powers and limiting the unfettered rights and liberties of the people with a view to establishing a civil society Rules and principle so framed are collectively known as constitution. Constitution regulates the behavior of the ruler and the ruled for, a well-ordered society. C.F. Strong says, "the powers of the government, rights of the governed and the relations between the two are

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adjusted by the consitution.<sup>1</sup> A constitutional government is a government of laws and not of men.<sup>2</sup> Constitution stands for the supremacy of law and not of individuals.<sup>3</sup> With the exception of Britain, all countries have written constitution. English political system works under an unwritten constitution developed out of the wisdom of generations of the British. Because of unwritten constitution, parliamentary supremacy is in existence in Britain. The United States of America furnishes the world with the doctrine of "Constitutional Supremacy" protected by the principle of "Judicial Review." Bangladesh has imitated the British model of political system and adopted American doctrine of constitutional supremacy.

Constitutional supremacy refers to the superiority of constitutional law over all government structures, officials and individuals. All subsequent exactments, ordinance and orders must emanate from the constitution and conform to its provisions. Any deviation there from is tested by the process of judicial review not spontaneously but by the mutative of an aggrieved person or body. Constitutionalists hold that a constitution is made a supreme law not by imposing the will of the ruling clite upon the citizen but by accommodating their hopes and aspirations in the fundamental law. When a constitution embodies through democratic process the hopes and aspirations of the people of a given society, it becomes the supreme law of the land.

This article is intended to give a brief theoretical overview of the constitutional supremacy in Bangladesh. Simultaneously, tiny attempt is made to reveal its operational scenario. This study is made on the basis of secondary data derived from the survey of books, journals and news papers only. This work would have been enriched, if done on empirical data but the author could not use them owing to his own limitations.

Constitution is needed for the establishment of a well ordered society. A constitution is a written document or a set of traditions, customs and understandings incorporating the general agreement of a

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community as to the manners in which it is to be governed.<sup>4</sup> It is the assemblage of laws, institutions, customs, derived from certain fixed principles of reason that compose the general system, according to which the community hath agreed to be governed.<sup>5</sup> Constitution directly or indirectly affects the exercise of sovereign power.<sup>6</sup> It puts restraint on the exercise of the sovereign powers and makes the government responsible.<sup>7</sup> Rules of governance is the product of general consensus in democracy. Because of the embodiment of general consensus, the constitution is treated as the fundamental law of the land. For this fundamentalism, all other laws are sub-ordinate to it. Any deviation of ordinary statutes or orders from the Parent Law is declared *ultra-vires* by the court, if the constitution is a written one. So the constitution limits the arbitrary actions of the government, guarantees the rights of the governed and delines the operation of the sovereign poser.<sup>8</sup>

Constitution may be a sacred document, if the spirit of the wellbeing of the people is enshrined in it. Constitutional supremacy largely depends on the mode of acquiring it. Usually a state may attain a constitution in either of the four ways;<sup>9</sup> by grant, by gradual evolution, by revolution and by deliberate creation. Of the four methods, perhaps deliberately created constitution can incorporate the dream of the people more fruitfully. The U.S. Constitution came into existence by this method.<sup>10</sup>

The U.S. Constitution has recognized the voice of the people as the supreme force in the determination of all affairs. It is reflected in the Declaration of Independence on 4th July, 1776 by the Second Continental Congress. It says *inter alia*, "we hold these truths be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." That to secure these rights, governments are instituted among men, deriving their powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the Right of the people to alter or

to abolish it, and to institute new government, laying its foundation on such principles and organizing its power in such form, as to them shall seem most likely to effect their safety and happiness.<sup>11</sup> The preamble to the constitution envisages : "we the people of the United States, in order to form more perfect union, establish justice, ensure domestic tranquility, provide for common defense, promote the general welfare and secure the blessings of Liberty to ourselves and our posterity do ordain and establish this constitution for the United States of America."<sup>12</sup>

Therefore, the US Constitution is the embodiment of the hopes and aspirations of the people and as such it is the supreme law of the land. Section 2 of Article VI of the Constitution echoes the same tone. It says, "this constitution and the laws of the United States of America which shall be made in pursuance thereof, and an all treaties made, or which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary not-withstanding."<sup>13</sup>

Therefore, either in making or amending a constitution, and even in making some crucial legislations the consent of the governed (either in the form of referendum or expressed in mass media, seminars, public meetings, journals, etc.,) be given due weight. Mere insertion of the sentence that the constitution is the supreme law of the land is not enough. Both the governing and non-governing elite as well as the citizenry be committed to uphold and protect the sanctity of the constitution in the interest of good governance. The ruling elite must act as the trustee of people's will through constitutional mechanism while the opposition would act as watchdog on any onslaught on the sanctity of the fundamental law of the land. They must cooperate with each-other in preserving the constitutional norms and values.

Like any other nation the nascent state of Bangladesh was in need of a constitution. Accordingly, with the return of Sheikh Mujibur Rahman on January 10, 1972 the constitution-making process started. Of course, during the civil war (26th March–16th December, 1971) the exile government of Bangladesh was run by the provisions of the "Laws Continuance Order" issued by the exile government on 10th April, 1971.<sup>14</sup> By an order of 11th January, 1972 Sheikh Mujibur Rahman proclaimed Provisional Constitution by which Westminster system of government was introduced.<sup>15</sup> On 23rd March, 1972 by an ordinance, President Justice Abu Sayeed Choudhury constituted the Constituent Assembly comprising the members of the National and Provincial Assemblies elected in the 1970 elections in erstwhile East Pakistan.<sup>16</sup> It was a 430-member body. Out of 430 only 3 members were from the opposition.<sup>17</sup> The Constitute Assembly at its first meeting on 10th April, 1972 constituted a 34-Member Draft Committee with Dr. Kamal Hossain (Law Minister) as its Chairman.<sup>18</sup> In fact, it was a Awami League dominated body.

Naturally, some pro-liberation political leaders like Maulana Bhashani, Abul Basher, the General Secretary of the Bangladesh Communist Party and the like questioned the legitimacy of the Constituent Assembly. They opined that the members of the National and Provincial Assemblies had lost credibility of making a constitution under the changed circumstances. Accordingly, they proposed to hold a national convention of all the parties and groups that had participated in the civil war for framing a constitution subject to the ratification by the people in the referendum.<sup>19</sup> In fact, they wanted a body like the Chinese People's Political Consultative Conference for making the fundamental law.<sup>20</sup> Their demand was not totally unreasonable according to some scholars because the Awami League had not been mandated upon for a separate state in 1970 elections. Turning down Maulana's claim, Tofacl Ahmed, a Awami League leader (now Commerce and Industries Minister) argued that the 1970 elections had given unconditional mandate to the Awami League to frame constitution. Since the Awami League had formed the exile government, it had both legal and moral right to frame the constitution, he said further.<sup>21</sup>

However, with the publication of the draft constitution on 12th October, 1972 criticism was made on different aspects of the constitution but no strong public opinion emerged against the constitution itself. It was perhaps, not possible in the face of the mounting charisma of the Father of the Nation. Moreover, the Muslim League, Jammat-e-Islami, and Nizam-i-Islami Party that had collaborated with the Pakistan army could not come to the surface. Whatever the arguments advanced by the anti-constitutional forces, it is a fact that Sheikh Mujibur Rahman constitutionally fought for the socio-economic and political emancipation of the Banglaee. It was manifested in his 6-Point Movement. Following the landslide victory in 1970 elections, he on 3rd January, 1971 administered the oath to the people's representatives in the following way :

"The future constitution of the country would be framed on the basis of 6-Point and 11-Point. A referendum was held on these programmes. These are not my Party's programmes. The Awami League can not amend it now. None would be able to stop us in framing the constitution on the basis of the 6-Point programme.<sup>22</sup> Though the declaration of independence did not precisely contain the idea of the welfare and happiness of the people like the US Constitution, yet it was implied. Again it would be perceived from the declaration of 7th March 1971 while Sheikh Mujib said, "The struggle this time is a struggle for freedom and the fight this time has to be a fight for independence---."<sup>23</sup> By freedom he in fact, meant socio-economic salvation through political independence. Immediately after the commencement of the constitution (16th December, 1972) general election was held in March 1973. In this election constitution-making parties-the Awami league-NAP (M) and the Bangladesh Communist Party combined together obtained 81.78 per cent votes while anti-constitutional parties got only 12.93 per cent votes. It is argued that the constitution was ratified by the people within two and a half months of its operation.<sup>24</sup> So it is admitted that the constitution is the embodiment of the will of the

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people. This tone runs through the preamble and different articles of the constitution. Article 7 (1) stipulates that all powers in the Republic belong to the people and their exercise on behalf of the people shall be effected only under and by the authority of the consitution.<sup>25</sup> It is clear that people's voice is made supreme in all matters. Therefore, in the exercise of the constituent as well as general powers people's verdict either in the form of referendum or endorsement of electoral manifesto is made imperative.

In the preamble, nationalism, democracy, secularism and socialism are made the fundamental principles of the constitution. The preamble further says that the fundamental aim of the state is to realize through democratic process a socialist society, free from exploitation-or society in which rule of law, fundamental human rights and freedom, equality and justice-political economic and social will be secured for all citizens.<sup>26</sup> The Bengali Language that laid the foundation of the nationalist movement is made the only state language of the Republic (Article 3). Article 4 has made *Amar Sonar Bangla*,<sup>27</sup> a song written by Rabindranath Tagore the national anthem of the Republic.

For improving the socio-economic and political life, fundamental principles of state policy were incorporated in Part II of the constitution.<sup>28</sup> For example, emancipation of the peasants and workers (Article 14), rural development (Article 16), provisions of basic necessities (Article-15), participation of women in national life (Article 10) democracy and human rights (Article 11), free and compulsory education (Article 17), public health (Article 18), equal opportunity (Article 19) duties of the citizens and public servants (Article 21), separation of judiciary from the executive, (Article 22), etc. Though the fundamental principles of state policy are not judicially enforceable, yet their implementation is left to good conscience of the ruling clite and concerned persons for the betterment of the lot of the people. Part III of

the constitution enunciates a long list of fundamental rights (Articles 26-4 and 102). Some provisions are also inserted for their protection from the encroachment either by the executive or legislature or anybody else.<sup>29</sup> Of course, in some cases reasonable restrictions are imposed on their enjoyment in public interest. Parts IV and V of the Constitution incorporate the Westminster system of government in Bangladesh.<sup>30</sup> The aforesaid preamble articles and chapters are obviously made in tune with the hopes and aspirations of the people.

Therefore, the Constitution of Bangladesh is the fundamental and supreme law of the land. It is also expressed through Section 2 of Article 7 of the Constitution which says, "The Constitution is the solemn expression of the will of the people, the supreme law of the Republic, and if any other law is inconsistent with this Constitution, that other law shall to the extent of inconsistency, be void.<sup>31</sup> Moreover, the preamble stipulates that it is the sacred duly of all to safeguard, protect and defend the Constitution and maintain its supremacy as the embodiment of the will of the people of Bangladesh so that we may prosper in freedom and make our full contribution towards international peace and co-operation in keeping with the progressive aspirations of mankind.<sup>32</sup> Such type of constitution, at least in theory, supersedes the US Constitution.

Though there is constitutional supremacy in the US, yet the Constitution is silent as regards its protection. Here, in the US doctrine of judicial review is the mechanism of preserving the fundamentality of the Constitution. This is inherent in the idea of written constitution and hence implied.<sup>33</sup> The famous Marbury vs Madison case of 1803 gave it the constitutional status but still it is not incorporated in the Constitution.<sup>34</sup> By virtue of this power the US Supreme Court acts as the guardian of the constitution and in deciding cases it usually follows the principle of "Store Decisis."<sup>35</sup> The US Supreme Court has become the

most powerful judicial agency in the world because of this power.<sup>36</sup> Since Bangladesh has a written Constitution, the idea of judicial review is implied. Therefore our Supreme Court exercises it as the guardian of the Constitution.

Scholars hold that the sanctity of the constitution depends largely upon the good will and sincerity of the ruling elite. The Constitution was put into operation on December 16, 1972. It was declared that elections would be held on March 7, 1973. Maulana Bhashani who had challenged the legitimacy of the Constituent Assembly formed 7-Party Action Committee with 15-point demand, one of which was the demand for the ouster of the Mujib Governemnt.<sup>37</sup> Parliamentary system is a party government; without the existence and operation of opposition parties, political democracy turns into titular democracy because the voice of the governed is expressed through the opposition. But the regime started showing intolerance to the emergence of opposition forces. The NAP (B) and the JSD were the active opposition forces. From 1972 to early 1975 law and order as well as the economic conditions were on decline alarmingly. Naturally government's failure was criticized through public rallies, meetings and sometimes hartal was called on to listen to the voice of the people by the opposition parties. Criticism against the government was considered as conspiracy against the state. In a newspaper statement the Awami League termed the sponsors of hartal, strike and protest as conspirators. They wanted to undo the independence and malign Banglabandhu, said the statement further.38

However the Awami League, on the eve of the said election, in its manifesto vowed to establish a socialist economic order through peaceful and constitutional means while the ISD stood for scientific socialism and NAP (B) for the nationalization of heavy and key industries and to leave the rest in the private sectors.<sup>39</sup> The Awami League bagged 306 seats, (including the reserved women seats). Jatiy Somajtantrik Dal 1 and independent 6 in the elections of 1973.<sup>40</sup> At a post electoral press
conference on March 8, 1973 Sheikh Mujib claimed that there was no opposition in Bangladesh.<sup>41</sup> Although the Awami League won on overwhelming majority, yet it failed to combat the law and order situation and price spiral of the essential commodities. According to one estimate in 1973, 13 police stations, 18 bazars, 140 firearms and 6680 ammunitions were looted by the extremists and 26 political activists were also killed during the same period.<sup>42</sup> Naturally criticism of government's failure by the opposition was intensified. The regime perhaps, for consolidating its position inserted a provision of Preventive Detention by Second Amendment in September 1973 to Article 33.<sup>43</sup> This was the first onslaught on the sanctity of the Constitution according to the political analysts. Atuar Rehman Khan of the Jatiya League urged the government to refer it to the verdict of the people but the government was restive.<sup>44</sup>

The Press and Publication Ordinance formulated in August 1973 was in essence, the duplication of the Press and Publication Ordinance of 1960.45 This ordinance in fact curtailed the freedom of speech and expression. The Special Powers Act passed in February 1947 empowered the government to take anyone in custody without showing any ground for at least 6 months.<sup>46</sup> By these black laws, the regime snatched away the democratic rights and thereby disturbed, the fundamentality of the Constitution, argued the researchers. On 16th May 1974 Prime Minister Sheikh Mujib and Indian Prime Minister by a treaty agreed to exchange some of the enclaves of both countries. Berubari was handed over to India immediately after the treaty. Article 2 of the Constitution says that territory of the Republic belongs to the people. The executive head cannot do this without amending the Constitution. This was challenged in the Supreme Court by Quazi Mokhlesur Raluman and the court after a long hearing declared its verdict on September 3, 1974 upholding the view of the plaintiff but dismissing the petition on ground of it being a pre mature character of the case.<sup>47</sup> Here the court failed to assert its role as the guardian of the Constitution, it was argued.

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Despite the enactment of the Social Powers Act in early 1974 and the proclamation of state of emergency at the end of that year the Awami League government failed to restore the rapidly deteriorating law and order situation. Against this backdrop the regime switched over to single party authoritarian Presidential system by Fourth Amendment on 25th January 1975. In the same session Sheikh Mujib was made President for the next 5 years and the life of the Sangsad (elected in 1973) enhanced for the next 5 years. M.A.G. Osmani and Moinul Hossain resigned in protest of this unwarranted radical transformation of the constitution.48 Sheikh Mujib, justifying this change said, "The militants and terrorists may have no right as like as the anti liberation elements. This is our Second Revolution. The aim of this Revolution is to blossom laugh in the mouth of the downtrodden. This is also a democracy, a democracy of the exploited.49 Whatever might have been the argument of the regime, it shattered the spirit of the Constitution. This Amendment established the supremacy of a single person through a single party (BAKSAL). Judiciary and legislature were made subservient to the executive.<sup>50</sup> Thus the long cherished dream (democracy) was build without people's mandate, it was claimed.

The military regimes of Khondokar Moshing Ahmed and Zinur Rahman perhaps, diagnosing the pulse of the nation quashed the Fourth Amendment for democratic evolution. Major changes were accomplished by Ziaur Rahman. In lieu of Bengali nationalism, socialism and secularism-Bangladeshi nationalism, economic and social justice as well as Islamic political ideology Bismillah-hr-Rahman-nr-Rahim were incorporated in the Constitution.51 Judiciary was elevated to its earlier position. The system of referendum was made compulsory for the Amendment of the preamble Articles 8, 48, 56 and 142 of the constitution.<sup>32</sup> Number of reserved women seats was also increased from 15 to 30 to give more representation to women in the national legislature.53 Some of these changes enhanced the sanctity of the Constitution, according to some scholars. For example the verdict of the people was recognized for the first time by way of referendum. Of course replacement of secularism and Bengali nationalism dimmed the fundamentality of the Constitution, it is claimed.

It is a universally accepted precept that military rule is antithetic to democracy. But this notion is not always true. It may act as savior of democracy when a democratically elected ruling elite, closing all avenues to democracy, turns into an authoritarian character. This was the case in Bangladesh in 1975. Alan Ball remarks "the military in some way is above the sectional and vested interest conflicts in political process and it is the embodiment of national interest. It is the only body more aware of true national interests dapable of implementing policies to protect national interest."<sup>54</sup> Prof. Ferguson holds the same view and says "martial law is a law of necessity."<sup>55</sup> It was further echoed in the judgment of the Supreme Court of Pakistan in Wasim Sajjad vs the State case.<sup>56</sup> In the context of Bangladesh, restoration of democracy was in the national interest because it was one of the spirits of the creation for a separate state.

General Ershad, by Eighth Amendment, made 'Islam' as the state religion. Constitutional experts hold that by making 'Islam' as the state religion President Ershad had struck at the root of the liberation war because the Pakistani ruling elite had exploited the Bangalee for over 24 years with this weapon. It shocked the religious minorities also. It is reflected in the utterance of Major (Rtd.) C.R. Dutta, Chairman of the Hindu Buddhya-Christan Oikkay Parishad who at the Poltan Meeting urged to repeal 'Islam' as state religion and go back to the 1972 Constitution.<sup>57</sup> Therefore, it is claimed that President Ershad disturbed the sanctity of the Constitution.

The most spectacular character of the Eighth Amendment is the establishment of permanent branches of High Court at Rangpur, Jessore, Barisal, Camilla, Sylhet and Chittagong. Constitutional experts hold that this portion of Eighth Amendment gave more weightage to the constitutional supremacy. But this part of Eighth Amendment was declared *ultra-vires* by the Supreme Court in Anowar Hossain *vs* the State case on the ground that it had violated the spirit of the Constitution, i.e., the unitary character of the Republic.<sup>58</sup> Scholars term this verdict as an unhappy one, because the spirit of the Constitution was analyzed from

a narrow standpoint. Precisely speaking the well-being of the people is the spirit of the Constitution. Whatever might have in the mind of the amending authority, decentralization of judiciary had created opportunities for the nation to have quick judicial services. It is said very often that the Jatiya Sangsad that made Eighth Amendment had been an illegitimate legislature because it was selected in a votless election.<sup>59</sup> But none challenged its legitimacy in the court. Therefore, it was a legitimate law-making body and hence amendment made by it was also legitimate. The Constitution is not the Holy Quran or the Bible. It is a man made document for the governance of the state with the object of greater societal benefit. Therefore, it can be changed at any moment in national interest. Perhaps for this reason Justice. T.M Afzal (who was one of the Judges in the trial of the Anowar Hossain vs the State case) contradicted the verdict.<sup>60</sup>

The Chittagong Hill Tracts "Peace Accord" made on 2nd December, 1997 relegated the sanctity of the constitution according to some scholars because it was done without amending the constitution. A renowned political scientist Prof. Talukdar Muniruzzaman said, "No political problem can be solved unconstitutionally." Before making the accord the ruling elite should have taken the manadate of the people, he further argued.<sup>61</sup> Bangladesh is a unitary state and not a federal one. Giving of special status to a particular area of the Republic, constitution of the Regional Council, creating separate Ministry and giving the Chairman of the Regional Council Ministerial status are not consistent with the constitutional provisions. Moreover for making laws for the hilly areas, the government would have to seek prior approval of the Regional Council that obviously curtails the power of the Parliament.<sup>62</sup> Article 2 of the 'Accord' stipulates that no land shall be leased, acquired, sold or transferred without prior concurrence of the Regional Council. Article 24 of the 'Accord' says that Sub-Inspector of police and other subordinate members of the police force be recruited exclusively from the Tribal

Areas. In this way, if the 'Accord' construed vividly, it violates Articles 26 (2), 27, 28, (2 and 3), 29, 36, 42 and 83 of the Constitution of the Republic. In some cases reasonable restrictions may be imposed upon the enjoyment of the fundamental rights.<sup>63</sup> But who would determine the question of reasonableness. It is a debatable issue. However, a writ petition was filed by Advocate Shamsuddin Ahmed in the High Court praying for the nullification of the 'Accord' as being *ultra vires*. But a High Court bench (comprising Justice Qazi Shafiuddin and Sayed J. R. Muddasser) rejected the case on ground of its political character.<sup>64</sup> Here the court failed to assert its role as the guardian of the Constitution according to some analysts. It is also claimed that the principle of 'stare decisis' was also ignored. But Shamtu Larma, one of the parties to the 'Accord', admitted that the 'Accord' is in conflict with the Constitution and as such constitutional amendment is needed to materialize it.<sup>65</sup>

Two B.N.P. law makers-Hashibur Rahman alias Swapan and Physician Alauddin joined as Deputy Minister for Industries and State Minister for Water Resources respectively under Sheikh Hasina's so called consensus government in February 1998. The B.N.P. Secretary General Abdul Mannan Bhuiyan lodged a written complaint with the Speaker against them to take constitutional measure under Article 70 of the Constitution. But the Speaker, Hu nayun Rashed Choudhury instead of referring the matter to the Election Commissioner under Article 66 (4) of the Constitution, by a ruling, leglised the floor crossing.<sup>66</sup> However, the High Court in Khondokar Delwar Hossian vs the Speaker case (Writ Petition No. 1163/1998) negated the verdict of the Speaker.<sup>67</sup> It is argued that being the guardian of the House, the Speaker desecrated the Constitution by his ruling. On the other hand, the court played a positive role in preserving the fundamentality of the constitution by reversing the ruling of the Speaker.

Even Justice Habibur Rahman, Chief Advisor to the Caretaker Government profaned the Constitution, it is argued. It is reflected in his address to the nation over Radio and T. V. on April 1996. He, instead of exact constitutional language used "Mahan Allah" at the start of the speech and concluded with saying 'May Allah help us; Long Live Bangladesh."<sup>68</sup> Again the system of Caretaker Government is no doubt a pious addition to the Constitution but it was not mandated upon by way of referendum. So it also disturbed the sanctity of the Constitution, according to some scholars. Perhaps, for this reason, a writ petition as to the constitutionality of the Caretaker Government has been pending in the High Court.<sup>69</sup>

### CONCLUSION

Bangladesh Constitution is the supreme law of the land because it is the solemn expression of the will of the people. But its supremacy is being disturbed on several occasions by different structures of the political system. The Supreme Court, as the guardian of the constitution plays positive role; no doubt, but on certain occasions its role seems to be passive in preserving the sanctity of the Constitution. For upholding supremacy of the Constitution, both the ruling and non-ruling elite must be committed to maintain the constitutional norms and values and must behave accordingly for a viable political system.

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# Socio-Economic Characteristics of Khasi Tribes in Bangladesh

## SNEHANGSHU SHEKHAR CHANDA and MOHAMMAD ISMAIL HOSSAIN

#### Abstract

This study presents field data on Khasi tribai in Bangiadesh. This study was conducted to identify the socio-economic characteristics and the living standard of Khasias household in Bangladesh. Two areas of Sylhet district were purposely chosen for this study. A sample of forty families of each area were investigated. Results indicates that more of the family were land less which was 38% and only 7% were large family. Majority of the small farmers and their family members had no formal education. The main occupation of the Khasias families was agriculture and living standard was not so good. Some of the Khasias families were business oriented. They faced several problems and Government Development Programmes increased day to day to increase their living standard.

#### INTRODUCTION

Khasi is the tribe group living in the north eastern side of Bangladesh. Sunil Kumar Chatterjee (1991) says that the people whose language is Chinese and Austric living in the Khasia and Jaintya mountain near Asam of India are called Khasi.

P.R.T. Gurdon has writen in his book had according to the statement of Shadwell the group has come from Burma to Asam by Patio area. He also says that a heavy flood had taken them by flooding to the area. As a result they are living in Khasi and Jaintya mountains located

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at Jaintapur. Jaflong and Tamabil of Sylhet and different areas of Sunamgonj District. Hame Barua says in his book captioned "The History and Culture of the Khasi People" that "Kha" means to be born and "Si" means mother. So we can say that Khasi means to be born from mother. He also says that Ka-ma-kha is the steam water of mother. From this belief the worship of the water is something sacred. It is believed that the blood of the mother's menstruation makes the water red in colour. The Khasi believe that the menstruation of mother is continued in the soil and it makes the soil fertile. Though they are the citizens of Bangladesh, they play a vital role in the economic development of Bangladesh. Under the above context, this study was undertaken with the following specific objective :

- 1. To identify the socio-economic status of Khasi tribes in Bangladesh.
- 2. To examine the living standard of Khasi Families.
- 3. To identify the problems facing Khasi families and make recommendations.

### METHODOLOGY

This study was conducted to collect field data through random sampling technique. One set of questionnaire was used for this study. The questionnaires included information on the socio-economic status of their household system of marriage, religion, occupation, land property, business and educational qualification, etc. Normally Jaintya and Jaflong were purposely selected to collect necessary information. Twenty families of Jaintia and twenty families of Jaflong were randomly selected. Data were collected from September to October 2000. Data were collected by researchers themselves. The collected data were analyzed using appropriate statistical techniques such as, tabular, mean and percentage.

### RESULT AND DISCUSSION

*Family Structure* : The Khasi Family is generally mother oriented. After marriage every husband goes with his wife to live in the house of father in law. The wife is responsible to look after her husband. Now a

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days the system has undergone some change. The bride and bridegroom choose each other on their priority basis and they inform the guardian. The guardian manages it well. Sometimes marriage ceremony is held according to the decision of the guardian. But after marriage the husband still goes to the house of his wife. 52.81 per cent members of a family were female and rest were male.

Household and Cultivation : Some families live in the valley of the mountain. In Jaflong they live in the plane land and their houses are different from other houses of the valley. They build their houses on pillars to protect themselves from the natural calamities. The floor of a rich man was made of wood and the wall was made of bamboo or soil and the roof was made of tin. Some buildings were found in some areas. The number of houses depended on the members of the family. A little kitchen was placed on the backside of the bedroom. Some place for washing and cleaning dishes was situated on the backside of the kitchen. Usually they cultivated paddy, potato, orange and betel leaf, etc. through Jum. They did not cultivate good crops. They cut the jungle in the month of November and it becomes dry soon. They burn it in April. If they cultivated Jum all the year round, they did not cultivate good crop. For this they cultivate Jum after two years chronologically. Now they have started to cultivate pineapple.

