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Communal Violence in India Provokes Political Crisis

by Dick Gupwell

In late February and early March, India was rocked by a serious outburst of communal violence between Hindus and Muslims, which led to many hundreds, if not thousands, of deaths, particularly in the western State of Gujarat, and, in April, brought India's Parliament to a standstill. The Government in Delhi, led by Prime Minister Vajpayee's *Bharatiya Janata Party* (BJP), was threatened both by a highly vocal campaign by the opposition parties and by threatened or actual defections from several of the smaller parties within the ruling coalition. The trouble was linked to the long-standing campaign of militant Hindus in India, for whom the BJP has been the traditional champion, to build a temple to the god Ram in Ayodhya, on the site of a mosque, which had been illegally demolished in 1992.

It was the attack on a train, carrying Hindu militants back from Ayodhya to Ahmadabad, the capital of Gujarat, that set off the violence, which soon affected much of the State. However, the political crisis was provoked by allegations that the BJP government in Gujarat, the only state which the party still controls after the recent series of State elections, had actually encouraged the violence committed against Muslims and their property. The opposition called for the resignation of the Chief Minister of Gujarat but the Government in Delhi survived a censure motion tabled by the Opposition. The episode has, nevertheless, further weakened the administration of Mr Vajpayee at a time of great national tension in the current stand-off between India and Pakistan over terrorist infiltration into Indian Jammu and Kashmir.

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Religious tensions in India

India now has over 1,000 million people. About 800 million (80%) of these are Hindus, while 130 million (13%) are Muslims. 70 million others pursue a number of other faiths, of which the Christians (2.4%), Sikhs (2.0%), Buddhists (0.7%) and Jains (0.5%) are the most significant. The religion of the large majority, perhaps more correctly called "Brahmanism", has very ancient roots and many of its most important religious and philosophical texts were written early in the first millennium BC. Two new faiths were introduced around the middle of the first millennium, one by Mahavira, the founder of Jainism, and the other by the Buddha. Under Ashoka, in the third century BC, Buddhism enjoyed the official support of the first great Hindu empire, that of the Mauryan dynasty, which ruled over most of the sub-continent. However, Buddhism began to decline from the 4th Century AD, with the revival of Hinduism under the Gupta Empire.

Islam was first introduced into the Indian sub-continent with the Arab conquest of Sind, in the lower Indus valley, in 712. However, the Muslim conquest of northern India only really began when Mahmud of Ghazni, a Turkish-Afghan warrior chief, invaded the Punjab in 1001. Muhammad Ghuri extended the area under Muslim control during the 12th century, leading to the establishment of the Sultanate at Delhi, in 1206. Five Muslim dynasties then ruled at Delhi before the Mughal warrior Babur defeated Sultan Ibrahim Lodi at Panipat, in 1526, and founded a new empire. Meanwhile, another offshoot of Hinduism had developed in the Punjab as the religion of the Sikhs. The great Mughal emperors Babur (1526-1530), Humayun (1530-1556), Akbar (1556-1605), Jehangir (1605-1627) and Shah Jehan (1627-1658) created a vast, powerful and wealthy empire across northern India and governed, for the most part, with a policy of tolerance towards the Hindus and in alliance with the powerful Hindu Rajput princes. While a considerable minority of the people converted to Islam, a large majority continued to follow Hinduism.

However, Shah Jehan's successor, Aurangzeb (1658-1707), an orthodox Sunni Muslim, ended his predecessors' policy of treating the Hindus as equals and alienated the Rajputs. He persecuted the Sikhs and had the Sikh leader, Tegh Bahadur, put to death in 1675. In 1681, he set out to conquer the remaining independent Hindu kingdoms of the Deccan, the southern upland plateau of peninsular India, and his long wars against the Hindu Mahrattas helped to empty his treasury. The Mughal Empire went into a steady decline after the death of Aurangzeb's son, Bahadur Shah I, in 1712. A Sikh revolt was crushed by Muhammad Shah (1712-1748), in

1716, but the Mahrattas plundered Delhi in 1738. The following year, the capital was occupied by the Persian Emperor, Nadir Shah, who also annexed Kabul. By 1750, Mahratta power had spread across central India from coast to coast and Mughal rule in Delhi was only saved when the Mahrattas were defeated by the Afghan leader, Ahmed Shah Abdali, at Panipat, in 1761.