	Farmer Categories			
Land Types	Small (area)	Medium (area)	Large (area)	
Home stead	0.08	0.23	0.31	
Own	0.17	1.49	4.35	
Rented in	0.29	-	-	
Rented out	-	0.03	0.25	
Mortgae in	-		-	
Mortgae out	0.10	0.15	-	
Cultivated	0.36	1.25	4.09	

#### TABLE 1

#### Average Land Distribution Pattern of Khasis Farmers.

Cultivated land =

Homestead land + Own land + Rented in land + Mortgae land-Rented out land-Mortage out land.

Small Farmer	=	0 = 0.50 acres
Medium Farmer	=	0.5i = 2.50 acres
Large Farmer	=	2.51 = above

### EDUCATIONAL QUALIFICATION

The female are not able to get higher education because there is no Higher Educational Institution in their area. However, there are some Primary and High schools here and there. Some females are able to get a bit of Elementary Education.

#### TABLE 2

#### Educational Qualification of Family Members

(Percentage)

Farmer Categories	Illiterate	Primary (class I-V)	Secondary (VI-X)	Higher Secondary	Graduates
Small	46.05	30.67	3.38	-	-
Medium	20.41	25.11	33.34	18.49	2.93
Large	22.54	9.90	21.98	34.10	11.48

The scope of higher education of the tribal people is wider in Bangladesh. The tribal students who are not so meritorious have a scope to be admited in higher educational institutions because of quota system. But still only 11 per cent of the large and medium families were availing this scope. Majority of the small family members were either illiterate or had Primary Education.

### OCCUPATION

The main occupation of the Khasi is the cultivation of betel leaf. They also cultivate paddy, lemon, orange and pineapple. The male engage themselves with outside work, while on the other hand the female were busy with domestic work. According to Assam Council report of 1901 we can find that the Khasis were engaged with construction of roads and making houses. The Schilong Government appointed them to work in the printing press. Moreover they worked as a servants in the houses of Europeans. Now a days some are engaged with some business. Some are service-men working in different areas of Bangladesh.

(Percentage)

					1-	
Farmer Categories	Agricul- ture	Business	Service	Labour	Student	Others
Small	72.08	1.03	-	13.93	12.94	-
Medium	60.22	11.10	5.31	2.73	19.21	1.43
Large	57.55	13.30	4.15	-	23.71	1.29

TABLE 3 Occupation of Family Members

The main occupation of the small, medium and large Khasi families was agriculture with 72 per cent, 60 per cent and 58 per cent, respectively. Some of the family members were engaged in business and services which were 1 per cent, 11 per cent and 13 per cent of the respective families.

### CLOTHING

It is the most important need of human life. Khasis also use cloth like other tribals in Bangladesh. In social functions their usable cloth is of very good standard. The female dress of the Khasi has four parts. It is known as "Kajimpin" which is like a Blouse covering on the upper side of the breast. Another part is known as "Kajainsem" covering the lower part of the body. They use silken cloth in the functions. The male use "Fung Maring" which has no pockets but is like Fotua. Both male and female use belts. The male use a special kind of cap and Pagri. The design has changed with the changing of time.

The women use four types of cloth. They put on Shemes which is called "Jampo" and its length is up to the foot. They wear Blouse over the Shames which is known as "Nimakti". They also use Choosem, a small cloth which coveres the body. The men wear shirt, pant, coat and shoe. The children wear clothes like all other Bangali children. At the time of marriage the women put on white gowns and the men wear coat and pant because most of them are Christians.

### FOOD HABIT

The main food is rice. They generally eat two times in a day. The people who work hard, however, eat three times a day. They eat all types

of favorite food. In the past they used to make wine from rice by fermentation process. Now a days generally they do not drink any wine. Some people take breakfast in the morning with a cup of tea. They make a very delicious cake.

#### RELIGION

Most of them were Christians. There are two Churches in this area. Some Hindus worship in their temple. When they die, their dead body is buried to the western side in the grave.

#### CONCLUSION

The study reveales the socio-economic condition of the Khasi tribes living in Bangladesh. The result also indicates that their main occupation is agriculture. They are not at all well educated. Their living standard is not very good. Most of them are Christians. There is a vast scope to develop them so that they could earn a lot of money by learning to cultivate in a proper way. They think that the government should take proper action to improve their position in the society. For this the government should look after them so that they may take a vital role in the development of economy and social conditions of Bangladesh.

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Nature and Problems of Civil Service Training in Bangladesh: An Analytical Observation

### MD. ASADUZZAMAN

#### INTRODUCTION

The picture of Bangladesh in terms of human development parameters calls for a readjustment of the present role of the civil services. The civil servants are to play a new role to meet the challenges of high population growth rate, low literacy rate, high infant mortality rate, low nutrition status of children and women and 'ow rate of employment. In fact, the civil servants of today have to develop a new professionalism to grow capability to meet these challenges.

Normal professionalism asks how can the control of the Government machinery be strengthened to ensure proper implementation of centrally (top-down approach) determined development plans whereas the new professionalism asks how the conditions of people, particularly the poor and disadvantaged, can be improved and how their status can be raised. Normal professionalism deals with the social development primarily as a matter of increasing social services delivery mechanism; new professionalism is equally concerned with the social needs. But it considers empowerment as the central issue of social development. The new professionalism seeks to motivate the civil servants to help the poor and the powerless as possible, to help them organize, to drag them out of the clutches of poverty and powerlessness. As David Karton puts it, "Normal professionalism assumes the Governments as the lead actor in

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every significant development action. New professionalism look to the Government more as enabler." The role which is to encourage the poor people to take the lead through capacity building.

There is a general feeling that if a modern government is to accomplish its multiple development goals, it has to build creative civil service and develop it in a new professionalism. In the present context, the members of bureaucracy are not only to play a regulatory role but also a responsive role. But the question is how to make bureaucracy more responsive to the people especially the disadvantaged and distressed citizen of Bangladesh.

There is therefore, a need for a basic change in the perspective on the part of the administrators and policy makers. But how can this new professionalism be attained? This can be developed by building in them an analytical frame work so that they are able to appreciate the human development dynamics. Training is recognized today as one of the powerful instruments of moulding the attitude of bureaucrats or civil servants in response to changing needs of the society. Thus effectiveness of the government is related to the efficiency and creativity of bureaucracy. Training has a substantial role to play in this regard.

Civil service of a country is an indispensable organ of the government (Haleem : 1983 : 1). In the most post-colonial states the civil service holds the key to the effectiveness of government and its ability to manage efficiently and judiciously the affairs of each state. They are the tools without which a government however democratic can not be run. So a large, strong and well trained civil service is essential in a modern state.

The paper is a modest attempt to analyze the nature of civil service training of Bangladesh, to find out its existing problems and finally to present some recommendations to make training programmes more effective for responsive civil service in Bangladesh.

### HISTORICAL BACKGROUND

The South Asian sub-continent has a rich legacy in administrative training. Formal training of the East India Company's officers started as early as 1800 in Fort William College, Calcutta (Cohm. S. Barnard : 1960: 87). The Hailebury College which took over the responsibilities of induction training was established in 1905 and Fort William College was converted into a language training school. What the British rulers in India did nearly two hundred years ago was emulated by the European nations and England herself in the post Second World War period. The celebrated ENA (Ecole National-d' Administration) in France was set up in 1945; the Academy for Public Administration (at Speyer) in Germany in 1947; the Civil Service College in England in 1970; (The Spanish Civil Service Training Centre in 1957 (Khan A. Ali and Hossain M: 1985; 3). All nominees of the Company required to serve in India had to go through a two years course of special courses of special training in the Hailebury and had come out successful in an examination before being confirmed to their jobs. The college carried out its business for 50 years. But with the introduction of merit as the basis of recruitment in the public service in 1853, the necessity for such an institution was no longer felt and it was abolished in 1857. Between 1857 and 1947 public servants training did not receive serious consideration. After the closure of Hailebury, the recruits had to go to a British University for a period of two years training which later on was reduced to one year in 1937.

After the birth of Pakistan in 1947 public servants training gained increased attention. At this time elaborate institutional arrangements were made for post-entry and in service training of different categories of civil servents of Pakistan. In 1948 Civil Service Academy was established in Lahore to train the young recruits of different services and for regular and systematic training of the Provincial Civil Servants. Gazetted Officers Training Academy (GOTA) was set up in Dhaka in 1960 replacing the East Pakistan Civil Officers Camp established in 1948. In 1961, three important training, institutes, National Institute of Public Administration (NIPA) were established one each at Dhaka, Karachi and Lahore, mainly to impart public administration training to the mid-level officers of central and provincial governments autonomous and local bodies. The in-service training of the senior public servants was the responsibility of **Pakistan** Administration Staff College, established in Lahore in 1960.

Like any other country, in Bangladesh training is considered as an essential input for an effective system of Public Administration. In view of the importance of training in increasing the job related skills the need for training public administrators has been emphasized in the statutory rules and the successive Five-Year Plans of Bangladesh. Rule 7 of Bangladesh Civil Service Recruitment Rules, 1981 provides that a person initially appointed to a service shall be required to undergo (i) foundation training for period of not less than four months at the civil officers training academy in the fields of agricultures livestock, and mass mobilization and also in such other fields as may be determined from time to time; (ii) after the completion of the aforesaid foundation training such professional and specialized training as may be determined by the government be imparted by the respective institution. It further provides that "no person shall be confirmed in the concerned service unless he has successfully completed the above mentioned training and passed such departmental examinations as may be prescribed (GOB, 1981).

With a view to increasing the efficiency of the administrative system of the country, the First (1973-78) and the Second (1980-85). Five-Year Plans envisaged the up-grading of knowledge and skills of the public official through systematic training. The objectives and policies of the Government in respect of public servants training have been well incorporated in the Third (1985-90 and the Fourth (1990-95) Five-Year Plans. The Fourth Five-Year Plan treats training as one of the vital components of development and outlines training objectives keeping in view the overall developmental goals of the Government. This training has been given priority in Bangladesh, commensurate with the need of improving administrative efficiency. The Plans provide that training activities will further be geared up by re-organizing the existing institutes and also if needed by creating new institutes.

Since most of the training institutions established during the Pakistan period were located in the erstwhile West Pakistan, at her independence Bangladesh inherited only two training institutions, NIPA and GOTA. The necessity of training Public Administrators was keenly felt in Bangladesh. In order to unify the training facilities of different levels of public servants of the country Civil Services Training Academy (CSTA) was established in 1973 by amalgamating NIPA and GOTA. But in 1976 CSTA was again split into two separate training institutions. GOTA was renamed as Civil Officers Training Academy (COTA), while NIPA was allowed to continue without changing its name and clientele. To assess the training needs of the senior administrators, another training institute, Bangladesh Administrative Staff College (BASC) was namely: established in 1977 as an apex institute. These training institutes carried out their tasks of imparting various training to different categories and/or levels of public administrators in Bangladesh until Bangladesh Public Administration Training Centre (BPATC) came into being in 1984.

In November 1982, a Martial Law Committee on "Organisational set up-Ministries/Divisions, Departments and other organizations under them made very significant recommendation pertaining to PATC. The Martial Law Committee recommended that all the training institutes, i.e., BASC, NIPA and COTA be "merged into a single national training institute to allow flexibility to design courses suitable to specialized groups or in specialized areas maintaining required compartmentation / integration between different age generation / groups." The Committee recommended upgrading of the status of four BPATC's to include it within the administrative jurisdiction of PATC. To ensure autonomy of PATC, the Committee called for the appointment of a high powered board of governors to decide policy issues. The role of the Establishment Ministry would be supportive in nature. On May 3, 1984 the former President and Chief Martial Law Administrator Lt. General H.M. Ershad formally opened PATC in Savar, Dhaka (Khan M.M., 1985;62).

### THEORETICAL FRAMEWORK

The training of the civil servants has assumed special significance in the light of increasing responsibilities imposed on the administration by the extension of the governmental activities in social and economic fields (Chaudhuri M. Ahmed, 1963; 169). The public administrators who are not regarded to be the catalysts of change and development and are called upon to play increasing administrative and development roles needed to be exposed about their roles and equipped with appropriate skills and aptitude to perform their duties effectively. Training is perhaps, the most useful device for enhancing the knowledge, skills and capability of the administrators to accomplish their present tasks and to meet the new challenges with utmost efficiency. It helps the administrators to keep them abreast with changes taking place in various spheres and thus makes the administration dynamic. It is an investment in human resources to ensure continued quality of public administrators, their adaptability to change, typical tasks and their ability to grasp contemporary socio-economic problems and thus, it is indeed, a necessary concomitant to administrative action and a key to national development (Khan and Zafarullah, 1980; 369)

### The Concept of Training

Training is a process of developing skills and knowledge of the civil servants (Ahmed Ali, 1984; 186). In general terms training may be defined as an action process by which the capabilities of personnel can be improved to meet the organizational needs in terms of their

### Nature and Problems of Civil Service Training in Bangladesh 53

knowledge, skills and attitudes required in performing organizational tasks and functions within relatively short period of time (Whang; 1975; 2). Training is the act of increasing the knowledge and skill of an employee for doing a particular job (Flippo). In the words of D.S. Beach, training is the organized procedure by which people learn knowledge and/or skill for a definit purpose (Beach, D.S;). Jucious defines training in the same way as a process by which aptitude, skills and abilities of employees to perform specific jobs are increased" (Jucious). The primary objective of training is to help the members of an organization to acquire the knowledge, skills and attitudes needed for discharging their duties efficiently. It is a means by which an individual is made fit to perform certain functions. With particular reference to public service, training is a reciprocal process of teaching and learning a body of knowledge and other related methods of work. It is an activity in which a relatively small group of persons acting as instructors impart over to the larger mass of civil servants' knowledge which is believed to be useful in the work of the latter; and at the same time the instructors assist the larger body of civil servants to perform skills which are useful in their work (UN, 1966).

### **Types of Training**

Basically, there are three broad categories of training such as :

- 1. Pre-entry Training
- 2. On the Job Training.
- 3. In Service Training.
- 1. The term 'Pre-entry Training' is commonly used to designate instructions received by the individual before the original appointment as a civil servant. Specifically this interpretation takes the date of entry upon salary status as the point of reference and all preparation which precedes this event is known as preentry training. Thus, pre-entry training ordinarily includes all the general education received in schools or university, as well as special or technical education qualifying the individual to be employed by a government in a capacity such as engineer, agricultural specialist or health officer (UN, 1996).

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- 2. On the 'Job Training' is, perhaps, the most common and important training, because it is a training in actual work situation and is directly related to the work of an individual. It is defined as the instruction received by the public servants in a more less informal manner from colleagues of greater experience or higher rank (UN, 1966).
- 3. 'In Service Training' is a sort of training which is imparted to a person after he has actually entered government but in an off the job setting during the course of his career with a view to supplement his basic knowledge or to perfect his skills needed in discharging his duties properly. In service training is gaining increased recognition due to the fact that : (i) Personnel selection and placement alone do usually provide government with employees skilled enough to meet the demands of their jobs. (ii) Sometimes experienced public servants need to retrained because of changes in their job content due to transfer, promotion and technological advancement.

### INSTITUTIONAL ARRANGEMENT OF BPATC

Bangladesh Public Administration Training Centre (BPATC). The concept of training, and types of training have been elaloretely discussed in the theoretical section above.

Next comes the governance system, components, functions and programmes of Public Administration Training Centre. (PATC) is our main concern and government implements its training programme through BPATC as being one of the biggest training centres for the civil servants in the country.

A high powered twelve members board of Governors for BAPTC with the Establishment Minister as Chairman has been constituted by the government to provide overall policy directives and guidelines (BPATC, 1984). The composition of the Board of Governors is heavily tilted in

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favour of serving public servants. The public servants can also count on the support of two distinguished citizens as and when they are named. Only one meeting of the board has been held and very little therein in terms of results accomplished. The Board in discharging its wide-ranging responsibilities, may appoint six committees, (a) Selection Committee for appointment of senior level officers; (b) Selection Committee for appointment for junior level officens; (c) Purchase Committee for major expenditures; (d) Budget and Finance Committee; (e) Audit Committee; (f) Departmental Promotion Committee for officers which may delegate any of its executive and/or financial powers to the sector.

The Rector, a senior civil servant with the rank and status of Secretary to the Government, is the operational head and Chief controlling executive of all the officers and staff of BPATC. He may delegate his administrative and financial power to any officer of the centre. He is empowered to constitute eight committees (a) Selection Committee for appointment and promotion of Class III staff (b) Selection Committee for appointment and promotion of Class IV staff; (c) Purchase Committee; (d) Course Committee; (e) Evaluation Committee; (f) Enquiry Committee; (g) Departmental Promotion Committee for Class III and Class IV employees and (h) Publication Committee

The BPATC is organized around five major departments; (1) Public Administration and Management; (2) Economics; (3) Programme and Studies; (4) Research and Consultancy and (5) General Administration. Each department is headed by a member, director staff, who has status and rank of a Deputy Secretary. The functions of BPATC, as stipulated in the establishing ordinance, include :

- 1. Equipping senior public and business executives of Bangladesh for their role in a dynamic and developing society.
- 2. Imparting in-service training to persons in the service of the republic and of local authorities.

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- 3. Providing fundamental training to the officers of different cadres and sub-cadres of Bangladesh Civil Service.
- Providing fundamenta' and refresher training to non cadre officers of the government.
- 5. Organizing research and publication of books, periodicals and reports, on public administration and development.
- 6. Establishing and maintaining libraries and reading rooms.
- Rendering advice to the government on any specific problem of administration and development as and when referred to it.
- 8. Describing Training Courses.
- 9. Granting certificates to persons who have undergone training at the center.
- Doing such other things as may be considered necessary for carrying out the purposes of this ordinance (BPATC) Ordinance, 1984).

In order to effectively carry out their wide-ranging institutional responsibilities BPATC officers and staff felt that seven BPATC conditions must be met. These are :

- 1. Recruiting and Training qualified committed and experienced individuals for BPATC.
- 2. Devising and maintaining a feasible and effective incentive system for BPATC and other public administration training cadres.
- Preparing a relevant, practical and need based curriculum for all training programmes.
- 4. Professional at BPATC be equipped and trained in the use of modern. effective and practical institutional technology system, including audio visual aids, library and information system.
- 5. Specific involvement of manpower and up grading of their abilities to enhance the research and consultancy capacity of EPATC.
- Building a professionally competent team of individuals with background in diverse disciplines and skilled in working in a cooperative environment by utilizing collegial decisions process.
- Establishing effective linkages with other similar research and training institutions as well as individuals of international reputation who are engaged in research which also fall within the purview of BP. TC's objectives.

### PRESENT SITUATION OF BPATC : ITS VARIOUS TRAINING PROGRAMMES

Bangladesh Public Administration Training Centre is a distinct training institution for all members of the civil service. The basic objective and responsibility of the institution is to provide organized and contemporary training to the civil servants about the system of government and development administration.

PATC undertakes training programmes/activities, according to the National training policy as approved by the Board of Governors of the centre. In each fiscal year a training calendar (July-June) is formulated by the centre in which the name of the course, tenure of the course, time, number of the trainees/participants in different courses and objectives of the course syllabus are mentioned. Then the calendar is sent to different public, autonomous and semi autonomous bodies and thus these institutions can understand about the training activities/programmes of the centre.

Training activities/programmes undertaken by the PATC can be divided into two sections :

1. Life Profession Development Course.

2. Special Course

Further, life profession development course can be divided into thee parts :

- 1. Foundation Training Course
- 2. Advance Course on Administration and Development
- 3. Senior Staff Course

In the above three courses three categories of covid ervants are inducted. These courses are recognized as the most significant training activities / programmes of the centre. Apart from these courses some other special short term courses are done in the centre and the centre also arranges seminar and symposium on various significant issues. Listed below are the different kinds of training courses administered by the PATC.

### Courses Special Courses 1. Foundation Training Course 1. Trainers Training Course 2. Advance Administration 2. Research Method Course 3. Senior Staff Course Behaviour and Discipline Course 4. Fiscal Law and Method Course 5. Computer Course 6. Short Admn. Management Course 7. Office Magt. Course 8. Human Relation Course 9. Leadership Dev. Course 10. Poverty Alleviation Course 11. Public Enterprise Magt. course 12. Law Course 13. Project Formulation Course 14. GO NGO Magt. Course 15. Private Entrepreneurs development course

### Life Profession Development

TABLE 1

### Foundation Training Course

No matter how well qualified an individual may be at the time of entry, he still lacks certain skills and knowledge and therefore, has to gain a great deel before holding a post in the public service. Hence training is essential for a new recruit to the public service before assigning him to do specific jobs. Keeping it in mind, foundation training of the young recruits to the Bangladesh Civil Service has always been emphasized. BPATC administers foundation training for the probationers recruited to different cadres. The recruits to all 29 cadres are to undergo a two months long foundation training at BPATC before being commissioned. Before the establishment of BPATC foundation, training to the young recruits was being given at the Civil Officers Training Academy.

Name of the Course	Objectives	Course Content
1. Foundation Training Course BPATC, Bangladesh	1. To promote esprit de-crps among the various cadres of civil service	1. Historical perspective
	2. To enhance theoretical and practical knowledge of administration.	2. Introduction to Resources of Bangladesh
2	3. To familiarize the trainces with the conduct, etiquette and the norms of administration.	3. Important Policies for the Government.
	<ol> <li>To enhance the analytical and decision making capabilities of the trainees.</li> </ol>	<ol> <li>Social Change in Bangla- desh.</li> </ol>
146	<ol> <li>Habituate the trainees to hard physical and mental exercises.</li> </ol>	5. Bangladesh and the World.
4.	<ol> <li>Well rounded devel- opment of the persona- lity.</li> </ol>	6. Fundamentals of Public Administration.
	<ul> <li>7 To impart suitable training in:</li> <li>a. Bangladesh Studies.</li> <li>b. Economics.</li> <li>c. Public Administration.</li> </ul>	7. Organization Theory.
		8. Legal and Constitutional Frame Work of Administration.
and the second s		<ol> <li>Financial Administration and Project Manage- ment</li> </ol>
		<ol> <li>Administration problems of Bangladesh.</li> </ol>
		II. Quantitative Analysis
Contraction of the second		<ol> <li>Micro Economics and Cost benefit Analysis.</li> </ol>
		13. Macro Economics.
		<ol> <li>Objectives and Strategies of Economic Planning.</li> </ol>
		15. Planning in Bangladesh.
100		<ol> <li>Office Procedures Rules and Regulations.</li> </ol>
COMPANY SEC.		<ol> <li>Techniques of Conduc- ting Meetings.</li> </ol>
		<ol> <li>Village Study and Study in Rural Development Institutes.</li> </ol>
and the second		<ol> <li>Physical Training. and Games.</li> </ol>
		20. Extra Curricular Activites

TABLE 2 Broad Objectives and Course Contents

At present there are 200 seats in the dormitory of the foundation trainees in the BAPTC. This means that about 500 trainees may be given foundation training every year. If annual recruitment to the BCS cadres in Bangladesh exceeds 500, the programme could lose its effectiveness unless more housing facilities are created.

### **Foreign Training**

The necessity and importance of overseas training has been recognized and elaborate instructions have been formulated. Overseas training facilities for the public servants can be classified into four categories :

- 1. Study tour, orientation courses and seminars for senior and midlevel officers.
- Short term courses of around three to four months duration for mid-level officers.
- 3. Medium term courses normally of more than four months duration for officials not exceeding the age of 40.
- Higher studies leading to Masters and Ph.D. degrees for talented civil servants not exceeding the age of 35 (Siddique, N.A., 1993; 23).

The latest government policy and procedure on foreign training have recently been issued by the Ministry of Establishment. The order claims to have simplified the earlier policy and procedures relating to the foreign training. Indeed the order is definitely an improvement on what had existed before. However, it appears that the old policy of management of training matters seems to be continuing in that the stress is more on allocation of foreign training offers to individual Ministries/Divisions and various agencies than on proper monitoring and follow-up.

For instance, the new policy requires that each Ministry/Division should send to the Prime Minister's office a monthly report. Perhaps the intention of this requirement is to monitor foreign training and use the relevant data in career development and personnel policy. Available evidence indicates that this is not being done. On the other hand, the requirement of a copy of the monthly report to be sent to the Prime Minister's office is not clearly understood. It is felt that this only adds to paper work.

### **Training Methodology**

Different categories of training methods are used by the BPATC. However, the most common methods are as follows :

- 1. Lectures : This method is normally used in the training institutes of this country. Speakers deliver lectures on particular topics and then discussions take place.
- 2. Syndicate Method : A syndicate is a small group of individuals who have a common objective to achieve within a specified time and frame. The composition of the syndicate varies in accordance with the subject matter to be studied and the total number of participants. This method is also used in all training institutes in Bangladesh.
- 3. *Review* : These sessions are generally meant for interaction between the faculty and the participants to exchange ideas and views on progress of the course and to identify the impelling and impending forces for taking corrective measures.
- 4. Library Work : The participants are required to spend a good portion of their time during the course periods in intensive studies in the library for general and specific purposes, such as writing, seminar papers, supplements and class room lectures.
- 5. Other Methods : Besides these above methods BPATC uses some other methods such as study tours, case studies and seminar papers.

#### **Evaluation System**

Training without evaluation is meaningless. The purpose of evaluation is to assess the individual attainment, performance, attitude and conduct in a training course. To measure the effectiveness of training's assessment has to be made of the individual's level of knowledge on the subject course at the beginning of the training, his performance during the training and final assessment at the end of the training.

At present, all participants in a training course are graded on the basis of their performance during the courses.

and are graded in the following way.		
S1. No.	Percentage of Marks	Grading
1.	90 and above	AA (Outstanding)
2.	80-89	A+ (Very Good)
3.	70-79	A (Good)
4.	60-69	B+ (High Average)
5.	50-59	B (Average)
6.	40-49	C (Below Average)

TABLE 3 All Assessments are based on a Quantitative Evaluation and are graded in the following way.

Trainee's of the foundation training course are evaluated in the following system :

#### TABLE 4

#### Foundation Training Course Evaluation

	Courses	Marks
1.	Written Examination	1100
2.	Term Paper	100
3.	Karmashala	100
4.	Syndicate	100
5.	Exercise	100

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6.	Village investigation	500
7.	BARD/RDA's evaluation	200
8.	MOUK	100
9.	Class Room Attendance	100
10	Sorts and Physical Exercise	200
11	Extension Lecture	100
12	Bangla and English language learning activities	100
13.	Course Instructor's Assessment	100
	Total :	2900

Source : Annual Report, BPATC, 1992-93, pp. 41-42.

### PROBLEMS ANALYSIS AND SUGGESTIONS

### Problems

With a significant increase in the complexity and magnitude of governmental functions, especially in view of the tasks undertaken by the government for the socio-economic development of the country, the need for training the public administrators has gained a sense of urgency. A number of efforts have been initiated in Bangladesh over the last few years to rationalize the training arrangements and to develop a systematic training system for the promotion of efficiency and effectiveness in administration. Notable among these are establishment of BPATC as a national training institute, constitution of National Training Council and formulation of National Training Policy. Nevertheless, public administration training in Bangladesh is still facing a number of serious problems.

It is an accepted principle of personnel management that for better performance one must recruit the right person for the right job. The underlying logic behind this statement is that before a person is selected for a particular job his qualifications, abilities and motivation must be thoroughly assessed. But it has been pointed out that one of the reasons for the poor performance of training institutes was the low calibre and

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lack of professional ability and expertise of those who acted as trainers. Reliance on deputationist civil servants to perform as model trainers has added to the problems, the indifference of most of the deputationists towards their rules as trainers is well known; still the practice continues as in the past. It has been reported that a umber of deputationist civil servants refused to join the PATC as trainers and a few left the centre almost immediately after formally joining their duties. This has created shortage of trainers and increased dependency on guest speakers as well as considerably reduced the PATC effectiveness as public administration and management training institutes.

The success of a training programme is very much dependent not only on the contents of the courses but also how these are offered. It is accepted that the courses should be designed only after a training institute has assessed the training needs of the clients. Though PATC proposes to undertake in the future but so far very little systematic effort has been made to carefully diagnose the training needs of the public sector personnel in Bangladesh. It is also not clear as to how the training programme will now be effectively and efficiently utilizing different methods of training, with fewer and ill equipped trainers. The problems of personnel, course contents, and methodology used are closely related.

The location of a training institution, like any other institution determines its performance and affects it in terms of its credibility. It has been claimed that the location of PATC at Savar has given it a kind of distinctiveness. But the environment therein is not conducive to the growth of the personality of the trainers. It appears that civil servants, specially the senior ones, are not very willing to stay at the campus. They also dislike to travel daily between Dhaka and Savar. Most of them are unwilling participants who confidently profess that they have no need for any kind of training. The other side of the problem with location concerns the trainers. One of the main reasons why many qualified persons are not interested to join PATC is Savar's distance from Dhaka. Another complaint that is often heard is that the Establishment Ministry often posts unwilling and recalcitrant civil servants in PATC and then cannot ensure their actually joining the institution.

A National Training Council was established in 1981 with the objective of preparing policy guidelines for national training. But the National Training Policy was adopted in June 1984 not by NTC but by its executive committee which was heavily bureaucratic in nature. It was not drafted by a sub-committee of the NTC as was previously decided but by a low bureaucrat, the administrative head of the Ministry of Establishment. Members of the NTC were not given the opportunity to deliberate upon its contents and suggest modifications.

This policy however, was not formulated on the basis of any assessment of future requirement of the government or the public sector manpower needs and it is doubtful whether the PATC or the Ministry of Establishment has the expertise of undertaking training assessment using these methods suggested by the World Bank such as contextual analysis, consultations with client organizations; feedback from former trainees, systematic field surveys of training needs, experimental programmes as a learning device and critical incident technique.

In fact, the operational staff of PATC is not adequately trained to undertake such a work. Yet the bureaucrats controlling civil service training in the country are simply satisfied to involve academics of the universities with proven expertise in the techniques and methods of public administrations. Nor are they willing to give any importance to their research findings on the inadequacies of the existing administrative system to perceive their relevance to training.

Another problem with civil service training in Bangladesh is that it is not related to personnel administration in its entirety although it is widely recognized that it should be tied with the broader perspectives of human resources management. Job analysis, performance, appraisal and job evaluation have not been systematically applied in classifying positions, determining positions and devising a pay plan. Monitoring and evaluation of training has never been institutionalized : no exercise is undertaken to evaluate the impact of training on job performance. Evaluation criteria have not been fully developed although some efforts have been made to record the immediate reactions of trainees after the completion of a programme. However, only questionnaire surveys are used and these generally turn out to be subjective and do not serve as a valid measure of performance.

The National Training Policy clearly admits of the lack of training incentive for career development of civil servants but stresses the importance of training performance as a factor. Trainees, particularly those belonging to the senior echelons of the civil service, take little interest in training. And when they attend a training programme they do so reluctantly adopting it as a part-time exercise. Their attendance during courses is irregular, their participation apathetic; mid level officers, as a rule, are required to successfully complete a regular career development course at PATC if they wish to be considered for promotion but in practice this rule is not followed. Obviously, their training is not linked to their career progression.

The training methods utilized in PATC are still archaic and most of these have become obsolete elsewhere. The lecture is the most common method followed by discussions workshops, and case studies used sparingly. The COTA, during its existence, did try modern techniques, like problem-solving exercises, syndicate activities and role playing. These are still used in the foundation training programme at PATC but these are not as sophisticated as is necessary. Training of senior civil servants is still largely lecture based with little participation by trainees during the time set out for discussion.

The existing capacity of the training institutes appears to be inadequate to accommodate the entire group of public servants. The Recruitment Rules 1981 made the foundation training of the new recruit to the cadre

### Nature and Problems of Civil Service Training in Bangladesh 67

service compulsory for confirmation in their respective services but under the present arrangements it has become impossible to impart foundation training to the new entrants within two years of their recruitment. BPATC which has been entrusted with the sole responsibility cannot train more than 500 new recruits each year even if it runs foundation courses throughout the year. If BPATC is to remain busy with foundation training its other training programmes will seriously suffer. In addition, there are a huge number of officers who have not received any foundation training since their appointment. Such a back log accumulated since 1977 is gradually inflating.

The effectiveness of training programmes depends to a large extent on the quality of trainers. This requires that training institutions be adequately manned by well trained instructors. But most of the training institutes of Bangladesh suffer from lack of qualified, skilled and experienced trainers.

In Bangladesh public servants are sent for training without any preplanning as to how they will utilize the skill gained after the trainers return from the course. Trainees often find that their training is most irrelevant to their jobs. Recent British Council study shows that the overseas training becomes irrelevant in Bangladesh because of the job changes, or transfers that trainees face on their return.

There is a National Training Council located in the MOE. A large number of circulars on national training policy have been issued. These are, at times, confusing. There is no up-to-date inventory of the number of training institutions, their budget and other relevant details so that despite the existence of a National Training Council, there is no system of evaluation and follow-up.

Under the allocation of functions (Schedule I to Rules of Business), the MOE is responsible for training government servants in Bangladesh and abroad. In accordance with the same rules, the Economic Relations Division (ERD) is responsible for programming and management of fellowships, scholarships and foreign training offers from bilateral and multilateral sources including liaison with the donors.
The above division of responsibility clearly limits the role the MOE to policy matters relating to training of governments servants both within the country and abroad. It is said that the national training policy was designed in 1985, which ultimately degenerated into control, rather than support in terms of having the final say on the selection of candidates. In other words the MOE concentrated more on operational issues than on monitoring the working of policies and updating of policy.

Four secretariat reports, "Towards Better Government" in Bangladesh identified the following reasons for the unsatisfactory utilization of foreign training facilities.

- 1. Late submission of nominations by the nominating agencies.
- 2. Inadequate proficiency in English language.
- 3. Specially in 1992-93 FY British Technical Assistance have deferred many courses due to their budgetary constraints.
- Postponement of courses by some donors due to improper nomination; these relate to age limit, job relevance, academic background and some other special requirements.

From the above discussion, now we may point out some ninteen specific reasons why training does not yield desired results :

- 1. Defective assessment before training
- 2. Selection of wrong persons for training
- Training courses are not, in some cases, relevant to the organization's objective. Training is not often designed to be result oriented.

- Lack of innovation in training process. Traditional, monotonous, stereotyped, one-way communication is imparted and no feedback is encouraged for meaningful two way communication between the trainers and trainee.
- 5. Training institutes are not always properly and adequately manned with professionally inspired, competent and expert trainers. Trainers are not trained for increasing their professional skill. Thus quality of training suffers.
- 6. Absence of training atmosphere and infrastructure.
- BAPTC suffers for want of autonomy and operational independence-this inhibits quantity of training and dedication of training staff.
- Frequent transfers of faculty members destroy community of training thoughts and process, and discourage trainers from devoting themselves to training career.
- Absence of career development plan for those engaged in training profession discourages meritorious people from adopting training as a profession.
- 10. Non utilization of personnel in the job for which they receive training.
- Non recognition of training in career development. Incentives, such as praise, promotion and good placement do not go to the trained personnel in the expected manner.
- 12. Persons pursuing one profession are sometimes sent for training in another profession.
- 13. Defective/outdated educational system in the schools/colleges/ universities without reference to the quality of educated manpower required by the country in its development activities.

- 14. Trainees themselves are often found inattentive and disinterested in the training course.
- 15. Trainees regard training as a bothersome, unnecessary and useless. The exercise is not tagged with benefits such as better posting at the top management and increased chances of promotion based on the performance during the training period. That is why new zeal could not be expected from the trainees.
- Scarcity of fund for developing and executing training programmes satisfactorily.
- 17. Absence of objective evaluation of the trainees on return to jobs for watching impact of training on personality, conceptual level, quality of work and efficiency.
- 18. Absence of encouragement from the superiors and environmental support/cooperation to try/implement the new ideas/techniques learnt in course of training in the actual field.
- Finally, lack of clear, well defined training policy and lack of operational freedom of the BPATC to implement training programmes and other activities relating to it.

#### Recommendations

The PATC has barely started training the civil servants. It is still at an embryonic stage of development. The MOE's intention to keep the PATC under its effective control has made its autonomy a burning issue. The NTC has excelled in holding meeting at regular intervals but failed to evolve innovative ideas; and as a result, the guidelines incorporated in the NTP lack a distinct philosophy of public service and look more like putting together concepts and ideas without really attempting to integrate them into coherent themes.

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The following policy recommendations are made to enable PATC not only to become a successful public administration and managementtraining institute but also to play a significant and strategic role in the social and economic development of Bangladesh.

Strong political commitment backed by actions is urgently needed. Professionalism in public administration and management should be promoted. This can be achieved by recruiting and retaining professionals and by paying them competitive salaries and benefits and providing opportunities for upward movement at PATC. Evaluation should be taken seriously and programmes be modified on the basis of evaluation results and feedback from the participants.

Autonomy of operation of PATC must be ensured. There is no option but to create a public body in place of present Board of Governors whose composition is dominated by serving civil servants. It might be composed of political leadership management experts, public administrationists, professional civil servants, development planners, successful entrepreneurs from the private sectors and a few individuals representing a section of the population to provide feedback critique and guidance. The control at present being exercised should be reduced substantially as an interim measure allowing the Board of Governors to continue until the present arrangement is replaced with the one suggested above. The precondition to effective functioning of PATC is the possession of operational and budgetary autonomy.

The administrative system in Bangaldesh needs to be performance oriented in its patterns of authority, communication flow, attitude to work, norms and values of PATC, to be really effective. Radical transformation in the attitudes of the civil servants is surely needed. In fact meaningful changes must be attempted at altering the administrative culture – "the combined outcome of informal work socialization and the interaction of complex administrative structure over a long period of time." (Morris, J., 1977). The PATC must attempt to strike a proper balance between its training, research and consultancy activities taking stock of its manpower, objectives and financial resources, as well as realizing that the centre's ultimate success lies in imparting knowledge, teaching skills and modifying attitudes of the trainees.

The present dependence of PATC on foreign consultants and exogenous theories and concepts must be substantially reduced to allow the centre to develop through its own meaningful research, case studies, models and approaches so that over the years a training philosophy reflecting indigenous culture, environment and felt needs could be evolved. More use should be made of highly qualified local available consultants.

As there is no legal requirement of training for officers who are promoted to Bangladesh civil service, a special training course in the BPATC may be prescribed for such officers

Special courses should be designed for induction and training of non cadre officers and a well defined policy should be formulated in this respect.

Concerned agencies should prepare an annual indicative plan for recruitment during the next five years.

The implementation of recruitment plan should be reviewed and monitored annually by the NTC.

All ministries responsible for administration of various cadres should be asked to prepare and submit every year a comprehensive plan for training of its BCS probationers to NTC and it should be reviewed twice a year by the NTC.

A clear-cut policy with regard to existing backlog of foundation training is of immediate necessity. In view of the existing academic environment in Bangladesh and the compulsion to change the outlook of the new recruits, the duration of the foundation training course should be raised by six months with a separate 1½ months attachment to rural development academics.

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Institutional mechanism should be developed for regular exchange of information between BPATC and other training institutions engaged in training of BCS probationers.

Four secretariat reports towards better government in Bangladesh recommend that :

Training institutes should not be made the dumping grounds for unsuitable civil servants. Unsuitable civil servants should be subjected to other disciplinary measures as provided under the law. If suitable civil servants are not available, the posts should be advertised and persons with the best qualifications should be brought in from outside on a fixed tenure basis.

Only competent and committed persons should be made trainers.

- 1. The National Training Council should be activated. Its size should be reduced and it must meet at least once a month.
- 2. Trainer must be given adequate incentives both monetary and otherwise (i.e., in terms of promotion and training abroad).
- Offers of foreign training facilities must be fully utilized and responsibilities must be fixed for non-utilization. Trainers and those with the best records in internal training should be given the top priority in foreign training.
- Training must be integrated with posting and career development.
- In all training programmes the use of short, medium or long functional English, computer literacy and modern office equipment must be introduced.

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 Training needs, must be carefully assessed before imparting training, and all training and trainer performance must be evaluated and acted upon.

#### CONCLUSION

From the above discussion we can say that, at present the foremost responsibility of the government is to prepare a well defined training policy commensurate with our socio-economic, political and cultural background. Along with this, the control exercised by the MOE on PATC must be reduced. In brief the government must follow participatory model in formulating a training policy. All the institutions like PATC, and PSC must have authority to participate in formulating training policy.

# TABLE 5





## Abbreviations :

- MDS = Member, Directing Staff
- DD = Deputy Director
- AD = Assistance Director

The Total number of officers and employees at the PATC is to be 426.

SLNo.	Designation		No. of Posts
1.	Rector		1
2.	Members, Directing Staff		4
3.	Directors		- 13
4.	Senior Research Officers		2
5.	Research Officers		6
6.	Physical Instructors		2
7.	Liberians		2
8.	Deputy Directors		20
9.	Chief Physical Instructors		1
10.	Assistant Directors		27
11.	Evaluation Officers		4
12.	Medical Officer		1
]3.	Publication Officer		t
		Total	84
	Total Class – I		84
4.	Total Class – II		14
15.	Total Class – III		160
16.	Total Class – IV		164
		Grand T	otal 422

#### TABLE 6 Detail of Manpower

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# Afghanistan-Islam, Jihad and Taliban Movement

# MUNTZRA NAZIR

#### INTRODUCTION

The Talibans who suddenly emerged to surface in 1994, initially presented the image of very devout, simple and stark persons. However, with the passage of time, as their political and administrative control over major territorial parts of Afghanistan strengthened, their negative image as stereotype Islamic warriors has surfaced especially in the backdrop of their rapid military conquests. Subsequently, their policies intending to create what they call an Islamic order in Afghanistan has strengthened this view. To have a better understanding of Taliban Movement, it is desirable to have an historical over-view of the role of Islam and *Jihud* in the country like Afghanistan with vast ethnic and cultural diversities.

# ETHNIC AND CULTURAL DIVERSITIES

Afghanistan is one of those countries, where diverse civilizations converge. It, therefore, reflects diversity within the unity of its culture. Geographically speaking, Afghan gerritory is land locked, situated in an important region of Asia. In the West, it is connected with Iran, by Central Asia in the North and by South Asia in the East and South. By virtue of its geographic location, it has been the meeting place of three ancient civilizations – the Persian Empires, Turkic Nomadic Empires and South Asia.

The history of the modern state of Afghanistan begins during the 18th century. Before that it formed the part of the dynasties of Iran or

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sub-continent of India.<sup>1</sup> In the 19th century, it became a client state of Great Britain. However, in 1919, an independent monarchy was established which finally ended in July 1973 when Afghanistan was constitutionally declared a 'Republic'.<sup>2</sup>

The Pushtun which form the most important and numerically the largest group inhabit in the southern part of the country. In the Northern part of Afghanistan, three ethnic groups, namely, Turkmen, Uzbek and Tajiks form the majority of the population. Another ethnic group – the Baloch is also found in the South Western part of Afghanistan.<sup>3</sup> The majority of Afghan people practice the *Sunni* Islam but there are two significant Shia groups also–Imamies based in Hazara and Central Afghanistan and the Ismailies who reside in North-Eastern Afghanistan.

The country also reflects good cultural diversity. The Pushtun dominated areas depict highly traditional and tribal society. There are three significant features of Pushtun life – allegiance to Islam, the non-hierarchical structure of tribal system, and the Pushtun code-Pushtunwali, which also has contributed much to the country's social and political development.<sup>4</sup> The element of tribal structure in the Pushtun belt has contributed much to the diffusion and disorganization rather than centralization of political power in Afghanistan. (This explains the inability of Afghans to establish a strong central government at Kabul after the withdrawal of Soviet Troops). Ethnic identities and loyalties have always been very important despite the strong adherence of Afghanistan to Islam–a religion which does not entertain any ethnic and linguistic boundaries.

The process of almost a sudden social change which took by storm this otherwise stagnant society after the Communist invasion of Afghanistan has further accentuated the divisions within the country, especially on rural and urban lines. The differences between urban and rural elites are more prominent on social and cultural basis than on economic levels.

#### ISLAM IN AFGHANISTAN

For centuries, Islam has been the only true binding force between Afghanistan's diverse and multi-ethnic people. About ninety percent of population belongs to Sunni Hanfi Sect. The traditional Islam which includes formal structure of religion (rituals and traditions) had facilitated a system which limited the role of government in day to day matters. Village mosque was the centre of village life. The village Mullah who led the prayers also adjudicated the feuds and conflicts. The decisions about matters of daily life were taken by the tribes themselves.<sup>5</sup> Education and law were the two main departments which the traditional Islam in Afghanistan influenced and affected most. Other social and economic matters, such as, tribal organization, money and banking system and gender roles were governed by local customs and traditions. The Pushtunwali code (customary law) of the Afghan tribes often came into conflict with the administration of Islamic principles, i.e., customary law on '*hudul*' which resulted in the endemic blood feuds or the usurpation of land belonging to the enemy. However, in such cases, the legitimacy was sought by manipulating Mullahs or Ullema who used to intercede. State also interfered in some instances. Amir Abdul Rahman, during his reign, used to play as sole arbiter in cases where Sharia did not provide a clear verdict.6

Nevertheless, Islam provided the basis for country's formal legal and constitutional structure. Until Daud Constitution (1977), every Afghan constitution incorporated the *Hanfi Sharia* codes predominatly. The people trained from *Madrasas* (religious schools) served as *Qazis* (Judges) and *Muftis* (canon lawyers) and their decisions formed the basis of law. However, the process of change was actually initiated by King Zahir Shah, when the government gradually introduced new civil codes and some institutions were also established to train people in modern education as well as *Sharia* codes.<sup>7</sup> In 1937, the Faculty of Law and Political Science was established which was later affiliated with the

Kabul University in 1946 to integrate the new civil codes with the teachings of *Sharia*. In the new system, the people educated from *Madrasas* continued to enter into the judiciary; however, university graduates outnumbered them. They gradually introduced changes in the legal system. The new constitution of 1964, though, reiterated Islam to be the sacred religion of Afghanistan, yet it provided for secular legal system. Under the new constitution, the parliament was to include women also, which reflected a remarkable change in the traditional society like Afghanistan. But, all such changes met with severe opposition from religious elements who organized a movement to establish an Islamic state on the principles of Islamic *Sharia*. Later on this movement provided the basis for and gave impetus to Afghanistan by the Soviet Union.

This invasion of Afghanistan by Soviet troops and consequently, the resistance movement not only politicized the whole Afghan society, but also reinforced the role of traditional Islam as the political force. It became a rallying cry among diverse Afghan tribes to reassert their authority.

#### JIHAD AND AFGHAN PEOPLE

The terms Jihad and Mujahideen are derived from the Quranic verses which encompass all those who strive in the path of God. It not only applies to those who are engaged in physical combat but also to preachers, writers, political activists and those who leave their homes to take refuge in other places in the name of Islam. Jihad, for Afghan people has always been a mobilizing force. In the 18th and 19th centuries it earned a special significance in the Islamic world in general and Afghanistan in particular as it was one of very few Muslim countries which were not directly colonized by imperial forces. Therefore, it symbolized the anti-colonial struggle. Among the earlier Afghan potentates, Mahmud Ghaznavi was the most prominent Muslim ruler who successfully used Jihad as a railying cry against Hindus in the

Indian sub-continent. In some cases, however Jihand was launched against fellow Muslims also who were considered as heretical, as in case of Shia community of Hazara, during the period of Amir Abdul Rahman.<sup>8</sup> However, in modern times, the Afghan resistance movimenet represents the case in which Islamic ideology served as the foundation to launch Jihad against an outside Communist ideology, which threatened the religious basis of the Afghan state and society. It began in 1960 in response to increasing influence of Communist ideas among the younger educated urban elites. Coincidentally, by this time, the growing inequalities, declining role of traditional institutions for providing social stability as a result of government policies aiming at the elimination of such institutions and increasing indifference towards local culture and customs by Western educated urban elite, produced the wave of unrest among Afghan people.

The Soviet invasion strengthened the Afghan resistance movement and included those elements also who, otherwise, might not have affected earlier. Many government functionaries and intellectuals, at this stage, joined hands with Islamic warriors. It energized the movement. The exodus of significant proportion of population to neighbouring countries attracted the International Agencies towards the region. About 3.2 million refugees took their way to Pakistan. The position of Afghan Mujahideen was strengthened with the decision of U.S., in the backdrop of cold war, to provide covert and overt aid to them. It followed the support from other organizations such as OIC. This recognition provided the Afghan Jihad a new meaning and legitimacy in the region. However, this factor (foreign intervention) produced a leadership crisis. Many organizations sprang up, claiming for economic and military assistance. Nevertheless, seven Mujahideen parties received recognition from International donor agencies and states. These Mujahideen parties, however, were not equally popular in Afghanistan. They had their support base, invariably confined to specific areas of Afghanistan.

These parties were :

- 1. Jamiat-i-Islami, headed by Burhannudin Rabbani was mainly popular in the North of Kabul.
- 2. Hisb-e-Islami (Hikmatyar group) had followings in provinces of Nangarhar, Khunduz and the city of Baghlan.
- Hisb-e-Islami (Khalis) led by Yunis Khalis had support in South-Eastern Afghanistan.
- 4. Ittihad-i-Islami, founded by Abdul Rasool Sayyaf had mainly Kabul as its support base.
- 5. The Afghan National Liberation Front formed by Sibghatallah Mujadidi had followings in the Southern parts of Afghanistan.
- Harket-i-Inqilab-i-Islami formed in 1980 under the leadership of Nabi Muhammadi had its representation in some pockets of South.
- 7. Mahaz-i-Milli-i-Islam, led by Pir Gailani, had support in Kandahar.<sup>9</sup>

All these seven parties formed an alliance in 1985. All of them were Pushtan in their ethnic origin except Jamiat and professed *Sunni* Islam. Apart from these parties, there were two *Shia* organizations also. All of these organizations were highly individualistic in nature and known for their leaders rather than the group or organization.

The Afghan Jihad, following the Soviet invasion, went through different phases. However, *Mujahideen* a demonstrated a relative unity during the war and for all practical purposes won it. Fragmentations surfaced soon after the fall of Communist regime in Kabul. The underlying regional and ethnic divisions of the country began to raise their ugly head and, caused political rivalry between different groups. This made it very difficult to create a viable Islamic government in Afghanistan. The conflict resulted in armed clashes between them. The continued war for power between these groups accentuated further the division in Afghan society into 'Pushtun', 'non-Pushtun' and 'North' and 'South' basis.

#### TALIBAN MOVEMENT

Historically, it is observed that societies faced with civil wars tend to be ripe for evolution of religious or ideological movements. It is an effort, in such societies to evolve a system which could hold the process of degeneration in check and provide stability to rapidly deteriorating social institutions. In Afghanistan too, the rise of Talibans was one such response. After the withdrawal of Soviet troops, people expected the return of normalcy and peace in Afghanistan. Nevertheless, their hopes were shattered as all efforts to establish a broad based Islamic government in Afghanistan failed miserably. The fighting continued between the *Mujahideen* groups and with Dustam militia in and around Kabul. In other provinces, local leaders fought for power, one party challenging the supremacy of the other. The economy was dealt a shattering blow. In an interview, Mullah Wakil Ahmed, a spokesman of Taliban explained the cause behind their 'movement'. He said :

> "After *Mujahideen* parties came to power in 1992, the Afghan people thought that peace would prevail in the country. However, the leaders began to fight over power in Kabul. Some local leaders, particularly in Kandahar, formed armed groups that fought against one another. There was wide spread corruption and theft, and there were road blocks everywhere. Women were being attacked, raped and killed. Therefore, after these incidents, a group of students from religious schools decided to rise against these leaders in order to alleviate the sufferings of the residents of Kandahar province.<sup>910</sup>

Taliban who first appeared on the scene in 1994, when they had rescued a trade convoy from Pakistan, destined to Turkmenistan, by fighting off a group of attackers, were mainly religious students, brought up in refugee camps in Pakistan. They received their religious education at *Madrasus* established in these camps. They were mainly a rootless generation of young people who knew nothing but to fight. Their belief in puritan Islam urged them to take up arms against the greedy and power hungry *Mujahideen* leadership.

Following the rescue operation, they moved further to take the control of Kandahar city which fell into their hands easily.<sup>11</sup> Having taken control of the city, they declared their intention to establish their own authority in the entire country in the name of Islam. They guickly consolidated their position in Kandahar and moved forward to take Helmand. By February 1995, they had taken the control of seven provinces – Kandahar, Zabul, Helmand, Uruzgan, Ghazni and Partika.<sup>12</sup> Then they reached the Southern suburbs of Kabul and tried to approach it from south-western areas. There, they had to faced stiff resistance, but successfully managed to capture the south of Kabul in August 1995. Jalalabad and Herat fell into their hands in September 1995 and Charasyab was captured in October, 1995. After a few days of fighting they entered Kabul on September 26, 1995, to everyone's surprise. Their rapid victories as they took control of one province after another, raised questions as to where did they get military training from and enough supply of arms to sustain them. It is said that initially they received a large quantity of weapons abandoned by Mujahideen groups during their clashes with Taliban. Afterwards they made calls for more weaponry to different Islamic organizations which responded favourably.<sup>13</sup> They also received support from U.S., Pakistan and Saudi Arabia. However, the nature and extent of support, at that stage was then a matter of speculation.

The emergence and relative stability of Taliban regime in Afghanistan had mainly two root causes. *Firstly*, they appeared at the

time when Communist power structure in Afghanistan as well as all over the world was crippled and *secondly*, the *Mujahideen* leaders and parties were becoming increasingly unpopular among Afghan population because of their long standing rivalries. Therefore, Taliban did not face any serious challenge to their authority.<sup>14</sup> Moreover, at the earlier stage, they had the support of Afghan people because (a) they brought a relative peace in the war torn country; (b) revived the Pushtun consciousness and ascendancy in Afghan society, and (c) tried to rebuild the traditional tribal democratic grass-root institutions, which provided the regime with a relative stability.