Meanwhile, Robert Clive's victory at Plassey, in 1757, enabled the English East India Company to wrest control of the wealthy eastern province of Bengal from the local Mughal *nawab* (governor). Given the power vacuum at India's centre, the way was now clear for Britain steadily to extend the Company's rule over all of the sub-continent. The Mahrattas had been reduced by 1818 and the Sikhs of the Punjab by 1849. The British maintained the fiction that they were ruling on behalf of the Mughals in Delhi until the Indian Mutiny, in 1857, after which direct British rule replaced that of the East India Company, in 1858, and the last shadowy Mughal emperor, Bahadur Shah II, was removed. In 1876, Queen Victoria was proclaimed Empress of India and the formal British take-over of the former Mughal *raj* was complete. Under the British Indian Empire, a considerable number of Indians were converted to Christianity, which had been introduced into India as early as the 1st century AD. Christianity gained many converts, following the arrival of the Portuguese, in the late 15th century, and this process of conversion continued, particularly in the coastal areas, with the successive arrival of the Dutch, English and French. European Christian missionary activity often caused resentment among both Hindus and Muslims alike.

The Indian National Congress was launched in 1885, partly as a reaction to the increasingly alien nature of the British presence in India. The ideas of the European Enlightenment and of the French Revolution had reached India at the beginning of the nineteenth century, through the likes of Raja Ram Mohan Roy (1772-1833), as part of a general intellectual revival, and these affected the policy of the Congress from the beginning. Thus, early on, it promoted the ideals of a national representative assembly and the eradication of distinctions based on provincial or religious differences. By 1928, under such leaders as M.K. Gandhi and Motilal Nehru, the Congress had begun to demand independence for a united, democratic and secular India. However, as the prospects of independence grew, particularly after the provincial elections of 1937, some within the Muslim minority argued that, without British rule, the position of the Muslims would be prejudiced.

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Socialist International Asia-Pacific Committee meets in Manila

by Glyn Ford, MEP

The Socialist International's (SI) Asia Pacific Committee held its latest meeting in Manila, on April 11th-12th. There were representatives from, amongst others, Nepal and Cambodia, Australia, Japan and Mongolia. The main debate was around the theme of Peace and Security. While there was unanimous support, in the wake of the tragic events of 11th September, for US action against *Al Qa'ida* and the Taleban regime, there was concern about the next steps that may follow and the dangers of being seen to demonise Islam.

President Bush's 'Axis of Evil' speech implied that Iraq, Iran and North Korea were acting in collusion with each other and with *Al Qa'ida*. On the surface an unlikely prospect, this was not made more convincing by the transparently thin case for Iraqi-*Al Qa'ida* links made in a recent edition of the *New Yorker* (25th March) where rumours and speculation, stirred by an understandable distaste and wilful extrapolation, transformed fiction to fact.

America's parallel enthusiasm for National Missile Defence (NMD), a 'Son of Star Wars' programme, is already destabilising the situation in Asia. Ostensibly designed to defend against missile attacks from terror states, even as they abandon support for armed struggle, it is as much use to defeating those who use assassination and the terrorist bomb as weapons of choice, as a woman with a driving licence is to private transportation in Saudi Arabia.

China's response will be to multiply its number of nuclear warheads by several orders of magnitude, leading Ichiro Ozawa, the head of Japan's right-wing Liberal Party, to state that, if necessary, Japan's nuclear power programme, which has enough plutonium for 3-4,000 nuclear weapons, could provide the basis for a Japanese bomb. NMD threatens to do for global proliferation what September 11th did for airport security.

While the immediate response had to be military, the war cannot be won unless there is an understanding of its underlying causes. These include the deep poverty of the hundreds of millions in the World who live on less than one dollar a day, as well as American foreign policy that:

i) financially and militarily underpinned the growth of the *mujahideen* groups whose armed struggle led to the overthrow of Afghanistan's regime and who, in turn, were displaced by the yet more extreme Taleban; ii) was deeply complicit in Israel's refusal to make an equitable settlement with the Palestinians; and, iii) was responsible for undermining so many democratic regimes whose political orientation was different from their own.