#### THE POLITICAL ORGANIZATION

The structure of Taliban's government was devoid of equitable representation through political parties, as used to be the case during the government of *Mujahideen*. Since there was no formal constitution governing the relationships between various institutions, Mullah Omer, originally a member of Hisb-i-Islami, held the title of *Amir Al Muminin*. He had the ultimate powers of decision making. He seldom appeared before public or camera and usually delegated the duties regarding meetings with foreign delegates to his government functionaries. It led to creating an aura of mystery around his name and personality. His supreme position was evident from a statement given by Mullah Wakil :

"They are based on the advice of the Amir Al-Muminin. For us consultation is not necessary, we believe that this is in line with the Sunnah. We abide by the Amir's view even if he alone takes this view...."<sup>15</sup>

However, a formal decision making body called Supreme *Shura* based in Kandahar, the city Mullah Omer resided in, was established. Another cabinet of ministers was also set up in Kabul, which was authorized to deal with the matters concerning day to day life. All important decisions, however, were made by the Kandahar *Shura*: No decision could be taken without its approval.<sup>16</sup>

The Kandhar Islamic Supreme Council also acted as the most important judicial body. It appointed *Qazis* and assistant *Qazis* in the whole country. However, the Justice Ministry and Supreme Court of Afghanistan also worked in Kabul but did not enjoy the same powers as the Kandahar Supreme Council did.<sup>17</sup> The whole governmental machinery was shrouded in secrecy. The ministers and officials were regularly sent on war front to take part in fighting against *Mujahideen* troops. It caused continuous disruption and inefficiency in the administration.

Despite Taliban's claim that they did not believe in ethnicity, Pushtun ethnic group was the dominant faction among them. The whole administrative and military structure of Taliban government was devoid of any significant representation of non-Pushtun elements. The three *Shuras*, namely; Kandahar, Kabul and Military were dominated by Pushtuns. Only one member Sayed Ghiasuddin, a Tajik was taken in Kandhar *Shura*. Kabul *Shura* had only two non-Pushtun members. In Kabul, Herat and Mazar which were non-Pushtun dominated areas, all important official posts like those of governors, mayors, police chiefs, etc., were filled by Kandahari Pushtuns.<sup>18</sup> Due to lack of local " representation in government offices, the regime had to face difficulties in winning over the confidence of people.

# TALIBAN'S CULTURAL AND GENDER POLICY

Islam has always been the key focus of Afghan people rich or poor Communist or non-Communist, king or ordinary citizens, all observe the rituals and the piety of Islam with perfect devotion and extreme regularity. However, Islam in Afghanistan before 1992, had been very tolerant.<sup>19</sup> But the fabric of this traditional tolerance was destroyed by continued civil war after the withdrawal of Soviet troops. Taliban brought a new kind of religious extremism in Afghan society. They used the sate authority to enforce their own interpretation of Islam. They

## Afghanistan-Islam, Jihad and Taliban Movement

insisted that their interpretation of Islam was right. This trend produced a wave of despotism in Afghanistan, and invoked controversy and condemnation from international community. This criticism was directed against their social and cultural policies the main elements of which were the enforcement of strict codes of dress both for men and women, imposition of Islamic punishments, ban on T.V. and videos, a temporary ban on female education, restrictions on the employment of women except in health sector and complete segregation among women and men in the society. When asked by International agencies how could they justify their policies, especially ban on education and employment on the basis of Quranic injunctions, they said, "you are not-Muslims, so you have no right to discuss Islam."<sup>20</sup>

Taliban's gender policies produced severe criticism in the West and caused imposition of 'Sanctions' on Afghanistan from the U.N.O. Nevertheless, the explanation of the policy of Taliban leaders towards women needs to be sought in the traditions of their own cultural background which has historically limited the role of women in their society. In general, women in Afghanistan, had traditionally been accorded the roles of mothers and wives. The question of female education and their employment had never been an issue. In some areas, such as Central and Northern Afghanistan, the mobility of women had also been restrained due to cultural norms. Women, traditionally had conformed to certain codes of dress, i.e., they usually had worn Burga or Chader to cover themselves. Western dress gained currency and remained popular among very small section of urban elite, and that too for a very short period.<sup>21</sup> King Amanullah was the first Afghan ruler who introduced some 'reforms' with a view to improve the position of women in the society. Thereafter, it took a very long time before Prime Minister Daud Khan (1953) tried to bring some changes. But all such efforts did not go unchallenged from the Afghan Ulema. Later, the resistance movement became a symbol of resistance to any such influences which were looked upon as a threat to traditional Afghan Islamic values. The Taliban brought an element of religious extremism to this trend.

Not with standing anything, however, the majority of Taliban leaders belonged to the most conservative and least literate background. The women with whom they at all had any contact were simple and illiterate, adhering to the image of traditional Afghan Muslim women. Therefore, their policies regarding women were generally rooted in and drawn from their own experiences, to which they added their own interpretation and tried to justify the translations of Quran and *Sharia*.<sup>22</sup>

# TALIBAN AND OTHER ISLAMIC MOVEMENTS

The Taliban movement when compared with other Islamic movements of the modern history of Muslim Thought, has some similarities. Some parallels are briefly drawn as under :

The Taliban, like other Islamic movements, especially the Muslim Brotherhood (*Ikhwan-ul-Muslimin*) of Egypt and Iranian Revolution, drew and gathered large number of young people to their fold. Secondly, all these movements unequivocally advocated that Islam is an all embracing and comprehensive system which encompasses all aspects of human life. It is not merely a matter of abstract faith for an individual. It guides and governs the relationship between individuals on one hand and with state on the other. *Thirdly*, the codes of Islam are applicable to all times, irrespective of the limits of time and space and that the *Sharia* is the supreme code of law. *Fourthly*, all these movements justified *Jihad* and urged their followers to take up arms against all such rulers who did not adhere to the tenets of Islam.

The comparison, however, ends here and despite these similarities there are some striking differences which can be stated as under :

1. The Taliban Movement lacked sophistication, which was the character of earlier Islamic movements. Taliban used coercive measures to enforce their ideas instead of employing the media

and educational institutions for the promotion of their ideology. (Iranian revolution, though employed state powers and machiney to enforce its policies, nevertheless, their leadership extensively used media and universities to promote the philosophy and ideology of revolution).<sup>23</sup>

- 2. The followers of other movements tried to propagate the Islamic ideals which were relatively more modern and forward looking. They tried to interpret and integrate the *Sharia* with the requirements of modern age and by doing so developed modern theories regarding economy, education and political system.<sup>24</sup> Whereas, Taliban basically stressed on the use of traditional Islamic customs, beliefs, and institutions but did not give a practical shape to the Islamic injunctions in the light of modern thought.
- 3. The earlier movements, especially that of Ikhwans, wanted to bring about an Islamic revolution, which would not have confined to regional, ethnic or class boundaries. They talked about pan-Islamism. Taliban, however, did not intend to spread their influence beyond Afghanistan.

Their main objective was to 'purify' Afghanistan alone. When asked about the systems established in other Muslim countries, Mullah Omar replied, "We do not look at other governments. We do not have enough information on those states' system."<sup>25</sup> Taliban's lack of concern about the religious beliefs and cultures of other people as well as their own image among the International community was demonstrated by their decision to destroy the statues of Buddha in their own land, in the face of world wide condemnation, ostensibly to make a complete break away with pre-Islamic history and civilization of Afghanistan. They continued to see the destruction of statues as enforcement of Islamic injunctions, still however they did not bother about the existence of statues outside Afghanistan.<sup>20</sup>

#### TALIBAN AND INTERNATIONAL COMMUNITY

The relations of Taliban with International community were based on their self created conception and classification of world into four zones :

- 1. *Dar-al-Kuffar* (the land of the unbelievers), which would include countries like India, Russia, and other non-Muslim states.
- 2. Dar-al-Munafiqion (the land of hypocrites); this dubious distinction is assigned to Iran.
- 3. Irreligious countries, and the example is Turkey.
- Dar-al-Islam, good Muslim states which preeminently include Pakistan, Saudi Arabia, and the United Arab Emirates, the three states which recognized the government of the Taliban.<sup>27</sup>

With this classification, Taliban evoked fears and resentment among powerful states, which perceived them as a threat to their strategic interests. They feared that the "Taliban syndrome" would escalate the role of radical Islamists all over the world.<sup>28</sup> They accused Taliban of providing training to militants, especially Russia believed that Talibans were behind militant *Wahabies* in Tajikistan and Uzbekistan, and the latter had their military bases in Afghanistan.<sup>29</sup> Whereas the U.S. used two factors-the narcotics issue and Usama Bin Laden's sanctuary in Afghanistan, against Taliban regime to build pressure on International aid giving agencies to Afghanistan for imposition of economic sanctions. Nevertheless, the U.S. policy towards Taliban has remained consistently in consistent and non-coherent as can be seen from various phases demonstrated by it and depending upon the domestic American policies and its strategic interests in the region in the back drop of deteriorating economic and political conditions in Afghanistan.<sup>30</sup> Today Afghanistan is a state which is ravaged by war and political instability. It does not own a viable system which can generate some level of popular participation. The Pushtun tribal structure has been destroyed. With the scenario of an on-going war, the isolation of Afghanistan would make the situation worse. The big powers as well as neighbouring states, while recognizing the need for limiting their role in Afghan internal politics, must help build the process of these negotiations with Taliban. Still, however, the process of these negotiations is bound to be difficult, tricky and long drawn, especially in an atmosphere of morbid distrust between the Taliban and the modern world.

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Sarfaraz Hussain Mirza, Hameed Nizami Aik Aihad Saaz Shakhsiyat, Publishers : Maktaba Nawa-i-Waqt, Lahore Pages 356, Price Rs. 250.

The pre-independence history of Pakistan is an account of resolute struggle and endless sacrifices on the part of Muslims of the Sub-Continent to achieve freedom both from Hinduś and British rulers. In this process our forefathers gave many sacrifices and we have reaped the fruit of their labour in the form of an independent state.

Hameed Nizami was one of those prominent figures who were part and parcel of this historical movement when we peep into the history we find him an ardent supporter of Quaid-i-Azam and a committed worker of Pakistan movement whose honesty was above board and determination was unyielding. And it is also in the history that we find the genesis of *Nawa-i-Waqt* and its role in the struggle for independence. To quote Zahoor Alam Shaheed here : "There is no exaggeration in it that if *Nawa-i-Waqt* would not be there at that time, the struggle of Muslims for freedom would never reach its destination so successfully in a short span of time."

The book under review 'Hameed Nizami-A Legendary Figure' by Sarfaraz Hussain Mirza traces the political and journalistic career of Hameed Nizami, from an enthusiastic worker of Pakistan movement to the editor of Nawa-i-Waqt. The different articles contributed by various literary figures included in this book throw light on different aspects of his personality-as a journalist, a political figure, a charismatic orator and above all good human being and a good Muslim. His friends recalled him as a person who refused to forsake his principles in the face of unfavourable circumstances and the lust ofworldly gain could never tempt him into wrong doings, his favourite lines were, "I am far above these things." He was the man who sought for truth throughout his life, and stood by his values and ideology till the last. In his belief system their were three things on which he never compromised; Islam, ideology of Pakistan and the personality of Allama lqbal for whom he had got strong affection and love. Hamced Nizami was a liberal and enlightened person who strongly condemned the intruding cultural values of the west in the name of liberalism and at the same time he was also against religious fanaticism.

So far as his journalistic pursuits are concerned it was a passion within him from a very early age. In his student life he used to contribute humorous articles in 'Sherazah' and 'Adbi Duniaya.' He also remained the editor of college magazine. In his college life he was an active participant in Pakistan movement and worked shoulder to shoulder with Quaid-i-Azam. He also laid the foundation of Muslim Students Federation in Sub-Continent. But journalism was his foremost passion and later he abandoned politics and devoted himself fully to this field.

Hameed Nizami decided to launch his own Urdu daily newspaper when it was the dire need of that time. Muslims really needed a platform to raise their voice and explain their point of view. The first edition of *Nawa-i-Waqt* was published on 23rd March, 1940. In the beginning it was bi-weekly then it became a weekly newspaper and finally became daily on the 19th July, 1944. Right from the beginning *Nawa-i-Waqt* made a distinguished place among its contemporary newspapers. Even an English newspaper, *Statesman* translated columns of Hameed Nizami, which used to publish under the tittle of *Lail-q-Nihar*. It was a remarkable achievement for an Urdu newspaper. A sign of change that British were taking notice of Muslim's stand and point of view. The main objective of *Nawa-i-Waqt* was to propagate the ideology of Islam

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that was the basis of Pakistan movement. No doubt *Nawa-i-Waqt* was considered as the spokesman of Muslim League but at the same time Hameed Nizami also criticized the wrong policies and decisions of Muslim League in his forceful editorials, and even the leadership of Muslim League took notice of them and revised and rectified certain decisions in the light of these editorials.

Hameed Nizami was an institution in himself and he laid the foundation of positive, creative and healthy Urdu journalism. He gave a new style and modern touch to Urdu Editorial writing. He introduced an argumentative style of writing with main stress on thoughts and ideas rather than on verbosity. For Hameed Nizami journalism was more than a profession. It was a mission, a philosophy of life, and a source of spiritual fulfillment to him. As Abdul Qaider Hassan while paying tribute to him puts it, "Hameed Nizami was not only a professional mentor. In fact he was a torch bearer for us who taught us that journalism is not just a profession of making both ends meat. But is a mission of life."

After going through different articles on the personality of Hameed Nizami one gets the notion that it is not an individualistic study but the study of the whole era. The study of political movement waged by the Muslims of Sub-Continent for achieving freedom and role of journalism in it.

The book has been divided into two parts. First part contains 63 articles on the personality of Hameed Nizami and the second part contains elegics, paying a rich tribute to his undaunted personality.

Hameed Nizami has a great contribution in strengthening the country before and after independence. This book is a comprehensive study of multifarious aspects of his personality. At the same time it is a study of Pakistan movement and other contemporary figures that were active participants of that movement. Another objective of this book in the words of the writer is to make the new generation aware of the sacrifices and desperate struggle that our forefathers made in the process of attaining freedom. And induce in them the same zeal and zest to work for the betterment of the country.

> Laiarukh Courtsey : *The Nation*, Lahore, October 22, 2001

# SOUTH ASIAN REGIONAL COOPERATION

# January to December 2000

# DSE SEMINAR ON INTERNATIONAL TREATIES ON AVOIDANCE OF DOUBLE TAXATION Colombo, Sri Lanka : January 13-20, 2000

The German Foundation for International Development (DSE) funded and organised a Seminar on International Treaties on Avoidance of Double Taxation in Colombo on 13-20 January 2000, All SAARC Member States and SAARC Secretariat participated in the Seminar. Michael Krause of German Federal Ministry of Finance; and Ahmad Khan, Member, Monopoly Control Authority of Pakistan, Islamabad were the Resource Persons. Gunter Mauersberger from the German Foundation was the Seminar Coordinator. The acting German Ambassador in Colombo, Heinz Kopp inaugurated the Seminar on 13th January 2000.

The leaders of delegations from SAARC Countries presented their country reports indicating the status of taxation in their countries and the status of bilateral treaties signed by them or likely to be signed with other SAARC and non-SAARC countries for avoidance/elimination of double taxation.

The Resource Persons made presentations on various aspects of double taxation, tax treaties, methods for the elimination of double

These Statements have been arranged by Abdul Majid, Research Scholar, Centre for South Asian Studies, Quaid-i-Azam Campus, University of the Punjab, Lahore.

taxation, the OECD Model Convention and the UN Model Convention, conducting negotiations for bilateral treaties on double taxation and various important Articles of Model Conventions including the Permanent Establishment, Taxation of Dividends, Interest and Royalties, fees for technical services, transfer pricing, etc.

The seventh meting of the Committee on Economic Cooperation held in New Delhi on 28-29 October 1996 agreed *inter-alia* to evolve a SAARC Agreement on the Avoidance of Double Taxation. The first SAARC meeting on Avoidance of Double Taxation was accordingly held in Islamabad on 5-7 August 1999.

Since SAARC is already considering the possibility of an agreement on avoidance of double taxation, the DSE Seminar was considered useful by all the delegates in Colombo.

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# EXPERT GROUP FOR REDUCTION OF CHILDHOOD NEUROLOGICAL MORBIDITY MEETS

New Delhi, India: January 15-19, 2000

An Expert Group Meeting for Upgrading the Training and Research Skills of Pediatricians of SAARC Countries for reduction of Childhood Neurological Morbidity was organized by the all India Institute of Medical Sciences, New Delhi from January 15 to 19, 2000. The activity was sponsored under SAARC-Japan Special Fund.

The meeting noted that the South Asia accounts for about 51 per cent of the world's below 15 years age population. Even though the infant mortality and under five mortality are high, many diseases, deficiencies, infections and disabilities continue to scourge the children. It also noted that the major killers include acute respiratory illnesses, diarrhoca, birth

#### Statements

related problems, vaccine preventable illnesses, etc. Morbidity patterns indicate that neurological illnesses like infections, seizures, mental and developmental handicaps comprise almost 25 per cent of childhood problems.

The Expert Group focused on clinical, diagnostic and management aspects of common causes of childhood neuromorbidity including, cerebral palsy; seizures; mental retardation; CNS inflections; preventive neonatal neurology; and prevention and rehabilitation of neuromuscular diseases. In this context, the important components of strategy as conceptualized were:

- identification of priorities of SAARC countries towards education and training of child health professionals in childhood neurological diseases;
- identification of attainable objectives towards management pertaining to upgrading practices and rehabilitation of children with neurological problems;
- development of common participatory training programme in child neurology as a goal towards human resource development;
- feasibility of a relevant training module; and
- development of linkages among the SAARC countries; and utilization of available resource materials.

WORKSHOP ON RADIO AND INTERNET TECHNOLOGY

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Colombo, Sri Lanka : January 25 to February 1, 2000

A Workshop on Radio and Internet Technology was organised by the Sri Lanka Broadcasting Corporation at Institute of Computer Technology (ICT), University of Colombo from January 25 to February 1, 2000. The Workshop, which was sponsored under the SAARC-Japan Special Fund, provided opportunity for participants to enhance knowledge and skills on using Internet content for Radio programming. The participants dealt with diverse aspects of the Radio medium and deliberated on how radio is becoming a stronger and more accessible medium with the help of multimedia and the Internet. A session, which was devoted to writing for radio, demonstrated how to find stories and adapt them for radio broadcast. It demonstrated how news related stories could be downloaded from the most informative websites in the Internet. The deliberations offered an 'Introduction to Information Technology' covering sectors from mainframe computer to the present desktop, laptop and notebook versions; and multimedia including text, data, graphics, animation, audio, video and images.

# WORKSHOP ON INFORMATION AND COMMUNICATION TECHNOLOGIES

# Islamabad, Pakistan : February 1-4, 2000

In a series of programmes/activities to promote Information and Communication Technologies, a workshop was organised by the Pakistan Science Foundation and COMSATS Institute of Information Technology in Islamabad on 1-4 February, 2000. Sponsored under the SAARC- Japan Special Fund, the workshop was attended by participants from the SAARC Member States as well as the SAARC Secretariat.

While inaugurating the workshop, Javed Jabbar, Minister of Information of Pakistan emphasised the need to speed up the promotion of Information and Communication Technology in the SAARC region and requested the experts to identify ways and means for a common man to derive benefits from the new developments in the field.

#### Statements

The deliberations of the workshop covered different phases of the development in electronic media. The programme was spread over four technical sessions as well as practicals covering a broad range of issues including: Internet evolution and its advancements due to the world wide web; development tools and technologies of web sites, including e-commerce, planning and building a web site; multimedia development and related issues; integration with telecommunications, and desktop conferencing with lab demonstrations.

# WORKSHOP ON ROAD TRAFFIC CONGESTION MANAGEMENT

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#### New Delhi, India : February 10-12, 2000

The Ministry of Surface Transport of India organised a Workshop on Road Traffic Congestion Management for 'Traffic Engineers and Traffic Planners' under the aegis of SAARC in New Delhi on 10-12 February, 2000. The Workshop, which emerged from the 17th meeting of the SAARC Technical Committee on Transport, was attended by representatives from SAARC countries and was inaugurated by Ashoke Joshi, Secretary Ministry of Transport of India.

The topics for discussion were chosen so as to provide coverage on issues relating to planning and the management of road traffic. These included traffic control and management, funding for traffic systems in urban areas, transportation planning studies, role of public transport, traffic environment and road safety, congestion management in urban areas, low-cost traffic management techniques, traffic congestion management in CBC areas, general management and enforcement of traffic.

The delegations from member countries made country presentations on the problems of traffic congestion faced in their countries, including measures undertaken for proper traffic management and for safety standards.
After detailed deliberations, a number of recommendations emerged from the Workshop:

- terminal facilities for freight vehicles to be properly planned and designed;
- the safety of pedestrians, cyclists and motorized two-wheelers to be enhanced;
- consideration to be given to the problem of air pollution;
- the share of mass transport system in urban areas to be increased;
- the need to evolve parking policies and system for different land uses;
- the need for decentralisation of inter-city terminals;
- the need for setting up an Urban Transport Development Fund and Traffic and Transportation Cell;
- an appeal to make bus transport more attractive and profitable;
- the necessity of introducing compulsory safety audits;
- the importance of public participation and cooperation on safety management programme.
- options and solutions for problems of CBD areas; and
- the urgency for planning for non-motorised vehicles in the region.

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## FACILITATING INTRA AND INTER-SUBREGIONAL TRADE IN THE SAARC REGION

### Kathmandu, Nepal : March 1-2, 2000

With a view to invigorating trade competitiveness and improving business performance in the SAARC sub-region, ESCAP initiated a Japanese Government funded project to align the trade documents and procedures in India, Nepal and Pakistan. The first National Workshop was jointly organised by ESCAP and SAARC March 1-2, 2000 at the SAARC Secretariat in Kathmandu with the active support from the Ministry of Commerce of HMGN. Participants from concerned Ministries and Departments in Nepal attended the Workshop.

The importance of aligning and harmonizing trade documentation and procedures has been recognized in various SAARC meetings, as a means of making trade more competitive and quicker within the region through a reduction in transaction costs. At present, for example to import or export one consignment in India, Nepal or Pakistan, the type of documents requested can vary from 15 to 83, and the number of signatures from 56 to 256. If trade is to be accelerated within the SAARC sub-region, it is imperative therefore, that business responds not only to the increased rapidity of transactions but also to cost reduction through the elimination of cumbersome formalities which act as impediments to trade.

Chairing the Opening Session, Mohan Dev Pant, Commerce Secretary of Nepal welcomed the convening of the Workshop given the importance of trade facilitation and the need to address it with a sense of urgency, by the government as also the private sector. He said that it was imperative for developing countries to search for easier and cheaper ways of doing trade through the simplification, harmonization and standardization of trade documents. Secretary General of SAARC, Nihal Rodrigo cautioned that globalisation and the emergence of super efficient global companies could erode the comparative and competitive advantage of the region unless urgent efforts were initiated to streamline procedures and eliminate unnecessary cumbersome documentation and delays. The procedural clogs almost amounted to non-tariff barriers accounting to as much as 10 per cent of costs for some items in certain situations.

The sessions in the Workshop covered various inter-related issues such as the implications of SAFTA, the need for documentation and procedure alignment and the perspective of the private sector. The Workshop emphatically endorsed the need to reduce cumbersome requirements and formalities and thereby give a fillip to intra-regional trade.

# CONFERENCE ON OPPORTUNITIES FOR REGIONAL COOPERATION AND INTEGRATION HELD.

## Kathmandu, Nepal : March 6-8, 2000

At the invitation of the conveners of the "Energy South Asia" the SAARC Secretary-General, Nihal Rodrigo delivered the luncheon address at the Conference on "Opportunities, for Regional Cooperation and Integration" held in Kathmandu from 6 to 8 March, 2000.

The two-day conference organised by Energy South Asia, a cooperative initiative between USAID and individual SAARC countries, brought together senior government and private sector representatives of all South Asian countries.

In his address, the Secretary-General of SAARC emphasised the economic imperative for project oriented energy cooperation within South Asia, which would include some form of sub-regional collaboration involving at an initial stage, countries of the region directly concerned in inter-regional energy projects. He briefed the conference on the on-going initiatives within SAARC in addressing energy issues in the region.

While welcoming the deliberation and analysis within the region on the potential for regional energy cooperation in which the private sector is poised to play a lead role, the Secretary-General underlined the need for constructive cooperation among the governments, the private sector and community based organisations in South Asia and her partners that would serve the interests of the region.

# SOUTH ASIAN MANAGEMENT FORUM 2000 CONVENED

## Pune, India : March 23-25, 2000

The Association of Management Development Institutions in Sough Asia (AMDISA) held its Sixth Academic Conference as South Asian Management Forum 2000.

At the Conference held at Pune from 23 to 25 March, 2000, the theme was Advantage South Asia: Opportunities and Challenges for Management Development. It was attended by representatives from all SAARC countries.

The Conference was inaugurated by Nihal Rodrigo, Secretary-General of SAARC. Speaking at the Inauguration, the Secretary-General stressed the need for government and the private sector to work together for the all round development of the South Asian region.

AMDISA was established in June 1988 for the promotion of management education and management development activities in South Asian region. AMDISA received the status as a SAARC Recognised Body in May, 1997 in recognition of its contribution to management and development education fields. Its general office is located in Hyderabad, India.

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# CONSULTATIONS ON PROGRESS OF THE SAARC PROCESS

## Colombo, Sri Lanka : March 28, 2000

At the request of the Government of Sri Lanka, the Secretary-General, Nihal Rodrigo visited Colombo to revie v progress on SAARC following the Tenth Summit and the rescheduling of the next Summit.

The Secretary-Gareral called on the Chairperson of SAARC, the President of Sri Lanka, Mrs. Chandrika Bandaranaike Kumaratunga on March 28. He had discussions with Mr. Lakshman Kadirgamar, Minister of Foreign Affairs; and with Mr. Lakshman Kiriella, State Minister of Foreign Affairs; Mr. Lionel Fernando, Foreign Secretary and other officials on implementation of decisions taken at the Tenth Summit, and on their consolidation as well as on other continuing and future activities of the Association on agreed programmes of cooperation as part of continuing consultations with the current Chair, the Government of Sri Lanka.

Following on consultations between the Chairman of the SAARC Council of Ministers, Mr. Lakshman Kadirgamar and the Foreign Minister of India, Mr. Jaswant Singh, the Secretary-General had discussions with Mr. Lalit Mansingh, Foreign Secretary and other officials in New Delhi on April 3 on the ongoing SAARC process and future activities.

On April 19, the Secretary-General called on Mr. Girija Parsad Koirala, Prime Minister of Nepal, the host-designate of the Eleventh Summit. The Secretary-General had discussions with Mr. Chakra Parasad Bastola, Minister of Foreign Affairs, Mr. Narayan Shumshere Thapa, Foreign Secretary and other officials on the ongoing work of SAARC and possible future initiatives

On an official visit to Bangladesh, the Secretary-General called on Sheikh Hasina, Prime Minister on May, 24. He had meetings with Mr. Abdus Samad Azad, Foreign Minister, Mr. Abul Hasan Chowdhury, Minister of State of Foreign Affairs, Mr. Shafi Sami, Foreign Secretary: and other officials relating to proceeding SAARC programmes and forthcoming activities.

During an official visit to Pakistan the Secretary-General met with Mr. Abdul Sattar, Foreign Minister on May 30. He had discussions with Mr. Inamul Haq, Foreign Secretary and other officials on continuing SAARC activities and future programmes.

During his visit to Maldives as reported earlier, the Secretary-General called on Mr. Fathulla Jameel, Foreign Minister and had discussions with Dr. Ahmed Shaheed, Permanent Secretary and officials on ongoing and projected SAARC programmes.

During his visit to Kathmandu Mr. Ugyen Fahering, Foreign Secretary of Bhutan met the Secretary-General at the SAARC Secretariat on March 13 and exchanged views on progress in SAARC activities.

All the Member States of SAARC, at the highest levels, have expressed a strong commitment to the principles and objectives of the Association's Charter and a firm resolve to continue and consolidate regional cooperation in agreed areas in accordance with those principles and objectives.

## MEMBERS OF EUROPEAN PARLIAMENT VISIT SAARC SECRETARIAT

## Kathmandu, Nepal : April 21, 2000

A nine-member delegation of the European Parliament (EP) visited the SAARC Secretariat on 21 April, 2000. The delegation was led by General Collins, Chairman of the European Parliament Delegation for Relations with South Asian Countries and SAARC.

Welcoming the delegation, Nihal Rodrigo, Secretary-General of SAARC stated that pursuant to the SAARC-EC Memorandum of Understanding, cooperation on economic and trade issues between EU and SAARC had been growing. A dialogue had taken place at ministerial level during the preceding two sessions of the United Nations General Assembly in New York.

The Secretary-General welcomed and appreciated the approval by the European Commission to accord facilities of GSP regional cumulation to the SAARC countries. Projects had also been identified for cooperation between the European Commission and the SAARC Secretariat particularly with regard to a better understanding of the Single European Market, the modalities and legalities related to GSP, standards particularly with regard to testing and certification procedures. The complex process that was followed in Europe to bring about a Single Market offered many valuable lessons and inputs for the Committee of Experts drafting the Treaty for the South Asian Free Trade Area (SAFTA). The Secretary-General expressed his hope that the visit by the European Parliament Delegation would strengthen the interaction with SAARC to mutual benefit.

Gerard Collins appreciated the opportunity to interact closely with the SAARC Secretariat although in-depth discussion was not possible due to the tight schedule of the EP delegation. He was confident that on-

going SAARC activities would contribute towards meaningful integration of peoples and institutions within South Asia as had happened in Europe. He said that the South Asian region is full of immense possibilities and expressed hope that the interaction with Europe would increase over time.

Responding to clarifications sought by the EP delegation on the SAARC Summit, the Secretary-General stated that in conformity with the practice of unanimity, consultations were proceeding to reschedule the Eleventh Summit. Meanwhile, other SAARC activities including work on SAFTA, the Social Charter and the Technical Committees were proceeding. He also stated that SAARC had consulted closely on issues before the WTO and had taken collective positions to be negotiated at the WTO.

The EP delegation expressed hope that South Asian Parliamentarians could participate in a proposed Parliamentary Body likely to be set up within WTO. Once the proposal is formalised, the EP would contact SAARC Secretariat.

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## FOCUS ON WTO ISSUES AT SAARC ENSCUSSION FORUM

## Kathmandu, Nepal : April 27, 2000

Tejendra Khanna, former Commerce Secretary of India and Lt. Governor of Delhi spoke on "WTO and the Post Seattle Scenario : Implications for Developing and Least Developed Countries" at the Secretariat on 27 April 2000.

Under the SAARC Discussion Forum, eminent speakers are invited by the SAARC Secretariat to deliver talks on various contemporary issues regularly. The recent programme was attended by representatives of business houses, Chambers of Commerce, Diplomatic Missions and Government Ministries and Departments. It was followed by a lively question-answer session.

Mr. Khanna focussed on the critical ramifications of post-Seattle scenario especially with regard to market access and new issues. Drawing on his vast experience in the State sector as well as in his current role as Chairman of Rambaxy Ltd., Mr. Khanna emphasised on the need for developing and least developed countries to work closely together and put up a credible and cohesive position both at WTO General Council meetings in Geneva and when Seattle reconvenes. Having argued that there was no alternative to WTO at present, he strengthened if the benefits of free trade were to accrue to all. He lamented, however, the lack of an informal public debate between Government and civil society in South Asia on these issues.

REGIONAL CONSULTATION ON THE DAC POVERTY ERADICATION GUIDELINES

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## Kathmandu, Nepal : April 27-28, 2000

SAARC Secretariat was represented at the Asian Regional Consultation on Development Assistance Committee (DAC) Poverty Reduction Guidelines held in Jakarta recently.

At the consultations which took place from 27-28 April, 2000, countries from South Asia and South East Asia were in attendance. At the invitation of the Organisation for Economic Cooperation and Development (OECD), the SAARC Secretariat was represented by Director, Mahmood Hasan.

The meeting discussed at length the difficulties faced by the developing countries in utilizing the Overseas Development Assistance (ODA) received from the OECD countries. The meeting recommended certain guidelines for the utilization of ODA, which will be considered at the High-level Meeting of Ministers of OECD countries to be held in May, 2001.

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# BUSINESS LEADERS FROM THE REGION DISCUSS IMPACT OF WTO ON SOUTH ASIA

### Dhaka, Bangladesh : May 21-22, 2000

The SAARC Chamber of Commerce and Industry (SCCI) in collaboration with the Federation of Bangladesh Chambers of Commerce and Industry (FBCCI) organized a seminar on WTO and South Asia to coincide with its 18th Executive Committee Meeting in Dhaka from May 21 to 22, 2000.

The meeting provided an excellent opportunity for business leaders, scholars and experts within the SAARC region to share their views and experiences on the World Trade Organization (WTO) and the impact of multilateral agreements on South Asia. SAARC business leaders who participated in the meeting took the opportunity to meet Sheikh Hasina, Prime Minister of Bangladesh, and shared views on trade matters in the SAARC region.

Dr. Upali Wickramasinghe, Economic Consultant, represented the SAARC Secretariat in both events.

Tofail Ahmad, Minister for Industries of Banghadesh delivered the inaugural address. He called for a common SAARC stand against moves by developed countries to tag non-tariff issues such as ecolabeling.

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social clause, labour standards and environment to trade in the next round of WTO negotiations. He added that developed countries shared the benefits of liberalization without reciprocal implementation of special incentives towards Least Developed Countries (LDCs). He urged the business leaders to take the initiative to evolve a unanimous view and advance it to the respective governments so that regional cooperation in the trade area may be pursued effectively. Abdul Minto, President of FBCCI, and Qasim Ibrahim. President of SCCI also addressed the meeting.

During the working sessions, several scholars and experts from within the region made presentations on issues related to WTO and South Asia. Dr. Debapriya Battacharya, Director Centre for Policy Dialogue, Dhaka discussed emerging issues in South Asia related to WTO. He argued that trade liberalization in many countries was done unilaterally under the prescription of World Bank and the IMF, and therefore, WTO should not be blamed for all the problems. According to the available information, both domestic and foreign direct investment in all SAARC countries have increased, but overall export growth dropped from over 11 per cent in 90-95 to 3 per cent in the 96-98 period. In the area of enacting trade laws, India and Pakistan are in a better shape.

The representative of the SAARC Secretariat, discussed the implications of the General Agreement of Trade in Services ((GATS) on South Asia. He stated that the importance of services to developing countries was likely to increase as they achieve economic maturity. In order to benefit from liberalization of services, developing countries need to invest in creating necessary human capital, complementary capital, and technology and, more importantly, establish a credible legal framework.

M. A. Bajwa, an expert from WTO, discussed the issues related to management of rights and obligations under the WTO.

Professor Bibek Debroy, Director for Research at the Rajiv Gandhi Institute for Contemporary Studies, emphasized the need to be proactive with regard to linking trade with non-trade issues. He also stressed that a multilateral approach would provide a better alternative for developing countries to strike a deal with the developed world than a bilateral approach.

### SAARC - ESCAPE COOPERATION

### Bangkok : June 1-7, 2000

SAARC and ESCAP have been working closely in the agreed areas of cooperation following a framework agreement singed between both agencies in 1994. In this context, SAARC was invited by ESCAP for the fifty-sixth session of ESCAP which was held at the United Nations Conference Centre, Bangkok from 1 to 7 June, 2000. All SAARC member countries attended the session. Mahmood Hasan, Director of the SAARC Secretariat attended the session as an observer.

The Secretary-General SAARC, who was in Bangkok to attend the Fifth Consultative Meeting of Executive Heads of Sub-regional Organizations and ESCAP met, *inter-alia*, the heads of delegation of Bangladesh, India and Sri Lanka, and discussed matters related to SAARC.

The 56th Session was inaugurated by Chuan Leekpai, Prime Minister of Thailand. The Executive Secretary of ESCAP read out a message from Kofi Annan, Secretary General of the United Nations and also made a policy statement.

The Commission discussed how to manage risks of globalization and deliberated on the possibility of a unified position in the World Trade

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Organization (WTO). The Session felt that the multilateral trading system should commit itself to non-discriminatory rules, be transparent and democratic in principle and in practice. The Commission emphasized that all countries irrespective of their size should have equal access to the benefits of globalization. The Commission also agreed that ESCAP should continue to enhance its institutional capacity to undertake its mission as a leading institution promoting economic and social development in the region.

ESCAP has identified four activities for the SAARC region in the list of "Group Training Activities" for the biennium 2000-2001. These are; National Workshops on Facilitating intra and inter-sub-regional Trade in the SAARC Sub-region scheduled for Kathmandu (March 2000), Karachi (April 2000), Islamabad (April 2000) and New Delhi (August 2000). ESCAP's future programmes in the region are aimed at developing the capacity of developing countries in e-commerce, information technology, and promotion of new industrial complementarities among the SAARC countries. ESCAP has also undertaken programmes for wider sharing of experience among developing countries on policies to enhance foreign direct investment.

The representative from the SAARC Secretariat presented a brief report on the activities of SAARC. He also held discussions with officials of ESCAP with a view to enhancing the level of interactions between the SAARC Secretariat and ESCAP.

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# SECRETARY-GENERAL OF SAARC ATTENDS THE FIFTH CONSULTATIVE MEETING IN BANGKOK

## Bangkok : June 7-8, 2000

The fifth Consultative meeting of Executive Heads of Sub-regional Organizations and ESCAP was hosted by the ESCAP Secretariat at Bangkok on 7 and 8 June, 2000.

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The Meeting was attended by Nihal Rodrigo, Secretary-General of SAARC, Rodolfo C.Severing, Jr., Secretary-General of ASEAN and Adrinaus Mooy, Executive Secretary of ESCAP. The Executive Heads of the Forum Secretariat and the Economic Cooperation Council could not attend on account of other important commitments on the same dates.

The Executive Heads discussed the ways and means to intensify contacts between the organizations to carry forward different programmes. The areas identified for closer cooperation were : (a) international and regional trade, (b) use of information technology for promoting trade and investment, (c) human resource development, (d) social impact of the Asian economic crisis and recent developments (e) regional cooperation on tourism, and (f) investment and natural resources.

The Executive Heads agreed to exchange information on experiences of regional cooperation. ESCAP was requested to provide support to the programmes that have been undertaken by the regional organizations.

> TRAINING COURSE FOR TB CONTROL PROGRAMME MANAGERS

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## Thimphu, Bhutan : June 12-22, 2000

A SAARC Training Course for TB Control Managers was organised in Thimphu jointly by the Royal Government of Bhutan and SAARC Tuberculosis Centre from 12 to 22 June, 2000.

Experts from Bangladesh, Bhutan, India and Nepal participated in the programme with facilitators from eminent institutions like National Tuberculosis Institute, Banglore; WHO South East Asia Regional Office, New Delhi; WHO Short Term Consultant Nepal; Health Division, Royal Government of Bhutan; as well as National Tuberculosis Centre of Nepal and SAARC Tuberculosis Centre, Kathmandu. The objectives of the Training Course were to impart the trainers with managerial skills to manage the Tuberculosis Control Programme at National level; sensitize the participants to implement the revised strategy for TB Control to achieve an 85 per cent cure rate and 70 per cent case detection rate to save the lives by reducing the morbidity and mortality due to tuberculosis; and impart skills of planning, implementation and evaluation of effective TB control programme, based on the strategy of Directly Observed Treatment Short-course (DOTS).

The programme was based on the four approved modules for providing training to National TB Control Programme Managers. These four modules were to establish Revised National Tuberculosis Programme (NTP) strategy, plan supplies; ensure training on Revised Recording and Reporting.

In addition to the above modules, the course also covered the areas of epidemiology of TB; principles of TB control; laboratory aspects of TB control; and management of the NTP (including planning training supervision, logistics monitoring, and evaluation). Additional sessions on presentation skills; practical management skills; advocacy skills; proposal writing; and report writing were also discussed. Participants had the opportunity to interact with the eminent guest lecturers on the burning issues like management of TB and HIV/AIDS cases, emergence of Multi-Drug-Resistant (MDR) TB, problems and challenges in expansion of DOTS.

The participants also derived benefit as how to implement the revised NTP strategy DOTS in their counties. The TB Control Programme managers learned how to plan and implement Revised National TB Control Programmes; ensure a regular supply of anti-TB drugs and other supplies; ensure availability of trained manpower at all levels; organize and implement a revised reporting and recording system;

conduct supervisory visits; establish microscopy services: ensure quality of sputum microscopy; write proposals and reports; prepare action plan; and present Programme and other research papers in different seminars, workshops and conferences.

While inaugurating the programme, Dr. Sangay Thinley, Secretary for Health and Education of Bhutan expressed his views on the regional burden of TB, the situation of TB and implementation of DOTS in Bhutan. He felt the course would help member countries to control the disease in the region.

Dr. Dirgh Singh Bam, Director at the SAARC Tuberculosis Centre highlighted the aims, objectives of the course; TB situation and its control in the region; and achievements of the SAARC Tuberculosis Centre to control the disease and create awareness among general public.

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RENEWABLE ENERGY FOR SUSTAINABLE DEVELOPMENT

### Colombo, Sri Lanka : June 12-14, 2000

The Regional Meeting on Financing Renewable Unergy for Sustainable Development and Alleviation of Rural Unergy Poverty in South Asia was held in Colombo from June 12-14, 2000.

The meetings was organised by the Sri Lanka Member Committee of the World Energy Council (WEC), supported by the Ministries of Irrigation and Power, Science and Technology and Foreign Affairs of the Government of Sri Lanka. Besides country delegations from all SAARC countries, the participants included representatives from WEC, FAO/Regional Wood Energy Development Programme, USAID, World Bank, research institutions, industry, financing institutions from Sri Lanka. Dr. Upali Wickramastinghe, Economic Consultant, represented the SAARC Secretariat.

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In his inaugural address, Batty Weerakoon, Minister of Science and Technology of Sri Lanka highlighted the importance of renewable energy, the significant role played by the research organizations in developing renewable energy technologies and their dissemination to the public.

A message from the Secretary General of SAARC was read out. The Secretary-General Stressed that South Asia's future rested significantly on how effectively co-operative endeavours are made to utilize energy resources. He also stated that a closer collaboration between governments, professionals and the private sector was vital to formulate a regional energy policy, which was a prerequisite for much needed investment in this area.

Jan Murray, Deputy Secretary-General of WEC mentioned that the meeting fell within the WEC objective to broaden and deepen WEC's regional programmes aimed at meeting the future requirements of 800 million people living in South Asia who lacked adequate clean energy at present.

Representatives from member states of SAARC made country presentations focussing on the situations and scenarios of individual countries. This meeting also considered possible project proposals to be taken up at the Investors' Forum, which is planned to be held in, New Delhi this year.

# SOUTH ASIAN ECONOMIC JOURNAL LAUNCHED

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The South Asian Economic Journal was launched recently in New Delhi pursuant to a decision made by the Network of Researchers on Global, Financial and Economic Issues.

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At its second meeting held in Colombo on 10 August 1999, the Network decided to publish the Journal to fill a long-felt need for such a journal in the region.

The first issue of the South Asian Economic Journal has since been published jointly by the Institute of Policy Studies of Sri Lanka, Colombo and Research and Information System for the Non-Aligned and other Developing Countries (RIS). New Delhi. The Inaugural issue includes articles inter-alia on Emerging WTO Issues and Challenges: Imperatives for South Asia, Inequalities in Income Growth in India before and after Reforms: The Uruguay Round Agreement and Pakistan's Trade in Textiles and Clothing and Towards a 1 Transitional Strategy for Good Governance and Poverty Eradication in South Asia The next issue is expected to come out in September this year

The South Asian Economic Journal was launched by K. C. Pant, Deputy Chairman of the Planning Commission of India and Chairman of RIS. Ajit Kumar Panja, the Minister of State for External Affairs of India and Mangala Moonesinghe, High Commissioner of Sri Lauka in India were also present on the occasion. The launching was followed by discussion on the areas covered by the various articles.

The Journal will be faunched in Kathmandu in July 2000.

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REPORTER'S CLUB OF NEPAL HOLDS INTER-ACTION PROGRAMME ON SAARC

### Nepal : June 16, 2000

The Reporter's Club of Nepal held a face-to-face programme on SAARC on 16 June, 2000.

Addressing the gathering, the Secretary-General highlighted achievements of SAARC despite it being one of the youngest regional associations. He said although SAARC has not been able to achieve as much as other regional associations, as it is much younger than them, each Summit had, in fact, contributed to the progress of the region.

After speaking to a group of 25 journalists, the Secretary-General then answered questions from the participants. Based on the questions, he gave information, *inter-alia* about the developments towards the 11th Summit, economic cooperation programmes, mechanisms for informal political/bilateral consultations during SAARC Summits and the efforts towards drawing up of a Social Charter.

# THE RECONSTITUTED SAARC INTEGRATED PROGRAMME OF ACTION COMMENCES

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## FIRST TECHNICAL COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT MEETS

## Hathmandu, Nepal : July 4, 2000

The Foreign Minister of Nepal, Chakra Prasad Bastola, inaugurated the first meeting of the Technical Committee on Agriculture and Rural Development under the SAARC Integrated Programme of Action (SIPA) at the Secretariat on 4 July, 2000. The meeting was hosted by His Majesty's Government of Nepal and was attended by all Member States.

The Foreign Minister, in his Inaugural Address, stated that the presence of participants from all SAARC Member States was testimony to the fact that there was strong commitment to carry the SAARC process forward.

Speaking on the occasion, the Minister of State for Agriculture and Cooperatives, Baldeo Sharma Majgainya described Nepal's own experience in rural development through decentralization and a wider

participatory approach. He stressed the importance of adopting policies and measures that have potential not only to spur growth in agriculture, but also to make such growth pro-poor and capable of uplifting the quality of life of the vast majority of South Asian people who live in rural areas.

The Secretary-General of SAARC, Nihal Rodrigo, introducing the meeting, highlighted its importance: it was the first of a Technical Committee under the newly restructured SIPA; it was being held in Nepal, the venue of the next Summit; and the...agricultural and rural sectors which it addressed were at the core of development in South Asia.

Dr. Mukti Narayan Shrestha, Secretary, Ministry of Agriculture and Cooperatives of Nepal was elected Chairman of the meeting. Mahmood Hasan, Director represented the SAARC Secretariat at the meeting.

The Meeting, after discussing the scope of the new Technical Committee also considered the interrelationship between agriculture and rural development with areas of activity covered by the other six Technical Committees of SAARC. It was agreed that an integrated and coordinated approach needed to be followed.

The meeting touched, on a wide range of issues on agriculture and rural development and its intrinsic links with poverty alleviation.

Among issues discussed were the development of rural infrastructure; the enhancement of food production through better storage, processing and quality control; bio-technology; the use of biomass energy; the role of local authorities in rural development and poverty alleviation; marketing of dairy products; human resources development; the fisheries sector; live-stock development; and sanitary and phyto-sanitary aspects of agriculture and trade. While reviewing past activities of Technical Committee concerned with Agriculture and Rural Development, the meeting requested the Secretary-General to commission a study that would examine the feasibility of recommendations on activities and projects proposed in the past with a view to phasing out from the Committee's rolling agenda such projects and proposals in which interest had not been sustained. Pending action on proposals would be identified and action pursued for their implementation.

Country positions on the theme "Animal Husbandry and Fisheries Development" were presented and discussions were held on practical approaches to cooperation among SAARC member states.

The meeting discussed possible cooperation with UN and other regional organizations on agreed SAARC programmes.

The meeting formulated a calendar of activities for the year 2000-2001 including possible programmes that could be pursued under the SAARC-Japan Special Fund.

SAARC TUBERCULOSIS CENTRE FORGES A PARTNERSHIP WITH SCHOOLS, MEDIA AND THE CORPORATE SECTOR TO DEFEAT TB

Indian Embassy (Nepal) : July 8, 2000

Tuberculosis remains a serious public health problem. There are 8 million new cases with 2 million deaths globally, of which 95 per cent are in the developing counties. Over 30 per cent of the burden is in SAARC member countries. Given the vital need for strengthening National Tuberculosis Control Programmes, the SAARC Tuberculosis

Centre (STC) has recently identified three new partners to strengthen the fight against tuberculosis: the student body, the media and the corporate sector. The STC has initiated projects with these new partners to create awareness about TB disease and seek cooperation from all sectors of society to combat the disease.

A joint project of SAARC Tuberculosis Centre and Kendriya Vidyalaya Kathmandu (KVK) has been launched by STC. The objectives of the project are to educate school children about TB disease and its control programmes and to seek their cooperation in TB control. A cadre of Child Ambassadors could be built up committed to spreading messages of awareness about TB and its control and working to forge partnership with all children to fight against TB.

On 8th July 2000, a programme was held in the Indian Embassy hall where students of Kendriya Vidyalaya Kathmandu presented messages on TB and its control. The function was chaired by Mr. Ashok K. Kanth, the Deputy Chief of Mission of the Indian Embassy in Nepal who is also the Chairman of the School Management Committee. The programme was attended by a large number of parents of students of KVK, members of School Management Committee, teachers, Embassy officials and SAARC Tuberculosis Centre. STC has plans to expand the programme to other schools in Nepal as well as in other Member Countries.

The partnership with the media began with a programme organized by the SAARC Secretariat on 31 August 1999. It was attended by journalists from SAARC Member Countries, representatives from UN agencies, representatives from the diplomatic missions in Kathmandu, doctors, as well as officials of the SAARC Secretariat and the STC. The Director and Deputy Director of STC made a presentation on the role of STC in the control of these diseases.

STC has published considerable information of material aimed at TB Control. Articles on *Tuberculosis Race Against Time: Media's Role in* 

TB Control; Role of SAARC in TB & HIV/AIDS Control and Role of Students in TB Control, have been published in National Daily newspapers. The STC has also published a book on general information on TB, which was released by Dr. Rambaran Yadav, Minister of Health of His Majesty's Government of Nepal on the World Tuberculosis Day 2000 on 24 March. This book entitled, General Information on TB and its Control in the SAARC Region is being distributed to students, media personnel and the general public to create awareness about TB disease and seek their cooperation in the successful implementation of TB control efforts within SAARC member countries.

The STC has also planned to provide the corporate sector with essential information, educative material and required assistance for the prevention of HIV/AIDS and for the implementation of Directly Observed Treatment Short-course (DOTS) for effective cure and control of TB.

COURSE ON PSYCHOSOCIAL AND MEDICAL SERVICES FOR SEXUALLY ABUSED AND SEXUALLY EXPLOITED CHILDREN AND YOUTH HELD.

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## Kathmandu, Nepal, and Pokhara India, : July 7-19, 2000

The ESCAP organised to Human Resources Development Course on Psychosocial and Medical Services for Sexually Abused and Sexually Exploited Children and Youth in Kathmandu and Pokhara from 7-19 July 2000 with the participation of representatives from five SAARC Member States-Bangladesh, India, Nepal, Pakistan and Sri Lanka-as well as from the Philippines.

Kamala Pant, State Minister for Women, Children and Social Welfare said that His Majesty's Government of Nepal plans to enact laws

to monitor the performance of NGOs. She also stated that the Nepalese Government would be strict on those found abusing and sexually exploiting children.

In his statement at the inaugural session, Nihal Rodrigo, Secretary-General of SAARC highlighted the strong commitment of SAARC Member States to the promotion of child welfare as reflected in the Declarations and Resulutions of the Association since its inception. He briefed the participants on two regional conventions that had been finalised: the Convention on the Promotion of Regional Arrangements for Child Welfare in South Asia and the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

The Secretary-General said that suggestions had been received both from within the region and beyond for broadening the scope and including supplementary aspects to make the Convention on Trafficking more effective and comprehensive. He said that while it was SAARC's intention to have the Convention adopted in its present form, the leaders of SAARC were cognizant of the need to broaden its scope to cover trafficking for purposes other than prostitution.

He said it was also likely that there would be greater involvement of civil society, groups involved in combating the evils of trafficking and UN agencies at the stage of implementation. Given that crimes such as sexual exploitation and abuse of children were symptomatic of a complex sort economic, social, cultural and personal distortions, a broader partnership was essential to address them effectively

## SOUTH ASIAN CONFERENCE ON URBANISATION AND GOOD URBAN GOVERNANCE HELD

### Kathmandu, Nepal : July 10-12, 2000

The SAARC Secretariat played host to a Conference of Government officials, urban authorities and civil society organisations of South Asia from 10-12 July, 2000.

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The Objectives of the Conference were to share experiences of urban governance among SAARC countries; to identify good practices that are critical to efficient management of urbanisation, and to sensitise the participants on challenges of urbanisation and on the need to address them successfully in the future.

Khum Bahadur Khadka, Minister for Physical Planning, Work and Water Resources of Nepal inaugurated the conference. He said that good governance would play a vital role in helping to streamline the inevitable process of urbanisation and urban growth.

Nihal Rodrigo, SAARC Secretary-General said that although the word "governance" carries sensitive even controversial connotations in international and regional affairs, the end purpose of governance was clearly to promote the overall development of the people in a sustainable manner, providing opportunities to all citizens to fully and freely participate in the process. SAARC had evolved a concept of "participatory governance".

Saraswati Menon, the representative of the UNDP in Kathmandu urged greater regional collaboration in the interests of good governance in South Asia.

Representatives of the Urban Governance Initiative, the Planning Commission of Nepal, and the UN Office for Project Services were among other speakers who addressed the inaugural session.

The substantive sessions of the Conference were chaired by Umesh Malla, Joint Secretary in the Ministry of Physical Planning and Work of His Majesty's Government of Nepal and facilitated by Dr. Prafulla Pradhan of The Urban Governance Initiative of the UNDP in Kuala Lampur. The Secretariat was represented by Thinley Dorji and A.L. Abdul Azeez, Director. In addition to participants from South Asia, the Conference brought together resource persons and experts in diverse aspects of urbanisation. from other regions, as well.

Among the issues discussed in depth were the partnership between national governments, urban authorities and the civil society; human resource development, efficiency in resource utilisation; establishment of urban observatories; inclusion of marginalised sections in development processes; multistake-holding in urban governance; and establishment of regional network and groups. Provision for representation of women; and the imperative of social and economic security also received focused attention in the deliberations.

The Conference adopted the Kathmandu Declaration on Good Urban Governance, which sought to set out a strategic vision for South Asia in the field of urban development. The Declaration projected the theme of urban governance as a priority issue for SAARC to be considered for focus at its next Summit to be held in Kathmandu.

The Kathmandu Declaration develops and builds on the various initiatives taken in the field within the region in the recent past including the principles adopted by the SAARC Conference of Housing Ministers in Colombo in 1996. The Statement of the SAARC Housing Ministers had focused *inter-alia* on the issue of sustainable development in an urbanising world.

The Conference on Urbanisation and Good Governance was jointly organised by His Majesty's Government of Nepal and The Urban Governance Initiative of the UNDP.