These, together, have been the best recruiting agents for swelling the ranks of the World's fundamentalists. As political ideology and state versus state wars become less significant, the growth area is civil wars based on religion, race and ethnic origin. What is to be done?

Removing causes and allaying suspicions by concrete activities directed to these ends must be the priority. Now, for example, it is time for the SI to despatch its promised Delegation to the Korean Peninsula to visit Seoul and Pyongyang to help build on the recent thawing in relations frozen by Bush's State of the Nation speech and to look at ways in which practical assistance can be provided to the North, to give it an alternative to continuing to sell arms and missiles to the World's other pariah states.

Equally the SI must follow the example of progressive groups in the Philippines who, through opening a dialogue with Muslim secessionist groups in the country, may well be able to announce next month, at a meeting in Malaysia, that they have brokered a deal to end the last Muslim insurrection in the region, as they abandon the bullet and a demand for independence for the ballot box and increased autonomy. Despite US claims that East Asia is a training ground for Muslim fundamentalists, Islam in Asia occupies a much wider social and cultural niche from the Middle Eastern variety and is more open to adaptation to the realities of a multicultural environment. It was, therefore, agreed in the meeting's concluding statement that the SI should 'seek greater dialogue and common ground between our social democratic parties and moderate Muslim groups in the Asia-Pacific region'.

It was also agreed that the SI should seek new ways - for example the Tobin Tax - of financing development aid for the hundreds of millions in Asia and the rest of the World living in deep poverty on less than one dollar a day. Both of these last proposals will be referred to the SI Council meeting in Morocco in May. Other issues discussed included: concern at the threat to democracy in Nepal by the Maoist insurgency and the agreement to send an SI mission to the country; opposition to the continued abuse in Malaysia of internal security legislation against the Democratic Action Party and other legitimate opposition forces; demand for



moves to restore full democracy in Burma and Pakistan, Fiji and Kashmir, while expressing pleasure at the continuing cease-fire in Sri Lanka and East Timor's formal transition to nationhood on May 20th. The Meeting concluded with a speech from Philippine President Gloria Arroyo, who thanked both the SI and EU Socialist Parties and Governments for their support for the fight for democracy in the Philippines and the Second People's Revolution twelve months ago that led to her taking over the Presidency. ■

Editor's Note:

Glyn Ford (PSE) is a member of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy. He is also a member of the inter-parliamentary Delegation for Relations with Japan.

India-Pakistan Relations – Predicaments and Prospects

by J. N. Dixit

The entire matrix of relations between India and Pakistan, and the regional security environment, unravelled with the terrorist attack on the Pentagon in Washington and the World Trade Centre in New York on September 11. Both India and Pakistan were equally prompt in supporting the US-led international coalition against terror; both have developed a closer equation with the US in the process. Indeed, General Musharraf's government, isolated and ostracised because of its origins in a military coup, regained acceptance and international credibility, particularly with the US. At the same time, the involvement of not only the U.S. but also other NATO powers, as well as Russia and China, in the anti-terrorist campaign have made them more active influences on Indo-Pakistani relations.

Can India and Pakistan possibly seize the opportunity, offered them by the events of September 11, to come to terms with each other and to open negotiations aimed at finding a practical solution to the Kashmir issue? They must collectively evolve the necessary political will if they are to seize this opportunity.

The pressures that led General Musharraf to join the US-led coalition against international terrorism were three-fold. (1) Failure to do so would have left open the possibility of the US treating Pakistan as a state

supporting and sponsoring terrorism, especially in the context of the close linkages between the country's military establishment and the Taliban and *Al Qa'ida*. (2) It could also have led to the US destroying Pakistan's nuclear and missile capacities, a possibility mentioned by General Musharraf himself. (3) With Pakistan facing an economic crisis, as well as a considerable shortfall in military supplies and equipment, due to the sanctions imposed after the 1998 nuclear tests, the General calculated that cooperation with the U.S. would mean a lifting of these sanctions and resumption of various categories of aid.