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## DISCUSSION ON FOOD SECURITY IN THE LIGHT OF GLOBALISATON

## Kathmandu, Nepal : July 11-13, 2000

South Asian Watch on Trade and Environment (SAWTE) and Forum for Protection of Public Economic Interest (Pro Public) organized a three-day capacity building workshop during July 11-13, 2000 in Kathmandu.

Among other things, the technical sessions covered the Bretton Wood institutions and food security, the Agreement on Agriculture and food security, food, trade including Technical Barriers to Trades (TBTs) and Sanitary and Phytosanitary Standards (SPSs), food security in the context of new technology, food safety and Codex standards, and health and nutrition issues.

A large number of economists, scientists, policy-makers and development practitioners from South Asia as well as from other parts of the world attended the workshop. Dr. Upali Wickramasinghe, Economic Consultant represented the SAARC Secretariat.

Mahmood Hasan, Director of the SAARC Secretariat chaired the session on "Old and new technologies related to food security: in which papers by Dr. Michael Hansen (USA), Dr. Suman Sahai (India) Dr. Shahid Zia (Pakistan) and Dr. Madhusudan Upadhaya (Nepal) were discussed.

# SOUTH ASIAN ECONOMIC JOURNAL LAUNCHED IN KATHMANDU

## Kathmandu, Nepal : July 13, 2000

The SAARC Discussion Forum organized its Fourth Meeting at the SAARC Secretariat on 13 July 2000 on which occasion the *South Asian Economic Journal*, published by the SAARC Network of Researchers on Global Financial and Economic Issues, was released by Dr. Tilak Rawal, Governor, Nepal Rastra Bank. The Joint Editors Dr. Saman Kelegama (Institute of Policy Studies of Sri Lanka, Colombo) and

Dr. Nagesh Kumar (Research and Information System for the Non-Aligned and Other Developing Countries, New Delhi) were present.

Opening the Meeting, Nihal Rodrigo, Secretary-General of SAARC recalled that the Network was set up on the recommendation of the Colombo Summit and would engage Central Banks, researchers, the private sector and government representatives on the analysis of global financial and economic issues which impact on the region. Recommendations of the Network ~ would be considered by the appropriate SAARC bodies to coordinate positions at the multilateral negotiating fora.

The Journal which was a result of the Network's programme, was a commendable effort as it was the first journal exclusively on economic issues produced in the region.

Launching the Journal, Dr. Rawal pointed out the importance of accelerating economic cooperation in the region. He hoped that it might be possible to consider the establishment of a SAARC Regional Bank to finance development projects in the region.

The Co-Editors led a discussion on the goals of the project and areas for future analysis. Members of the academic world, civil society, the private sector and the press participated critically examining the Journal and forthcoming issues.

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## FORUM ON ENVIRONMENTAL COOPERATION HELD

New Delhi, India : July 13-14, 2000

The representatives of the Governments and the private sector in South Asia met in New Delhi from 13-14 July 2000 with a view to

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developing cooperation between governments and the private sector, as part of a region-wide multi-stake holder endeavour on promoting the protection of environment.

Exports from regional and international organisations active in the field, such as South Asian Cooperative Environment Programme (SACEP), United Nations Industrial Development Organisation (UNIDO), World Bank, Asian Development Bank, ESCAP, UNCTAD and UNEP facilitated participants' discussions on the challenges of environment and development and in evolving collective and coordinated approaches at regional level.

The Regional Forum was inaugurated by T. R. Baalu, Ministry for Environment and Forests of the Government of India, Nirmal Andrews, Regional Director, UNEP and Ananta Raj Joshi, Director, SACEP also addressed the inaugural session.

Madhuban Poudel, Director, represented the SAARC Secretariat. The plenary was chaired by Vishwanath Anand, Secretary of the Ministry of Environment and Forests.

The Meeting was a prelude to the forthcoming Conference of Environment Ministers of the Asia Pacific region to be held in Japan in September this year. The Asia-Pacific Action Plan to be endorsed by the Ministerial Meeting was intended to benefit from inputs from regional processes, including from the New Delhi Meeting.

An objective of the Forum was to cover cooperative measures that needed to be adopted at four levels: the national, regional and global levels, as well as the convergence of complementary measures in the proposed Asia-Pacific Action Plan on Environment and Development.

The Forum had three special working group sessions, each devoted to an important issue for the future cooperation between governments

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and the private sector and among all stake-holders in the field of environment. The Working Groups respectively addressed the themes of cleaner production; of air/water pollution problems; and of industrial waste management

The Forum adopted a set of recommendations highlighting environmental concerns within the region, as well as the need for collective and coordinated measures by all stake-holders.

Among the recommendations adopted, one emphasised the promotion of joint action among private sector and SAARC, in the protection of the environment.

# A PROGRAMME ON REGIONAL COOPERATION ON INTERNATIONAL TRADE

## Kathmandu, Nepal : July 14, 2000

A three-year research programme entitled "South Asian Civil Society Network on International Trade Issues (SACSNITI)" was launched in Kathmandu on July 14, 2000.

The programme was launched by CUTS (Consumer Unity and Trust Society) Centre of India for International Trade, Economics & Environment (CUTS-CITEE) and South Asia Watch on Trade, Economics and Environment (SAWTEE) aimed a large gathering of distinguished economists and policy makers from the South Asian region.

The research programme would have three phases running from the year 2000 to 2003. During the first phase, the project is expected to cover such issues as Agreement on agriculture, implications of commitments

made by South Asian Countries during the Uruguay Round (UR) negotiations, implications of the TRIPs (Trade Related Intellectual Property Rights) agreement, and foreign direct investment in the context of UR agreements. In the second phase, the project is expected to cover the state of the services sector in South Asia, impact of subsidies by EU and USA on selected industries and impact of technical barriers to trade (TBTs) and Sanitary and Phytosanitary Standards (SPSs) agreements on South Asia. The third phase will place emphasis on trade and industrial policies, food security concerns, country-specific product standards and impact of trade rules on trade performance.

In his inaugural speech, Nihal Rodrigo, the Secretary-General of SAARC, emphasized the need to have balanced and informed analysis of issues affecting South Asia. He further added that "knowing the rules of the games, particularly when they are not yet entirely equitable, is much more effective as a weapon than the stones and bricks that merely smash windows and bruise policemen (as at Seattle).

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## JOINT CONFERENCE ON RHEUMATIC HEART DISEASE

## Kathmandu, Nepal : July 23, 2000

Queen Aishwarya Rajya Laxmi Devi Shah of Nepal inaugurated the first Joint Conference of SAARC Cardiac Society and Cardiac Society of Nepal in Kathmandu on 23 July, 2000.

Cardiologists from Bangladesh, India, Nepal, Pakistan and Sri Lanka attended the conference. The conference focussed on the need for prevention of Rheumatic Heart Disease (RHD) and curbing the rising problem of Coronary Heart Disease in Sough Asia. Some important decisions taken at the conference include to create a Website on cardiac problems in South Asia; exchange training facilities and technology transfer among SAARC member states; and publish booklets on the status and details of Rheumatic Heart Disease and Coronary Heart Disease in the region.

The Conference also decided to forward a request to the Maldives to join the SAARC Cardiac Society.

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# CROSS-BORDER ISSUES IN MALARIA, KALA-AZAR AND JAPANESE ENCEPHALITIS PREVENTION AND CONTROL DISCUSSED

## Hetauda, Nepal : July 25-28, 2000

An Inter-Country Workshop on Cross-Border Issues in Malaria, Kala-azar and Japanese Encephalitis Prevention and Control was organized by his Majesty's Government of Nepal and the Environmental Health Project (EHP) of USAID.

The Minister of Health, Dr. Ram Baran Yadav, while inaugurating the Workshop, spoke of the need to establish an efficient epidemiological surveillance system and appropriate diagnostic facilities for controlling vector borne diseases. Director Thinley Dorji, who represented the SAARC Secretariat, informed the gathering about the various health related initiatives taken by SAARC

There were over fifty participants from Bangladesh, Bhutan, India and Nepal and several international and local organisartions, including USAID, WHO, GTZ, BP Koirala Institute of Public Health.

The Workshop, which was held at the Vector Borne Disease Research and Training Centre, (VBDRTC) in Hetauda (Nepal), a fivehour drive, southwest of the capital, from 25.28 July 2000. Its objectives, were threefold: (*i*) to standardise and implement regional surveillance and prevention guidelines for Japanese Encephalitis (JE) Malaria and Kala-azar; (*ii*) to establish regional specifications for the diagnosis and surveillance of J.E. (and possible other arbovirus infections) among designated neighbouring countries; and (*iii*) to create cross-border community-based strategies for the prevention and control of Kala-azar, based on the Dhanusha district community partnership approach.

The Workshop is expected to result in a series of follow-up activities to encourage a more coordinated cross-border approach to dealing with vector-borne disease in the sub-region.

## SCCI ORGANISES A TRAINING PROGRAMME

## Kathmandu, Nepal : July 27-29, 2000

SCCI organised a Training Programme for representatives of their constituent units on 27-29 July 2000 in Kathmandu.

The Programme was attended by participants from Bangladesh, India, Nepal and Sri Lanka and also from SCCI Headquarters in Islamabad and funded by the Friendrich Naumann Stiffung (FNSt). Inaugurating the Programme, Nihal Rodrigo, Secretary-General, SAARC drew reference to the constructive role played by SCCI over the years through valuable inputs aimed at accelerating the process of regional economic cooperation. The Secretary-General mentioned that such training programmes were extremely useful as they accorded an opportunity to the participants to familiarize themselves with the different issues that impede intra-SAARC trade, as also issues in the international trading system which affect South Asian interests. Padma Jyoti, Vice : President, SCCI said that the training programmme was useful as it would contribute towards building the Chamber's institutional capacity. He stressed on the need to focus on ways to tackle poverty which retarded the region's developmental prospects. In this regard, he stressed on the vital role economic cooperation could play in ushering in sustained and high economic growth which would contribute towards poverty alleviation.

Hubertus Von Welck, Regional Director, FNSt congratulated SCCI's initiative in organizing the training programme. He further added that various programmes had been planned for this calendar year which would also include an interaction in Geneva with Chambers of Commerce and Industry and on WTO related issues.

The programme included discussion on intra-SAARC trade, new issues in WTO as also steps to be undertaken to improve the functioning of SCCI. This was the first training programme that had been organised by SCCI after the span of several years and the encouraged response is likely to result in more such programme.

## TOWARDS A COMMON SOUTH ASIAN PERSPECTIVE ON GLOBALISATON AND LIBERALISATION

### Colombo, Sri Lanka : August 2-3, 2000

A training workshop entitled "WTO, UNCTAD, and Regionalism : Implications for the Private and Public Sectors in South Asia" was held in Colombo from August 2-3, 2000.

The accelerated pace of globalization and liberalization in the early 1990s brought in expectations that growth based on market forces would not only be more rapid but also more sustainable and equitable than in the past. In addition to developing countries experiencing a lower economic growth in the 1990s, the income gap between the rich and the poor countries has widened. Marginalization of poorer countries and poorer segments within countries are of particular concern to policy makers in South Asia, given that four out of the seven countries in the regional fall into the category of least developed countries. Civil society groups in the region have taken a particular interest in building awareness, providing training to officials who handle these issues on a daily basis and building capacity among researchers and policy makers on these issues.

As a part of this ongoing effort by civil society groups, the Law & Society Trust and Institute of Policy Studies, both based in Colombo, Sri Lanka organized the event. The specific focus of the semiuar was on (a) impact of the WTO on South Asian Countries, with emphasis on agriculture, textiles, TRIPs (Trade Related Intellectual Property Rights), Tariffs and non-tariff barriers (NTBs), (b) the dispute settlement process, (c) trade, competition and investment, (d) economic and sociological ramifications of e-commerce, (e) labour, environment and sustainable development, and (f) regionalism and bilateral trading.

About 60 participants from government ministries, the private sector and NGOs attended the meeting. Dr. Upali Wickramasignhe, Economic Consultant represented the SAARC Secretariat.

# ESCAP MEETING ON TRADE FACILITATION IN THE SAARC REGION

New Delhi, India : August 3-4, 2000

ESCAP has been engaged in a project on Trade Facilitation in the SAARC Region. In Maldives, for instance, ESCAP has provided

technical assistance for the alignment of its trade documents and special software has been developed. Initial steps for the alignment of trade documents of Bangladesh have been undertaken. In Sri Lanka, Trade Documentation Software has been developed which is being upgraded. With a view to taking this effort forward, ESCAP through financial, assistance from the Government of Japan, organized two (earlier) National Workshops (in Nepal and in Pakistan) culminating in a Regional Workshop in India (New Delhi, August 3-4, 2000). The Workshop was attended by all SAARC Member States.

Inaugurating the Workshop, Omar Abdullah, Minister of State for Commerce and Industry, India drew attention to the fact that trade process standardization makes it possible to trade at low cost across regions and national frontiers and expressed the hope that the SAARC Member Countries would agree to simplify and harmonize their trade documents and procedures so as to facilitate trade in goods and services within the common market.

The Secretary General of SAARC in his message pointed to the growing realization that the introduction of trade facilitation measure is necessary to supplement the trade liberalization process in order to bring efficiency in trade, improve productivity and business performance through a significant reduction in transaction time and costs.

The Workshop dealt with issues relating to simplification of procedures and trade facilitation including Electronic Data Interchange (EDI) and Electronic Commerce (EC) and culminated in a series of recommendations. It recognized that a multiplicity of documentation and procedural requirements can act as an inhibiting factor to accelerating trade and that much benefit can be derived from reduction and simplification of trade and transport documents and procedures. Successful trade facilitation will help increase international trade, attract foreign direct investment, increase foreign exchange earnings and
vitalize the domestic economy. The Workshop commended the ESCAP for the important role it had played in focusing on this important area and hoped that ESCAP would continue to support the SAARC Region in trade facilitation.

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TRAINING PROGRAMME ON MICRO ENTERPRISE DEVELOPMENT FOR YOUTH

Colombo, Sri Lanka : August 7-12, 2000

A Training Programme on Micro Enterprise Development for Youth under the SAARC Youth Volunteer Programme (SYVOP) was held in Colombo from 7-12 August, 2000.

The Programme was held in pursuant to a decision of the 17th meeting of the Technical Committee or Rural Development (Colombo, September 198). This makes the eighth SAARC Youth Volunteer Programme held so far.

The Programme examined and analysed various strategics and approached introduced by the member countries for micro enterprise promotion. Experiences on different development strategies involving the youth implemented in the region were also shared.

The Programme benefited from inputs from the Experts involved in micro-enterprise development for youth in the member states. It is expected that the workshop will help strengthen capacity for improving policies influencing micro-enterprise development and implementation in member states.

# SEMINAR ON BOOK DEVELOPMENT IN SOUTH ASIA

#### New Delhi, India : August 13-14, 2000

The Afro-Asian Book Council organised a Sub-Regional Seminar on "Book Development in South Asia-Challenges of the New Millenium" in New Delhi from 13-14 August 2000. The Seminar was attended by representatives from all seven member countries of SAARC. The SAARC Secretariat was represented by Director, Ahmed Sareer.

Meera Shanker, Joint Secretary (South Asia),<sup>h</sup> of the Ministry of External Affairs, India inaugurated the session. She highlighted the importance of print media in the form of books as an important vehicle for enhancing the welfare of the people as well as in strengthening cooperation within and outside the region.

The representative of SAARC Secretariat emphasised the importance SAARC has placed on information and media and gave a run down of activities held so far by the SAARC in the exchange and dissemination of information. He called on AABC to assist in the dissemination of information about SAARC and in the promotion of values of cooperation, harmony and accommodation inherent in the objectives of SAARC Although books are heavily relied on for education and for conveying messages of all kinds in South Asia, he lamented the inaccessibility of most books to the majority of South Asians who constitute the low income group. He suggested that publications be more affordable to the ordinary people.

As the Seminar was held to coincide with the 6th Delhi Book Fair at Pragati Maidan, New Delhi, some of the publications of the SAARC Secretariat were displayed at the Book Fair.

Following country presentations by participants, the Seminar called for closer coordination among authors, publishers, and printers within South Asia to promote book development. Emphasis was placed on formulation of a national book policy, noting that Bangladesh has one in operation already. The need for coordination of these policies at the regional level was urged. A recommendation was also made for establishment of National Book Development Councils to address the full gamut of issues on book production such as Publishing, copyright laws, development and training of publishing cadre, book promotion. enhancing coordination among publishers, printers and authors. Eventually setting-up a South Asian Book Development Council would be a goal.

The Afro-Asian Book Council (AABC) is a non-profit, nongovernmental voluntary organisation set up in New Delhi in February 1990. At present, the Council has 175 members from 27 Afro-Asian countries, where all South Asian countries except the Maldives are represented.

> SOUTH ASIAN BUSINESS LEADERS SUMMIT HELD IN BANGALORE

Banglore, India : August 18-20, 2000

A South Asian Business Leaders Summit was organised in Bangalore from August 18-20, 2000 in which 3000 businessmen from the SAARC region took part.

Inaugurating the Meeting, Mr. S.M. Krishna, the Chief Minister of Karnataka, drew attention to the compulsions of globalized trade and the need for the region to urgently assess its economic potential particularly through joint ventures. He said that regardless of political differences. economic compulsions will bring SAARC together. He cited the case of Information Technology in which Karnataka's place as a cyber-capital

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has been globally acknowledged. This demonstrated that the region has the potential to emerge as a world leader. The Chief Minister stressed that it is equally important to work on other areas on which the region needs to focus urgent attention such as food processing bio-technology, etc.

Speaking on the occasion, the SAARC Secretary-General recognized the important role played by industry, especially through the SCCI, in drawing attention to global economic and trade issues as also to maters related to intra-SAARC trade. He said that "close encounters of the practical kind" among South Asian business leaders increase trade flows, joint ventures, investments. They are confidence-building measures which will also eventually help strengthen a climate of trust in South Asia, so essential for the development of the region. The Secretary-General said that it may be useful to consider establishing a high level SAARC Business Council, under SCCI, to give advice to potential investors and to actively disseminate information on the investment and technical environment of SAARC Member Countries for purposes of economic promotion within as well as outside the region.

The Meeting featured detailed Country Presentations which highlighted specific areas which business and industry in the individual Member Countries felt that their comparative advantage lay. These included the textiles and garments sector, information technology, leather goods, power generation, telecommunications, tourism, tea, etc. Potential for investment and joint ventures was identified in separate bilateral and other meetings.

The Summit was organised by the Federation of Karnataka Chamber of Commerce and Industry (FKCCI) in collaboration with the Federation of Indian Chamber of Commerce and Industry (FICCI) and the SAARC Chamber of Commerce and Industry (SCCI).

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### SAARC AND WHO SIGN MEMORANDUM OF UNDERSTANDING

#### Kathmandu, Nepal : August 23, 2000

SAARC has undertaken a series of initiatives to improve the health sector in the South Asian region. In this context, SAARC and WHO have signed a Memorandum of Understanding (MoU) in the realization that health is central to the process of socio-economic development. The MoU was signed at a ceremony held on 23 August 2000 in Kathmandu.

The MoU was signed by Nihal Rodrigo, Secretary–General on behalf of SAARC and Dr. Uton Muchtar Rafei, Regional Director on behalf of the WHO. The signing was in the presence of Health Ministers / representatives from all seven member countries of SAARC: Sheikh Fazlul Karim Selim, Minister of Health & Family Welfare of Bangladesh; Lyonpo Sangay Ngedup, Minister for Health & Education of Bhutan; Dr. C.P. Thakur, Minister of Health and Family Welfare of India; Ahmad Abdullah, Minister of Health of Maldives; Dr. Ram Baran Yadav, Minister of Health of Nepal; Fauzia Nasreen, Ambassador of Pakistan to Nepal; and Dr. Nihal Jayatilake, Additional Secretary, Ministry of Health of Sri Lanka.

The MoU takes account of the Charter of SAARC and the Constitution of WHO and the established cooperation between WHO and the Member States of SAARC. SAARC and WHO have agreed to normally cooperate in agreed areas to help Member Countries to strive towards the goals of Health for All.

Among possibilities identified under the MoU are collaboration with the SAARC Tuberculosis Centre in Kathmandu and other institutions in South Asia, particularly those active in the control of malaria, tuberculosis, HIV/AIDS. Research, analysis an dissemination of information are to be promoted for enhancing technical cooperation and human resources development, including in respect of programmes for women and children and mobilizing innovative action in favour of the underprivileged.

Specific projects and programmes of collaboration will be developed for approval by the WHO and the Standing Committee (of Foreign Secretaries) of SAARC.

The Secretary–General of SAARC informed the gathering that SAARC Secretariat would be in touch with Member States on practical possibilities of closer regional cooperation, given that "diseases such as TB, HIV/AIDS and Malaria know no borders, ask no visas".

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# FIRST MEETING OF THE STEERING COMMITTEE OF SACODIL CONCLUDES IN KATHMANDU

#### Kathmandu, Nepal : August 28-29, 2000

The First Meeting of the Steering Committee of SAARC Consortium of Open and Distance Learning (SACODiL) was held at the SAARC Secretariat on 28-29 August, 2000.

The Steering Committee of SACODiL consists of Prof. M. Aminul Islam, Vice-Chancellor, Bangladesh Open University, Rinzin Namgay Dorji, Head, Procurement and SLC (School Leaving Certificate) Department of Education of Bhutan, Prof. Dr. A.W. Khan, Vice-Chancellor, Indira Gandhi National Open University of India, Prof. Dr. Hom Nath Bhattaria, Member Secretary, University Grants Commission of Nepal, Dr. Anwar Hussain Siddiqui, Vice-Chancellor, Allama Iqbal Open University of Pakistan and Prof. Dr. N.R. Arthenayake, Open University of Sri Lanka, Madhuban P. Paudel, Director represented the SAARC Secretariat at the meeting Ahmed Yasir, Asstt. Director, Tertiary Institute of Open Learning of the Maldives, also a member of the Steering Committee, could not participate in the meeting due to unavoidable circumstances.

The Meeting examined the proposal prepared by a three member Sub-Committee of Experts which comprised Prof. N.R. Arthenayake (Sri Lanka) as Convernor and Prof. A.W. Khan (India) and Ahmed Yasir (Maldives) as Members at its meeting held in August, 1999. It envisaged a regional mechanism for cooperation and collaboration in the SAARC region to promote the use of open and distance learning at all levels of education.

Pursuant to the decision of the Tenth SAARC Summit held in July, 1998 in Sri Lanka, the SAARC Forum of Vice-Chancellors of Open Universities was held in Colombo from January 25-27, 1999. It appointed the seven member Steering Committee of SACODiL represented by all SAARC member countries and made recommendations for the establishment of SAARC Consortium of Open and Distance Learning (SACODiL). The Standing Committee at its 26th Session endorsed its recommendations and directed that a Sub-Committee of Experts, as proposed by the Vice Chancellors Meeting, to prepare a proposal. While conducting its work, the Sub-Committee was to keep in mind a possible time frame of the year 2000 for operationalsing SACODiL.

The Steering Committee also discussed in detail the implementation strategy for the functioning of SACODiL and recommended three steps towards operationalising the SACODiL. As a first step, it recommended the SAARC Secretariat work to coordinate the activities of SACODiL. As a second step SACODiL would have a Board of Governors represented by the Vice-Chancellors of Open Universities/Heads of major open and distance learning institutions/Heads of educational bodies as identified by the member states. The Board will have the

responsibility of carrying out the annual programmes, monitoring of their implementation and evaluation of the results. The chairmanship will rotate every two years and the chair will also be responsible for functioning as a Secretariat of SACODiL. At the third step, SACODiL will operate through its headquarters in Kathmandu and a network of National Coordination Centres would function as focal points in each member country to carry out its activities.

The SACODiL will also assist in the creation and development of the Institutional capacity in distance education in Member Countries and facilitate the channeling of resources to projects and programmes. It would also provide information and consultancy services on various aspects of distance education including selection of appropriate technology and development of human resources and management techniques. Facilitating inter-institutional communication links and development of evaluation and applied research in distance education would also be among the activities to be promoted by SACODiL. The Member Countries would also share education material and other resource to provide cost effective and quality education to the people in the SAARC region.

## REGIONAL TRAINING SEMINAR ON WTO SYSTEM

#### Jaipur, India : September 4-9, 2000

The CUTS (Consumer Unity and Trust Society) Centre of India for International Trade, Economics & Environment in association with the London School of Economics and Political Science (LSE) organized a South Asian Regional Training Seminar on "Understanding WTO Instruments Business Implications for Developing Countries" in Jaipur, India from September 4-9, 2000. The aim of the training seminar was to enable the participants to comprehend the finer points associated with WTO agreements and their implications on various sectors of the economy. The seminar was designed to build capacities of senior functionaries from industrial and business, chambers, the banking and financial sector, academic institutions, media groups and civil society, and government and intergovernment bodies to deal with changing contours of the business environment due to externalities resulting from the commitments made by governments under the World Trade Organization.

Dr. Upali Wichramasinghe, Economic Consultant at the SAARC Secretariat, participated as a resource person and delivered two lectures at the Seminar. The first was on "Agreement on Technical Barriers to Trade", which discussed issues relating to technical barriers to trade and their implications for developing countries. He further discussed the WTO agreement on Technical Barriers to Trade, its scope, functions, loopholes for its misuse, notification procedures and implications on trade potential of developing countries. The second lecture covered "Preferential Trading Arrangements", including the history and growth of regional integration agreements, their potential and weaknesses in the multilateral trade liberalization framework, compatibility of preferential trading arrangements with the WTO agreements, and the likely future scenario of preferential trading arrangements. He compared and contrasted preferential arrangements between SAÅRC and the Southern Common Market (MERCOSUR).

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# SUMMIT 2000 EMPHASIZES PROMOTION OF INFORMATION TECHNOLOGY IN SOUTH ASIA Kathmandu, Nepal : September 9-11, 2000

In an effort to promote Information Technology in the region, the Government of Nepal organized a conference, "Summit 2000" in Kathjmandu on September 9-11, 2000. The event was supported by the SAARC-Japan Special Fund.

Over 140 foreign participants from SAARC countries as well as from Singapore, Japan, Malaysia, and the United Kingdom participated. More than 20 exhibitors participated in an exhibition held concurrently with the Summit 2000.

The event was inaugurated by Surendra Prasad Chaudhary, Minister for Science and Technology of Nepal.

Delegates including P.V. Jayakrishan, Secretary, Ministry of Information Technology of India, Dasho Dorji Tenzin, Secretary, Ministry of Communications of Bhutan, Poshan Nath Nepal; Secretary, Ministry of Science and Technology of Nepal, Dr. Md. Abdus Shoban, Executive Director, Bangladesh Computer Council, P. Subasinghe, Senior Assistant Secretary, Ministry of Science and Technology of Sri Lanka, and Dr. Ijaz H. Khawaja, Director-General, Pakistan Computer Bureau.

Speaking at the Inauguration, the Secretary-General of SAARC briefed the Conference on initiatives being taken by the Association in the field of information technology including in meeting the region's educational needs particularly through the Open Universities of South Asia through application of IT. It was necessary to plan ahead to set up proper infrastructure and IT facilities to derive maximum benefit from the IT revolution.

In the working sessions, individual representatives of the SAARC countries presented their country perspectives and explored possibilities for cooperation in Information Technology among member countries. Summit 2000 concluded with the adoption of recommendations for sharing of experiences in areas of IT applications for the benefit of the masses. These included areas such as e-governance, e-education, and tele-medicine; the promotion of initiatives for promoting e-commerce, e-business, and e-trade across SAARC nations and facilitating the

movement of physical goods across borders; exploring the possibility of establishing a regional Internet backbone to meet growing bandwidth requirements and its connection to the existing and emerging under-thesca fibre-optic cables with appropriate landing points; establishing software technology parks to attract entrepreneurs and enterprises from the SAARC region; establishing institutes of international standard of higher learning and HRD in 1T; facilitating and promoting virtual universities and web-based learning at all levels and in all branches of learning with emphasis on learning in local/regional languages; and standardizing multilingual and multimedia information interchange and developing necessary tools and technologies.

Special emphasis was given to promoting IT for universal access to information, education, health for all, transparent and efficient local governance, agriculture and rural development, preserving bio-diversity and preserving the rich linguistic and cultural diversity the region has inherited.

It was also recommended that more regular IT Conferences/Summits need to take place by rotation in different countries of the SAARC region.

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### ESCAP EXPERT GROUP MEETING ON SUSTAINABLE ENERGY FUTURE

Bangkok : September 18 to 20, 2000

The SAARC Secretariat was represented at the Expert Group Meeting on "Strategic Planning towards a Sustainable Energy Future: Policy Options, Barriers and Action Plans," organized by Economic and Social Commission for Asia and the Pacific (ESCAP)

Dr. Upali Wickramasinghe, Economic Consultant, represented the SAARC Secretariat at the meeting which was held at ESCAP headquarters in Bangkok from September 18 to 20 2000.

The meeting provided a forum for government officials, academics and policy makers from the Asia Pacific region to discuss and deliberate upon regional perspectives on a sustainable energy future. This included current global energy scenarios; regional needs, concerns and view sand courses of action. Energy as an input in the process of economic development and its impact on the environment, in particular in the context of climatic change and human health, are high on the economic agenda of policy makers and development practitioners from both developed and developing countries. In addition to capacity building for collecting information, policy formulation and under aking pilot projects in the energy sector, energy sector planners are required to focus their attention on access to clean energy at affordable prices to millions of poor people in the region who do not have access to energy at present. The deliberations at the Bangkok meeting are expected to be fed into the High-level Regional Meeting on Energy for Sustainable Development, being organized by ESCAP and the UN Department of Economic and Social Affairs (DESA) from 21 to 24 in Bali, Indonesia and the Ninth Session of the Commission on Sustainable Development (CSD) to be held in New York in April 2001.

# ROLE OF FOOD ASSISTANCE IN SOUTH ASIA STRESSED BY WFP

Colombo, Sri Lanka : September 18-19, 2000

The Second Advisory Committee Meeting of the World Food Programme (WFP) on its publication entitled "Enabling Development : The Role of Food Assistance in South Asian" was held in Colombo from 18-19 September 2000.

According to the WFP, the major objectives of the publication included advocacy of food assistance to enable food insecure people caught up in a "hunger trap" to take advantage of development opportunities; and to support development of appropriate food assistance interventions that should be pursued in the countries of the region. The publication is a follow-up of the World Food Summit held in Rome in 1996, where SAARC countries had committed themselves to reducing the number of under-nourished people to half their present level by the year 2015. The Book is expected to be published by March 2001 at a ceremony with high level participation from SAARC member countries.

The meeting was inaugurated by S.C. Mannapperuma, Secretary, Ministry of Internal and International Commerce and Food of Sri Lanka. Pedro Medrano, WFP Regional Manager for South Asia, chaired the meeting. Mahmood Hasan, Director represented the SAARC Secretariat at the meeting.

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### STC MARKS THE CONCLUSION OF TWO PROGRAMMES

#### Kathmandu, Nepal : September 21-22, 2000

The SAARC Tuberculosis Centre (STC) in Kathmandu organised a Seminar from September 21-22, 2000 and a training course in association with WHO from September 11-22, 2000. The Chief Guest at the concluding ceremony held on September 22, 2000 was Dr. R.B. Yadav, Minister of Health of Nepal.

The event was also attended by T.R. Danglo, State Minister of Health and others senior officials of the Ministry of Health of Nepal, Thinley Dorji Director, represented the SAARC Secretariat.

The Seminar was held with the objective of compiling and updating the existing advocacy and IEC (Information, Education and Communications) materials in the region in order to strengthen efforts to control HIV/AIDS. Delegates from Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka participated.

The Training Course was fourth organised by WHO on TB control for South East Asian countries. The purpose of the training course was to develop managerial skills in TB control managers working at the national and regional levels in programmes of the countries of South East Asia region. Thirty-one participants attended the course and facilitators from WHO, STC and SAARC member countries guided the participants.

# SAARCLAW CONFERENCE : "GOOD GOVERNANCE FOR DEVELOPMENT

#### Kathmandu, Nepal : September 22-24, 2000

The Eighth Conference of the South Asian Association for Regional Cooperation in Law (SAARCLAW) took place in Kathmandu from September 22-24, 2000. The Conference focused on the theme "Good Governance for Development ; A Challenge of the New Millennium." About 500 delegates from SAARC Countries and partner organisations participated.

The Conference was inaugurated by His Majesty Birendra Bir Bikram Shah Dev in the presence of the Prime Minister of Nepal. Leaders of the Bar Councils in SAARC countries also attended the meeting. The SAARC chief justices who met *in camera* concurrently, deliberated on issues pertaining to independence of the judiciary. Mahanta Thakur, Minister of Law and Justice of Nepal and Nihal Rodrigo, Secretary-General of SAARC delivered address at the valedictory session.

In his statement, the Minister for Law and Justice of Nepal stated that of SAARCLAW could complement and support the official process in helping to develop a coherent legal framework for addressing issues of interest common to the region.

#### South Asian Studies

The Secretary-General of SAARC expected the Conference not only help sustain interaction among members of the South Asian legal community, but also to help validate a vital nexus that should exist between the work of legal institutions in SAARC and Governments of the region. Technological issues including e-commerce, cyber laws and safeguards against unchecked financial flows, sometimes for funding terrorist activities, should be dealt with. He stressed that, while safeguarding the independence of the legal community, a stronger working link needs to be developed between the legal community and other shareholders in the business of Government, while noting that the specific situation in each individual SAARC member state differed considerably, making generalizations on governance and development over the entire region the much more difficult.

Among issues discussed were the legal implications of the WTO, natural resources and environment law, and corporate and banking law. The deliberations in individual committees focused directly on the impact of these issues on governance and development in the region. The role of the judiciary and the legal profession in controlling the abuse of public resources and in encouraging good governance through appropriate interventions was also discussed.

The Conference adopted the Kathmandu Declaration the first of its kind to have been issued by SAARCLAW since its inception. A document entitled "SAARCLAW'S Basic Principles for Drafting the South Asian Human Rights Convention" was also released.

SAARCLAW is an association of members of the legal communities of SAARC countries, which was established 1991 and registered as an Apex Body by SAARC in 1994. The Secretariat of SAARCLAW is in Sri Lanka.

# MADANJEET SINGH, GOODWILL AMBASSADOR OF UNESCO AT THE SAARC DISCUSSION FORUM

### Kathmandu, Nepal : September 28, 2000

Madanjeet Singh, a former Ambassador of India and presently Special Advisor to the Director-General of UNESCO and Goodwill Ambassador of the Organization was the speaker at the SAARC Discussion Forum held on 28th September 2000 at the SAARC Secretariat.

Madanjeet Singh spoke on the importance and significance of the sun throughout the ages in different civilizations and on the application of solar energy and other renewable energy sources in contemponent lives. Singh said that his present tour of South Asian capitals was to he in mobilise young people in the region "in order to create grassroot awareness and a strong SAARC lobby for development of peace and prosperity" through a proposed private Foundation, "Rainbow Partnership." The principal objective of the Foundation was to develop sources of renewable energy and sustainable development through regional cooperation. The Foundation expected to conduct its activities through regional centres in each of the seven SAARC countries by implementing various programmes. The Foundation hoped to promote regional knowledge-sharing by forging links between governments, NGOs and local governments in SAARC countries in order to help the poorest segments of the population through education and training in areas of concern. The Foundation planned to provide financial support for research scholars and specialists in South Asian studies, as well as sponsoring a series of Rainbow Partnership Clubs in all SAARC countries to promote regional cooperation and development.

Madanjeet Singh, a painter, photographer and art critic is the author of a number of books on art and culture and on solar and other renewable sources of energy, many of which have been published by UNESCO. In 1996, he instituted the UNESCO Prize for the promotion of Tolerance and Non-violence, to be awarded every two years in commemoration of the UN Year of Tolerance and in honour of exceptional creative activities in the field of tolerance and non-violence.

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# DIALOGUE BETWEEN SAARC AND UNDP Kathmandu, Nepal : October 16, 2000

The UNDP Resident Representatives in South Asian capitals held discussions with SAARC on 16 October 2000 at the SAARC Secretariat. The discussions were centered on future possibilities for enhanced cooperation between SAARC and the UNDP in the latter's development programmes aimed for the region.

The UNDP representatives present at the meeting were David Lockwood, Officer-in-Charge of UNDP's Regional Bureau for Asia and the Pacific, and Maxine Olsen, Deputy to the OIC, RBAP and Chief, South and West Asia Division, RBAP, New York with Resident Representatives in Bangladesh, Jorgen Lissner; Bhutan, Shun-ichi Murata; Maldives, Sjaak Bavelaar; Nepal, Henning Karcher; Pakistan, Onder Yucer, and Sri Lanka, Peter Witham.

# SEMINAR ON WOMEN WORKERS IN THE INFORMAL SECTOR IN SOUTH ASIA

Kathmandu, Nepal : October 18-20, 2000

A Regional Policy Seminar on Women Workers in the Informal Sector in South Asia was held in Kathemandu from October 18-20, 2000.

The Seminar was attended by senior officials from the Governments of India, Nepal, Pakistan and Sri Lanka and representatives from trade unions, NGOs, academics and researchers from these countries and Bangladesh.

The Seminar was organised by the United Nations Fund for Women (UNIFEM), Women in Informal Employment Globalising and Organising (WIEGO) and International Development Research Centre (IDRC) in collaboration with the Ministry of Labour of Nepal. Its Seminar's objectives were to increase the visibility of women homebased workers in South Asia.

The Seminar highlighted the significant contributions made by the women working in the informal sector to the GDP of the countries of the region.

In his inaugural address, Ram Krishna Tamrakar, Minister of Industry, Commerce and Supplies of the Government of Nepal, stressed that this was the most vulnerable sector in the economy with regard to basic rights and that there was a need to formulate suitable policies for its upliftment.

Addressing the Seminar, Nihal Rodrigo, the Secretary–General of SAARC commended the organisers for providing visibility to what he called, "a neglected theme which not only had a socio-economic impact but also a profound human impact." He said that it was timely that efforts were being made at the government level to proceed beyond deliberations into practical policy goals and strategies for their transformation into action.

The Seminar brought out the Kathmandu Declaration which called, inter alia, for the formulation of a National Policy and a Plan of Action on Home-based Workers by the Governments of the South Asian Region 3

in consultation with the stakeholders. This should include minimum protection measures; access to markets and economic resources; setting up of social funds for household workers to provide insurance against risks; and incorporate into official statistics, baseline data regarding various categories of workers in the informal sector and their contribution to national economies.

The Seminar also called upon SAARC to create a Technical Committee to address the issues of home-based workers in the region and to take measures to enable them to deal with both the risks and opportunities of globalisation by promoting informal sector workers through bilateral and regional cooperation. Increased integration of markets also needed to be promoted at the regional level so as to create more employment opportunities and to include home-based products in the SAFTA priority list.

### TRAINING WORKSHOP ON ENVIRONMENT

Dhulikhel, Nepal : October 21-23, 2000

The South Asian Network for Development and Environmental Economics (SANDEE) held a meeting and a training workshop from 21st to 23rd in Dhulikhel, Nepal.

With the objective of strengthening the capacity of researchers in South Asia to undertake research on the economics of environmental and natural resource problems, SANDEE supports research in three broad areas: poverty and natural resources management; the economics of environmental health and the sharing of transboundary resources. During the meeting in Dhulikhel, research proposals were presented by selected participants from South Asia who had applied for SANDEE research grants. In addition, the meeting provided an opportunity for the participants to evaluate training needs and resources available for providing such training in the area of environmental and resources economics. Apart from several researchers from South Asian universities and research institutes, eminent economists attended the meeting as observers and advisers. These include Professor Partha Das Gupta from the Cambridge University, Professor karl Goran Maler from The Beijer International Institute of Ecological Economics of Sweden, as well as Professor Jeff Vincent and Thomas Sterner from the Harvard Institute for International Development, USA. Dr. Upali Wickramasinghe, Economic Consultant represented the SAARC Secretariat at the meeting.

# THIRD MEETING OF THE SAARC NETWORK ON GLOBAL FINANCIAL AND ECONOMIC ISSUES

Kathmandu, Nepal : October 30, 2000

The Tenth SAARC Summit mandated Sri Lanka, as Chairperson of the 10th Summit, to conduct consultations with Member States for the convening of a network of researchers comprising members of the Private Sector, Central Banks, Planning Ministries, Research Institutes and eminent economists nominated by Governments to identify, analyse and help SAARC face up to current global, financial and economic developments affecting the region.

The SAARC Network of Researchers on Global Financial and Economic Issues which was established held its first two Meetings in Colombo on 23-24 February 1999 and 10 August 1999 respectively. It was agreed that the Institute of Policy Studies of Sri Lanka would act as its Coordinator of the Network for two years with effect from February 1999.

The Network held its Third Meeting at the SAARC Secretariat, Kathmandu on 30 October 2000. The Meeting chaired by Dr. Saman Kelegama, Executive Director, Institute of Policy Studies, Colombo, Representatives of Bangladesh, Bhutan, India, Nepal and Sri Lanka participated.

Welcoming the delegates. Nihal Rodrigo, Secretary-General of SAARC congratulated the Network for successfully bringing out the first issue of the Journal, which had been well received both within the region and outside. He noted that the next issue of the Journal would focus on select WTO themes and would be issued shortly and further, that the Third Issue would be on the theme, Growth with Equity. These issues were of critical importance to the region and he hoped that the Journal would receive wide circulation so as to stimulate a healthy debate.

The Meeting discussed how Network activities could be strengthened and more widely publicized. Its activities would be posted on the SAARC Secretariat's website. The Meeting also decided to recommend the expansion of the list of the SAARC Visa Exemption Scheme to include the National Focal Points of the Network.

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# THE ART OF BUSINESS NEGOTIATION AT THE SAARC DISCUSSION FORUM

#### Nepal, Kathmandu, : October 30, 2000

At a Meeting of the SAARC Discussion Forum held on 30th October, 2000, the Chairman of Soaltee Group, Kathmandu, Mr. Probhakar SJB Rana spoke on "The Art of Business Negotiation."

Drawing on his experience. Mr. Rana discussed the subtle and complex nuances that contribute towards making a negotiation a success. Many elements, including thorough preparation and careful selection of the negotiating team were critical, Mr. Rana said in approaching "the other side" with sense of confidence in the search for mutual benefit. Recalling the rapid globalization of the economic systems and the challenges this imposes on smaller and weaker economies, Mr. Rana stressed the urgent need for government and industry to fully familiarize themselves with WTO issues.

The talk was attended by representatives of SAARC diplomatic missions, leading businessmen, researchers, media and was followed by a lively discussion and question-answer session.

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#### SENIOR OFFICIALS TO MEET IN NOVEMBER

#### Sri Lanka, Colombo : November 13-15, 2000

Following consultations among members of the Council of Ministers, a meeting of Senior Officials of SAARC is to be convened in Colombo from November 13 to 15, 2000.

The Meeting of Senior Officials will review progress on a number of ongoing programmes of SAARC with a view to developing momentum of these activities.

Recommendations are expected to be made by the Senior Officials to members of the Standing Committee on various functional aspects of SAARC activities.

# FIRST MEETING OF THE CITIZEN'S COMMOSSION OF SOUTH ASIA "WE, AS CITIZENS OF SOUTH ASIA"

#### Nepal, Kathmandu : December 1-3, 2000

The first meeting of the Citizen's Commission for South Asia was convened in Kathmandu from 1-3 December.

The Commission stressed "the major role and responsibility of Civil Society in creating a favourable influence for promotion of regional cooperation and commits itself to acting as an advocacy group for promoting the welfare of the people of the region."

The Commission was charied by I.K. Gujral, former Prime Minister of India and included in its membership seven former Ministers, six former Foreign Secretaries and two former Secretaries-General of SAARC.

Inaugurating the meeting Girija Prasad Koirala, Prime Minister of Nepal, said it was impressive that the word "SAARC" had become a part of the South Asian vocabulary as people to people contacts have grown and continue to thrive with regional forums of parliamentarians, judges, lawyers, scholars and business men and other professionals being established for regional cooperation. Nihal Rodrigo, Secretary-General of SAARC briefed and interacted with the Commission on the current state of regional cooperation in SAARC.

The report adopted by the Commission at the end of the meeting urged "government, opinion makers and civil society of the SAARC member countries to reaffirm their political will to work collectively for peace, progress and prosperity with a view to improving the quality of life of one-fifth of humankind who inhabit South Asia."

# KARL INDERFURTH EXPRESSES U.S. SUPPORT FOR SAARC AT THE DISCUSSION FOURM

Nepal, Kathmandu : December 2, 2000

Karl. Inderfurth, United Sates United Secretary of State for South Asia expressed support of the United States for regional cooperation in South Asia including efforts through SAARC.

Speaking as a guest at the SAARC Discussion Forum at the SAARC Secretariat on 2nd' December 2000, he outlined United States policy towards South Asia and its support for SAARC. He said that the SAARC had achieved notable progress in certain areas, particularly on trade and technical issues. Stating that SAAFC's impressive record of regular high-level dialogue had been disrupted due to the vicissitudes of politics in the region, he expressed hope in a revival of regional dialogue, setting the stage for more technical cooperation and dialogue at ministerial and higher levels.

On U.S. policy towards the region he said that the countries of South Asia were increasingly important potential partners for the United States on a whole range of issues from maintaining global peace to issues such as global climate change, cutting edge technological cooperation the cooperation; the common cause against age old disease and poverty; and the new so urges of international terrorism and weapons of mass destruction. He identified three key areas in which the United States would be happy to cooperate with South Asia; energy, the environment and trafficking.

Clarifying some misinterpretations regarding the U.S. "tilting" away from one or the other country in South Asia, he said that a new feature of U.S foreign policy has been an American "tilt" toward the South Asian region as a whole. He elaborated that during the second Clinton Administration, there had been an unprecedented series of high-level American visits to the region, and of return visits to the US by South Asian leaders. The list not only included just Presidents and Prime Ministers, but also ministers and senior officials dealing with issues of common concern.

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#### SAARC TUBERCULOSIS CENTRE MARKS SAARC DAY

### Nepal, Katumandu : December 5, 2000

On the occasion of SAARC Charter Day, the SAARC Tuberculosis Centre (STC) organized a briefing programme for international and national journalists based in Kathmandu on the role of the STC in TB control in the Region. The programme was held on December 5, at the Ceture.

Dr. Dirgh Singh Bam, Director, STC spoke about the current situation of TB, implementation of Directly Observed Treatment Short

Course (DOTS) and the objectives and functions of the STC. Dr. Prahlad Kumar, Deputy Director, STC made a presentation on the activities carried out by the Cetnre since 1994. An exhibition on TB and HIV/AIDS, health education material, reports of important events, STC publications, involvement of new partners, SAARC-Canada cooperation projects and work of STC was also held on the occasion.

Mr. Padma Prasad Pokharel released a book entitled "General Information of Tuberculosis and its Control" (Nepali Version).

# SAIC ORGANISES A PROGRAMME ON THE OCCASION OF SAARC CHARTER DAY

#### Bangladesh, Dkaka : December 8, 2000

The SAARC Agriculture Information Centre (SAIC) in Dhaka organized a special function on 8th December to mark the Charter Day.

Zahururl Karim, Executive Chairman of the Bangladesh Agricultural Research Council (BARC), addressing the gathering as the chief guest, lauded the activities of SAIC in providing active support to agricultural scientists and technologists through provision of material for research and development work. Munshi Fayez Ahmed Director-General (SAARC) at the Ministry of Foreign Affairs, Bangladesh as the special guest on the occasion outlined the objectives and principles of the Charter of SAARC. A message from Nihal Rodrigo, Secretary-General of SAARC was also read out.

Speaking at the function, Abdur Razzaque, Director, SAIC said that SAIC had prepared a forward looking Vision Paper on its programmes over the next 10 years, considering the current requirements. He stressed the need for activities by SAIC to deal with the changing global scenario including developments at WTO, plant genetic resources, and intellectual property rights.

At the function, SAIC presented a video show on promising agricultural technologies. SAIC publications were also displayed.

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# FIFTEENTH ANNIVERSARY OF THE SAARC CHARTER

#### Nepal, Kathmandu, : December 8, 2000

The Fifteenth Anniversary of the signing of the Charter of the South Asian Association for Regional Cooperation was commemorated at the SAARC Secretariat in Kathmandu on 8th December 2000.

The Chief Guest at the commemoration was Girija Prasad Koirala, Prime Minister of His Majesty's Government of Nepal. The Prime Minister stated that there is reason to feel optimistic when looking back at the fifteen-year history of the Association. The progress and achievements of SAARC had been impressive. In this regard, he said the Association has been instrumental in creating favourable conditions for meaningful regional cooperation. The South Asian Preferential Trading Arrangement (SAPTA) had already been set in motion and transition towards the South Asian Free Trade Area (SAFTA) was gathering pace with the ultimate goal of a South Asian Economic Union.

A message from the Chairperson, SAARC, Sri Lankan President Chandrika Bandaranaike Kumaratunga was read out, in which she expressed her satisfaction over the gradual realization of the aspirations of the founding fathers of the SAARC movement to bring the region

together through contact between its people. She said that it was encouraging to see members of various professions forming Regional Associations establishing closer linkages among SAARC countries.

Present at the function were members of the Cabinet, Parliamentarians, member of the Diplomatic Corp. representatives from the business community, professionals and others from all walks of life.

The SAARC Charter was signed by the Heads of State or Government of the seven South Asian countries on 8th December 1985 in Dhaka, establishing the regional association.

In accordance with the Charter, the objectives of SAARC are ; to promote the welfare of the peoples of South Asia and to improve their quality of life; to accelerate economic growth, social progress and cultural development in the region and to provide all individuals the opportunity to live in dignity, and to realize their full...

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# SOUTH ASIAN PEOPLE'S SUMMIT CALLS FOR RECONVENING OF SAARC SUMMIT

Sri Lanka, Colombo : December 8-10, 2000

A South Asian People's Summit, which was held in Colombo from December 8-10 has called for the reconvening of the SAARC Summit.

The Meeting in which representatives from NGO networks in South Asian region were in attendance, was organized by South Asian Partnership International (SAPI), an umbrella organization with regional partners from Bangladesh, India, Nepal, Pakistan and Sri Lanka. Jezeema Ismail (Sri Lanka) chaired the meeting. In his message to the Meeting, the Secretary-General of SAARC indicated the importance of positive interaction between civil society and official processes in South Asia.

The Meeting adopted what was called a "South Asian People's Agenda", which pledged, *inter-alia*, to strengthen the alliances of peoples movements, trade unions, peasant organizations, children's organization, CBOs and NGOs engaged in efforts to cradicate economic poverty from the region. The Meeting also decided to set up six Independent Commissions "to oversee the progress of South Asian Nations" in the areas of human rights and human development; reducing poverty; peace and regional cooperation; governance; protecting the rights of the child; and empowerment of women.

# FOREIGN MINISTER OF SRI LANKA VISITS THE SECRETARIAT

#### Nepal, Kathmandu : December 18, 2000

Lakshman Kadirgamar, the current Chairman of the SAARC Council of Ministers and the Foreign Minister of Sri Lanka, paid a visit to the SAARC Secretariat on 18th December. Nihal Rodrigo, Secretary-General of SAARC briefed the Minister on the on-going activities of SAARC in particular about the progress on programmes scheduled by Member States during the recently held, extraordinary meeting of SAARC Senior Officials at Colombo in November.

During the visit to the SAARC Secretariat, Kadirgamar inspected the library of the Secretariat and handed over some books to the Secretary-General. Sri Lankan Ambassador, Pamela I. Deen was presert on the occasion.

The Minister was in Kathmandu as part of a regional tour to hold consultations with the Member States on bilateral and SAARC related

issues. He was in Katahmandu shortly after his consultations in New Delhi, He is expected shortly to visit Pakistan, Bangladesh, Maldives and Bhutan.

### FIRST SAARC TELEFILM FESTIVAL TO BE HELD IN JULY 2001

#### Bangladesh, Dhaka : December 19-20, 2003

A SA/RC Telefilm Festival is to be organized annually under the aegis of the SAARC Audio Visual Exchange (SAVE) Committee. This was decided during the nineteenth meeting of the SAVE Committee which was held from 19-20 December 2000 in Dhaka.

According to the decision, the Festival will be held as a weeklong event where telefilms from all Member Countries will be telecast each day at a designated time. Telefilms shown at the festival will be of 60-90 minutes duration and sub-titled or dubbed in English. The SAVE Committee decided that the first SAARC Telefilm Festival Will be held in July 2001.

Another decision of the SAVE Committee was to organize an integrated live musical event to coincide with SAARC Charter Day on 8th December 2001. India will serve as coordinating country and will facilitate necessary production and uplinking facilities for live telecast / broadcast in all SAARC countries. A three-hour live cast programme will be telecast broadcast on two days, n mely 8th and 9th December 2001.

The SAVE Committee also decided that the Fifth SAARC TV Quiz will be held in Dhaka in March 2001 and the Sixth TV Quiz to place in Nepal in 2002. similarly, the Fourth and Fifth SAARC Radio Quizes were to be organized in Pakistan and India, respectively.

The Committee also finalized a schedule of TV and Radio programmes for the year 2001 are given below.

The Meeting was inaugurated by M.I. Chowdhury, Secretary of the Ministry of Information, Government of Bangladesh. The SAARC Secretariat was represented by Ahmed Sareer, Director.

# Save Committee Finalises the Tv/Radio Programmes for 2001

Following is the schedule of TV and Radio programmes for the year 2001, finalized by the SAVE Committee at its nineteenth meeting held in Dhaka from 19-20 December 2000 :

April	Bangladesh	Tales of Moluda : Her one day every- day
May	Bhutan	Taktshang : A Buddhist Monastery
June	India	Boat Races of Kerala (An illustrated talk on the famous boat race of Kerala)
July	Maldives	Repeat item in the absence of fresh contribution
August	Nepal	Striving ahead
September	Pakistan	Repeat item in the absence of fresh contribution
October	Sri Lanka	Song of Veddahs
November	Bangladesh	The Bangs We Sing
December	Bhutan	Rise to the challenge

### **Broadcast Schedule of Radio Programme**

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# **Telecast Schedule of TV Programmes**

January	Bangladesh	Kingdom of clouds
February	Nepal	Beyond the Himalayas
March	Sri Lanka	Sanda Mandala
April	India	Imaging of Science
May	Bhutan	Our heritage
June	Maldives	Repeat item in the absence of fresh contribution
July	Sri Lanka	The Forest Group
August	Bangladesh	Birds in arts and songs
September	Nepal	Will You Listen to Us
October	Pakistan	Repeal item in the absence of fresh contribution
November	India	Kaziranga
December	Sri Lanka	Watada Ge

*Notre* : SAVE TV and Radio programmes are telecast/broadcast on 1st and 15th of every month, respectively. Please contact your local stations for exact times.

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### DIPLOMA ENGINEERS FORUM SOUTH ASIA

#### Nepal, Kathmandu : December 30-31, 2000

The second convention of South Asian Diploma Engineers Forum was held in Kathmandu on December 30-31.

The Convention was inaugurated by the Minister of Health of Nepal, Dr. Ram Baran Yadav. Over a hundred Diploma Engineers from Bangladesh, India, Nepal, Pakistan and Sri Lanka participated in the convention. An international Seminar on Prospect and Challenges of Career Development for diploma holders in Engineering was also organized on the occasion.

Messages to the Forum were sent by President of Sri Lanka, Prime Ministers of Nepal and Bangladesh and leader of opposition of Nepal.

The office bearers of South Asia Engineers Forum called on the Secretary-General of SAARC, Nihal Rodirgo. He briefed the group on procedures to be followed by professional associations for receiving formal recognition by SAARC.



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# Chronology of Important Events SOUTH ASIAN REGION

# January to December 2000

#### BANGLADESH

# August24In a personal message to Chief Executive General Pervez Musharral,<br/>Prime Minister of Bangladesh Sheikh Hasina Wajid expressed her<br/>deep concern over the escalation of tensions between Pakistan and<br/>India and its adverse impact on the economy of the region.

- August 28: In a letter to Chief Executive General Pervez Musharraf, Prime Minister of Bangladesh Sheikh Hasina Wajid said that Bangladesh's efforts for a peace process between Pakistan and India for the stability and economic development in the region would continue till lasting peace was achieved in the sub continent.
- September 8: During a press conference in New York, General Pervez Musharraf confirmed the news that he had cancelled his meeting with Prime. Minister of Bangladesh Hasina Wajid as she attacked Pakistan in her UN address and demanded suspension of Pakistan from the UN following the Commonwealth example.
  - 12: During a press conference in Dhaka. Prime Minster of Bangladesh Sheikh Hasina Wajid said that despite a debate surrounding talks with Chief Executive General Pervez Musharraf at the UN, bilateral ties remained unaffected. She added, "I don't see any damage to bilateral ties and I don't know why Pakistan's self-declared Chief Executive Pervez Musharraf was so unhappy about my comments on military regimes at the United Nations Security Council". She further said that I said what I said for the sake of democracy.

The above Chronology has been prepared by Abdul Majeed, Research Scholar, Centre for South Asian Studies, Quaid-i-Azam Campus, University of the Punjab Labore

#### South Asian Studies

#### INDIA

January 1: According to a Foreign Office spokesman, Pakistan dismissed Indian allegations that hijackers of Indian airbus were Pakistani nationals and called on New Delhi to refrain from hurling such baseless accusations.

Pakistan and India exchanged lists of their nuclear installations and facilities through diplomatic channels.

Foreign Minister Abdus Sattar, talking to newsmen in Islamabad, said that hijackers of Indian airbus would face court proceeding under the international law if they came to Pakistan.

Chief Executive General Pervez Musharraf said in Islamabad that India should create a conducive environment for talks but Pakistan would not beg for it. He said that Pakistan had nothing to do with the hijacking of an India airliner and called upon Indian Prime Minister Atral Behari Vajpayce to exercise restraint in his uttering with a view to improve relations between the two countries.

Chief Executive General Pervez Musharraf said that Mr. Vajpayee was continuously trying to involve Pakistan in the hijacking. He added that he had no doubt that it was all pre-planned to get Pakistan declared a terrorist state.

- 5: Pakistan challenged India to provide evidence of its allegations implicating Islamabad in recent hijacking of an Indian airlines plane.
- 16: Pakistan arrested an Indian High Commission staff member P. Mosses with an explosive device and currency notes. It accused confessed that he had already delivered such devices to some persons in the past.
- 17: An Indian High Commission staff member, P. Mosses, arrested by Islamabad police while trying to deliver an explosive device, was handed back to the Indian High Commission officials. According to Foreign Office sources it was done as he enjoyed diplomatic immunity under the Geneva Convention.

January 17 Pakistan lodged a strong protest with the Indian High Commission regarding the involvement of its employee who was carrying an explosive device. He was further told that this involvement constituted an evidence of direct involvement of the government of India in sponsoring terrorism in Pakistan.

> India arrested three men with alleged links with Pakistan's Inter-Services Intelligence (ISI) agency saying that they were carrying plastic explosives.

- 18: Pakistan asked an Indian High Commission official P. Mosses to leave the country within seven days. He was caught red-handed while carrying a remote control explosive device.
- 19: Indian expelled a Pakistan diplomat in apparent retaliation for the expulsion of its own High Commission staffers from Islamabad on the charge of indulging in activities not compatible with his official status.
- 22: Indian Prime Minister Atal Behari Vajpayee in public meeting in Shillong described Pakistan as an enemy country and said that New Defhi was ready for war if necessary.

According to an official statement, Indian forces crossed the Line of Control (LoC) in the Iftikharabad sub-sector in the Chamb area and launched an attack on a Pakistani post. Pakistan repulsed the attach.

24: A meeting of the crops commander headed by Chief Executive . General Pervez Musharraf warned that India's blatant violations such as in the lftikharabad sector was intolerable and that the Pakistan armed forces reserved the right to respond appropriately. The meeting concluded that the growing frustration of the Indian army had led to this act cross-border state terrorism.

The acting Indian High Commissioner was summoned to the Foreign Office and a strong protest was lodged against the Indian troops' attack on a Pakistani post in Chamb sector on the LoC.

February 17: In an interview published in Paris, Indian Prime Minister Atal Behari Vajpayee, warned US President Bill Clinton against visiting Pakistan next month during his plained tour of South Asia.

# South Asian Studies

- February 17: At a high-level meeting held on foreign policy chaired by the Chief Executive General Pervez Musharraf, the government endorsed the policy of engaging India in a dialogue to resolve peacefully the core issue of Kashmir and to remove all other irritants harming the relations between the two countries.
  - 18: A spokesman for Indian Ministry of External Affairs R.S. Jassal announced in New Delhi that India was expelling three Pakistani diplomats, signalling a further deterioration in already bilateral relations.
  - 20 A handout issued by the Press Information Department in Islamabad said that three Indian High Commission officials had been declared persona non grata.
  - 22: Foreign Secretary Inamul Haque said in Islamabad that Pakistan was ready to resume dialogue with India primarily on the core issue of Kashmir but there was no question of conceding the Indian Prime Minister's demand that Azad Kashmir was vacated as a prior condition.

Indian Home Minister Lal Krishan Advani in New Delhi accused Pakistan of waging war against India through "terrorism and subversion."

Indian President K.R. Narayan alleged that there had been an increase in trans-border terrorism since the military takeover Pakistan four months before.

A spokesman for the Foreign Office said in Islamabad that the huge increase in the Indian military budget was another proof of "Indian hegemonic designs" in the region and beyond it.

India summoned Pakistan's Deputy High Commissioner to formally lodge a protest against a border attack which claimed the lives of seven Indian soldiers and left one missing.

- 27: Pakistan warned India against escalating border tension and refuted the allegation that Pakistani troops had attacked a post in the Indianheld Kashmir.
- 28 President Rafiq Tarar said in Islamabad that Pakistan did not have aggressive designs but it would give a befitting reply if India dared to commit aggressions.

- March 2: Indian Minister for External Affairs Jaswant Singh said in New Delhi that any intervention or mediation by any third party including that of the United States was not acceptable to India then or in the near future in its dispute with Pakistan over Kashmir.
  - 4: According to an official spokesman in New Defhi, activists of Shive Sena stoned the Lahore-bound Pakistan-Indian bus to protest Pakistan's involvement in the bombing of a bus in India on 3 March that claimed nine lives
  - 11 India refused visa to all 16 members of the Pakistani delegation to attend the first South Asian Association for Regional Cooperation Rice Conference scheduled in New Delhi on 16-17 March.
  - 12: In separate interviews with Newsweek, to Chief Executive General Pervez Musharraf and Indian Prime Minister Atal Behari Vajpayee insisted that there was no possibility of a nuclear war over the Kashmir dispute
  - 13. While talking to journalists in Karachi. Foreign Minister Abdus Sattar said that escalation of tension could lead to another conflict with India and called for urgent measures to avoid that situation.

Indian Defence Minister George Fernandes warned of military buildup by Pakistan along the LoC and said that New Delhi was ready should tensions spill over into armed conflict. He said, "We are watching the situation and are prepared to repeat our Kargil performance."

While speaking in Lok Sabha in New Delhi, Indian Minister for External Affairs Jaswant Singh accused Pakistan and *Taliban* of cooperating with the hijackers of Indian airbus.

15<sup>17</sup> Pakistan officials had dismissed as not worth even a comment the recent Indian allegation that Islamabad was gearing up for high altitude warfare.

While speaking to legislatures in New Delhi, Indian Minister for External Affairs Jaswant Singh said that military rule was not an obstacle to the resumption of talks between Pakistan and India.

21: Speaking at a joint news conference with Indian Prime Minster Atal Behari Vajpayce in New Delhi, visiting US President Bill Clinton called for restraint and dialogue between Pakistan and India

- March
- 21: While talking to reporters in Islamabad, Foreign Minister Abdus Sattar, condemned the massacre of 36 Sikhs in the Indian-held Kashmir and demanded an inquiry, voicing fears India might exploit the incident for propaganda.

In an interview with Cable News Network (CNN), Pakistan's High Commissioner to India Ashraf Jehangir Qazi said that Pakistan was ready to talk to India on the Kashmir issue, realizing its responsibility as a nuclear state.

- 25: According to an official spokesman of the Government of Pakistan. "The remarks made by the foreign office spokesman of India to the effect that India calls for an immediate return to democracy in Pakistan in reaction to the Chief Executive's announcement of the devolution plan on March 23, is unwarranted interference in the internal affairs of Pakistan.
- 31: According to the Indian Foreign Ministry spokesman R.S. Jassal. India rejected Pakistan's first formal proposal for the resumption of peace talks and said that Islamabad must first halt its support for, what it alleged was, cross border "terrorism" in Kashmir. The proposal was put forward during a meeting between Foreign Secretary Inamul Haq and the Indian High Commissioner G. Parthasarthy in Pakistan.

According to Foreign Office spokesman Tariq Altal, Pakistan expressed its regrets after India rejected its first formal offer to resume peace talks. He said, "This reflects that India wants to continue with its belligerent attitude. He further said that international community should take notice of India's negative attitude.

- April2 :According to the Associated Press of Pakistan (APP), Pakistan<br/>Railways lodged a protest with New Delhi for violating the<br/>agreement under which India provided engine and coaches for the<br/>Samjhota Express from Wagah to Attari. Pakistan warned that it<br/>could stop train services to India in mid-April
  - 2 About 98 members of Pak-India People's Forum for Peace and Democracy were refused a road entry into India at Wagah despite having valid Indian visas.
  - The Indian government announced the appointment of Vijay K. Nambiar as India's High Commissioner in Pakistan.

#### Chronology

3: National Security Advisor of India Brajesh Mishra accused in New Delhi that Pakistan was continuing with "cross-border terrorism" in Kashmir and hostile propaganda against India while calling for a resumption of peace talk

According to an Indian Foreign Ministry spokesman Raminder Singh Jassal, India was determined that the *Samyhota* Express should continue to link Pakistan and India.

4. According to a Foreign Office statement Pakistan condemned the Indian Army's indiscriminate firing on peaceful demonstrators in Anantnag, leaving seven people dead and at least 30 injured.

Attorney General Aziz A. Munshi opposed the Indian claim in *The Huge* that the International Court of Justice (ICJ) had no jurisdiction in the case where India deliberately shot down an un-armed Pakistani naval aircraft inside Pakistan's territory.

- 7: Indian Home Minister Lal Krishan Advani said in New Delhi that India was planning to review rail and bus links with Pakistan amid charges of wide-spread "smuggling of drugs, arms and counterfeit money."
- 9: While talking to reporters in Cartagena (Colombia). Foreign Minister Abdus Sattar said that Pakistan would not press India for resumption of the stalled dialogue as New Delhi spurned Islamabad's formal offer to hold talks.
- 14: The railway authorities of both Pakistan and India agreed to continue Samphota Express train service between Labore and Attari.

While giving an interview to Doordarshan in New Delhi. Pakistan's High Commissioner to India Ashraf Jehangir Qazi said that peace talks with India could not resume while India laid down preconditions for dialogue.

22 While answering questions at a news conference at the Foreign Office. Foreign Minister Abdus Sattar declared that Pakistan was not going to engage in an arms race with India, but it would make a befitting response to safeguard its own security and territory, if a need arose.  April 26: Indian Defence Minister George Fernandes told the Rajya Sabha that India had reinforced its troops on the LoC to thwart "any misadventure" by Pakistan. He said that there were no specific reports that Pakistan was planning a large-scale intrusion, but troops were on alert along the LoC.

Pakistan and Indian railway teams, in Wagah, signed an agreement to resolve various issues endangering the future operation of the *Samjhota* Express.

- 27: In an issued statement from Foreign Office. Pakistan reiterated its offer for talks with India for the resolution of the outstanding issues including Kashmir but refused to accept any conditions in this regard.
- May 4: Pakistan Foreign Office spokesman said that Pakistan had asked India to drop pre-conditions for talks if it really sought resumption of a peace dialogue between them.
  - 7: Briefing reporters on the outcome of the four day bi annual dialogue between the Pakistan rangers and the Border Security Forces (BSF). frontier Inspector General Avtar Singh Aulakh said in Jullundur that Pakistan and India had agreed to take steps to curb incidents of unprovoked firing on international border during the harvest season to facilitate farmers to cultivate fields. He added that Pakistan had also proposed formulating border ground rules to improve understanding between border guards.
  - 28: Chief Executive Genral Pervez Musharraf said in Islamabad that Pakistan was ready for talks with India on working out a nuclear restraint regime for South Asia.
  - 37. In an interview to CNN, Indian Minister of State for External Affairs Jaswant Singh rejected Pakistan's proposal for resuming bilateral talks saying that Pakistan's promotion of cross-border terrorism, its advocacy of *Jihad* and its anti-Indian propaganda were deterrents to putting the peace process back on track.
- June 17: According to an Foreign Office spokesman, Pakistan would not respond to India's latest test of a short-range surface to surface missile. However, he said that Pakistan was fully prepared to meet any external threat or aggression. He accused India of violating a bilateral understanding by not giving prior warning about the test of Prithvi missile

- Addressing the members of Pakistan Institute of International Affairs. 23: June Chief Executive General Pervez Musharraf said that threat from India was not confined to Kashmir alone but its decision to dominate Pakistan's economy and foreign policy was a threat and Kashuur was a physical manifestation of that threat.
- In an interview with the Hindustan Time, Chief Executive General 1: July Pervez Musharraf called on India to change its mindset towards its neighbours and help lead South Asia to development. He also arged India to play a constructive role in the South Asia Association for Regional Cooperation (SAARC).
  - 31 -In an interview to the London based Arabic daily Al Havar Chief Executive General Pervez Musharral suggested signing of no-war pact with India.
  - 2 · In an address to Parliament, Prime Minister of India Atal Behari Vajpayee accused Pakistan of directing the massacre in the India-held Kashmir. However, he said that the massacre would not detail the ceasefire process.
    - 5 A Foreign Office spokesman urged India to accept that the Kashmir problem could be resolved only through tripartite talks. He said that the position of *Hizbul Mujahideen* on tripartite talks was logical and in accordance with the international laws and principles.
      - Foreign Office spokesman Riaz Muhammad Khan asked India to accept Pakistan as one of the two principal parties to a just and peaceful settlement of the Kashmir dispute in accordance with the recognized international norms and the United Nations resolutions. He added that the full involvement of the All Parties Hurrivat Conference (APBC) as a prerequisite in any negotiations was beyond. any question. He rejected any suggestion for a change in Pakistan's Kashmir policy and alleged that New Delhi wanted to exploit the situation to divide the Kashmir freedom struggle. He agreed that the US and the world community could play a useful role in the resolution of the dispute.

In his address to the upper house of Parliament, Prime Minister Atal-Behari Vajpayee accused Pakistan of cross border terrorism as an instrument of state policy to launch a terrorist campaign in different parts of India.

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August8A Foreign Office spokesman said that the negative and transparently<br/>insincere responses by the Prime Minister Atal Behari Vajpayce and<br/>other Indian officials had destroyed the chance of peace process in<br/>Kashmir. He called India to engage in a meaningful and result<br/>oriented dialogue with Pakistan and Kashmir.

Talking in the Parliament, Indian Minister of State for External Affairs Jaswant Singh made it clear that Janumu and Kashmir was neither a territorial dispute with Pakistan nor was a core issue. He accused Pakistan of massacres in Kashmir saying that they did not need a judicial inquiry to investigate massacres in Kashmir as the cause was cross border terrorism. fully supported by Pakistan.

- 9: A Foreign Office spokesman Riaz Muhammad Khan said that if India changed its attitude and showed sincerity, then there would be the possibility of progress towards a peaceful resolution and negotiated settlement. He added that it was nothing new for the Indians to routinely blame Pakistan. They had destroyed the possibility of a peace process and obviously they wanted to find a scapegoat.
- 10 Indian Prime Minister Atal Behari Vajpayee said, in New Delhi that India was ready to discuss bilateral issues with Pakistan irrespective of the form of the government. However it favoured democratic rule in Pakistan.

Foreign Minister Abdus Sattar said in Islamabad that India, by Its "flip-flop" response to the initiative of *Hizbul Mujahideen* had not only squandered a peace possibility but sabotaged peace opportunities instead of utilizing them. He further said that India tried to exploit the cease-fire for dividing the Kashmir freedom movement and for creating a rifl between the movement and Pakistan.

- 13: Talking to Indian newspaper, The Asian Age, Foreign Minister Abdus Sattar said that Kashmir was an India-Pakistan issue and bilateral discussions were important to resolve it. He asked India for consistent policy on Kashmir.
- 15: Addressing the nation on Independence Day, Indian Prime Minister Atal Behari Vajpayee said that Pakistan was constantly engaged in violence, killings and cross border terrorism.
- 17: The Director General of the Inter-Services Public Relations (ISPR) Major General Rashid Qureshi said that Pakistan had inflicted heavy losses to India during the Kargil crisis.

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- 17: Talking to his Ministry's consultative committee Indian Home Minister Lal Krishan Advani said that the people of Kashmir were extremely unhappy that the prospects for peace had been sabotaged by Pakistan. He added that India remained open to dialogue with Mujahideen groups in Kashmir despite the recent collapse of the casefire
  - 18. Foreign Office spokesman regretted reported Indian attempts to force cancellation of the SAARC foreign ministers' meeting during UN Millennium session of the General Assembly in New York.
  - 19. Giving interview to Doordarsban, Indian Defence Minister George Fernandes refused to budge from Indian stand on Kashmir and said that India was willing to talk with Pakistan if it suspended its support to "insurgency".
  - 24: A spokesman for ISPR said that Indian army attacked their positions in the Rawalkot sector in which two soldiers died and two were missing. He added that attack was repulsed with heavy causalities. However, an Indian army spokesman in Srinagar claimed that Indian troops had killed 10 Pakistani soldiers and wounded several others while repulsing an attack on a forward post.
  - 25: India resisted the idea of a meeting between Chief Executive General Pervez Musharral and Indian Prime Minister Atal Behari Vajpayee in New York when both leaders would be in the city for the UN Millennium session of the General Assembly.
  - 25. According to a Foreign Office spokesman, Pakistan lodged a strong protest with India over trespass on the residence of an official of its high commission in New Dehli.

In an interview in British Broadcast Corporation (BBC), Indian Defence Minister George Fernandes said that India was willing to hold dialogue with Pakistan if it stopped freedom movement in Kashmir.

26: Pakistan decided to expel an Indian High Commissioner's official P.C. Day following the Indian demand that Pakistani official Malik Muhammad Rafig should be recalled by August 31

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- August
- 28: In a statement issued by the Ministry of Foreign Affairs, Pakistan condenined continued targeting of civilian population by Indian forces from across the Line of Control (LoC). It added that the Government of Pakistan called upon India to respect the LoC and refrain from acts aimed at terrorizing the civilians.
- 29. Talking to journalists in New Delhi, Director General of the Indian Sugar Mills Association S.L. Jain said that India would bid for a tender issued by Pakistan for import of 100,000 tons of white sugar.
- 30 An ISPR spokesman confirmed the report that Indian military authorities refused to accept the body of their soldier who was killed when the Pakistan army repulsed an attack on one of its forward posts in the Rawalkot sector. Moreover Pakistan unilaterally offered a ceasefire and a safe passage to Indian troops for the recovery of other bodies lying in the area.
- 31: Indian police in the Indian held Kashmir said that they arrested two Pakistanis for alleged role in the massacre of 36 Sikhs in a village on 21 March.

India accused Pakistan's intelligence agent of ransacking the homes of two of its diplomats in Islamabad. The Indian Foreign Ministry said that it had summoned Pakistan's Deputy High Commissioner to New Delhi to protest against incidents which "follow a pattern of calibrated and escalating harassment and brazen intimidation."

Foreign Office spokesman Riaz M. Khan rebuffed the India's allegation against Pakistan recently occupying some of the positions near the LoC and asked India to reduce tension along the FoC in Kashmir.

- September 5: India accused Pakistan's intelligence officials of harassing its diplomats and their families in Islamabad.
  - 6 Chief Executive General Pervez Musharral told the UN Millennium Summit that Pakistan was prepared to take bold initiatives to change the *status quo* in South Asia. He proposed a no-war pact and a mutual reduction in forces with India and said that Pakistan sought South Asia free from all nuclear weapons.

- September 23: Speaking at a meeting organized by the Commonwealth Club and World Alfairs, Indian Minister of State for External Affairs Jaswant Singh said that New Delhi would start dialogue with Pakistan. He reportedly said, "We can change a friend but not a neighbour." He added that both countries would evolve a time frame for talks without any external pressure or mediation from a third country.
  - 28: In a road inauguration ceremony in Leepa Valley, Chief Executive General Pervez Musharraf urged India to stop committing atrocities in the Indian held Kashmir and begin talks to find a peaceful settlement of the Kashmir dispute.
- October 2: Speaking at the All Pakistan Newspaper Society (APNS) award giving ceremony. Chief Executive Pervez Musharraf ruled out any possibility of nuclear war with India. He said that his government was alive to the needs of the country's security and no harm could be done to Pakistan because it had the potential and capability to ensure its security and integrity.
  - 9: Foreign Office spokesman Riaz Muhammad Khan expressed that in contrast to Chief Executive General Pervez Musharraf's call to India for mutual reduction in arms and armed forces, the recent Indo-Russian massive arms deal had caused natural concern, which would destabilize the region.
  - 11: According to official sources, there had been no progress towards resumption of dialogue with India to resolve the Kashmir issue despite Pakistan's sincere efforts. They added that the Indian government had tried their best to isolate Pakistan internationally since the present government came to power.
  - 17: Addressing at the inaugural session of the seminar on the Role of the United Nations in the new millennium perspective from Pakistan, in Islamabad, Foreign Minister Abdus Sattar called on New Delhi to cooperate with the United Nations Military Observers Group for India and Pakistan (UNMOGIP) to make the monitoring of Line of Control (LoC) more effective.
  - 23: Indian coast guard severely beat up 11 Pakistani fishermen and snatched their belongings in Chora Bari area inside Pakistan territorial waters. During the last two weeks, Indian coastal authorities had detained 61 Pakistani fishermen and six fishing boats during the last two weeks on the charges of illegal fishing.
- November 14: Talking to newsmen in Karachi, Navy Chief Admiral Abdul Aziz. Mirza rejected speculations about Pakistan's involvement in an Indian Air Force helicopter's crash near the border.
  - 22: Briefing the ACLA's delegation, in Islamabad, on the agenda of government, Chief Executive General Pervez Musharraf reiterated Pakistan's willingness for talks with India on Kashmir and other issues between the two countries.

- December 3: At the news conference in New Delhi, Indian Defence Minister George Fernandes said that Pakistan's offer of military restraint at the LoC was not good enough for launching peace talks with Islamabad. He asked Pakistan to elaborate on its surprise offer of "maximum restraint."
  - 5: Indian Ministry of External Affairs, in a statement in New Delhi, rejected a widely-backed proposal for talks over Kashmir, involving *Mujahideen* and Pakistan. However, it said that it was prepared to meet the two separately, provided key conditions were luffilled. It further said that India was committed to an early resumption of a composite dialogue with Pakistan within the ambit of the Simla Agreement and Lahore Declaration.
  - 6: Indian Foreign Ministry spokesman Raminder Singh Jassal said that India had already rejected Islamabad's offer for tripartite peace talks involving India, Pakistan and Kashmiri groups.

Talking to newsman in Islamabad. Chief Executive General Pervez. Musharraf expressed the hope that India would reciprocate to Islamabad's new peace initiative, which aimed at stabilizing peace in the region. He added that if this opportunity was lost. India would be responsible for frustrating the peace initiative.

India claimed that its Border Security Forces (BSF) has shot dead 12 intruders, who had crossed over the international border from Pakistan into the Indian-held Kashmir.

- 17: Talking to deputies of the Legislative Assembly and local government officials from Uttar Pardesh. Indian Prime Minister Atal Behari Vajpayee said that New Delhi was ready for talks with Pakistan provided Islamabad put an end to violence and terrorist activities against it.
- 31 Addressing party delegate in Kerala, Indian Prime Minister Atal Behari Vajpayee accused Pakistan of supporting the Lashkar-i-Taiba group which threatened to attack his office.

# NEPAL

- January 3: Nepalese police arrested a Pakistan Embassy employee on the charges of holding fake money worth 20 million rupees.
  - 5: Nepal ordered the expulsion of a junior official of Pakistan's Embassy on charges of keeping fake money.

# SRI LANKA

January 16. In a statement, Foreign Office said that the Government of Pakistan was concerned at the intensification or rebel attacks on the forces of the government of Sri Lanka in Jaffua peninsula and extended its sympathy to the government and the people of Sri Lanka in their struggle to maintain the unity of their country.

# Notes to Contributors

Manuscripts, articles, book reviews and notes or letters on themes of contemporary or historical interest, with particular reference to South Asia, will be welcomed.

Manuscript should be clearly typed on one side of the paper only, and should be double-spaced. Two copies should be submitted.

Bibliographies and footnotes should be placed at the end of the article. Footnotes should be numbered consecutively, and bibliographies should be arranged alphabetically. Foreign words should be underlined.

Bibliographical references should be completed in respect of the tittle of the book, the name of the author, the year and the place of publication.

Utmost care should be taken to prepare statistical data for publication. All headings, columns, rows, symbols, units of measurement, periods, political and geographical areas, and sources should be clearly stated in each statistical table, instead of giving such explanations in the text.

Tables, maps, and diagrams should be numbered and given at the end of the article, each on a separate sheet of paper. They should be clearly drawn so that they are suitable for photocopying as submitted.

# Abstracts

Authors should submit abstract of their articles, not exceeding 100 words. The first page of the paper should include the tittle of the paper as well as the name and institutional affiliation of the author.

The Editor reserves the right to make editorial revisions.