The need to remain in the good books of the US, on the one hand, and at the same time retain his credibility as a Pakistani leader, committed to the ideology and interests of Islam, obliged General Musharraf to make a number of demands on the US. In addition to the lifting of sanctions and the restoration of financial aid, he demanded that Israel and India be kept out of the anti-terrorist coalition; that the anti-terrorist campaign be viewed as directed against specific acts of terrorism, and not Islam as such, and that the struggle for self-determination in Jammu and Kashmir should not be brought within the ambit of the campaign against international terrorism.

General Musharraf has predicated his policy of cooperation with the US in the expectation that Washington will be more understanding, if not supportive, of his Kashmir policies and foreign policy objectives relating to India. The positive chemistry of Indo-US relations, beginning with President Clinton's visit, was neutralized by Pakistan's active cooperation with the US. This expectation was partially fulfilled, given that the US has not named Pakistan specifically as one of the states from where terror originates, and has formally advised the Indian government to refrain from taking any punitive action against Pakistan-based terrorists.

A balance sheet of Indo-US relations post-September 11 must refer to the disappointment felt in India that the US was, perhaps, not as sensitive to Indian concerns regarding terrorism. There was disappointment in the US also at India's failure to appreciate the extent to which the American campaign against terrorism was safeguarding Indian interests and security concerns. Indeed, it was against this psychological and political context of mutual disappointments that the US Secretary of State, Colin Powell, held discussions in New Delhi on October 16-17.

The Secretary of State was not insensitive to Indian concerns and made a number of points in this connection. He noted that there is a genuine appreciation of the sympathy and support extended by India to the US since



the violent events of September 11. Pakistan had been made a coalition partner for substantive strategic and operational reasons. Though not publicly stated, the US had imposed some pre-conditions, which had resulted in General Musharraf dissociating his government from the extremist Taliban and *Al Qa'ida* movements. The co-operation between the U.S. and Pakistan was not going to erode or diminish Indo-US relations in any way.

Colin Powell stated that Kashmir is central to normalising Indo-Pakistan relations. However, he also mentioned that the bombing of the Jammu and Kashmir State assembly on October 1 was unacceptable and emphasised that a solution to the Kashmir issue had to be reached through bilateral negotiations between India and Pakistan. The latter could be persuaded to adopt a more rational and practical approach towards India in the momentum of Pakistani policies supporting the U.S. against terrorism, even if the phenomenon emerged under pressure and with reservations. This may be conducive to the beginning of a cordial exercise of resuming a substantive Indo-Pakistan dialogue.

The US Defence Secretary, Donald Rumsfeld, confirmed prospects of expanded defence co-operation between India and the US, when he declared himself convinced of the need for "strategic co-operation with India" to structure the long-term stability and security in the Asian region. Prime Minister Vajpayee and President Bush agreed to stimulate and expand bilateral economic relations and took steps to revive Indo-US co-operation in nuclear and space technologies. This amounts to a quantitative moderation in the American approach towards India's nuclear and missile weaponisation, though the US will remain committed to its nuclear non-proliferation agenda.

India shifted its Pakistan policies into a high proactive gear after the terrorist attack on the Indian Parliament on December 13. Three broad patterns of reaction have emerged to India's diplomatic, political and military moves to generate pressure on Pakistan, and signal her determination to be more decisive in responding to the proxy war. (1) There is an international consensus and concern that India and Pakistan should not get enmeshed in a military conflict, with possibilities of a nuclear confrontation. (2) Sections of Indian public opinion want the government to maintain the policy of generating pressure on Pakistan, particularly military pressure. (3) There is the view that this pressure has achieved India's objectives, to the extent feasible at this stage, both in terms of the impact on General Musharraf and the international community's response to Indian concerns. India should therefore consider shifting to a stance of reasonableness.

India faces a complex predicament in dealing with Pakistan. While there is no clear shift in Pakistan's India policies, General Musharraf's credibility as a moderate leader committed to the international anti-terror campaign and desirous of defusing tension with India, has increased internationally. Whatever the facts, whatever India's reservations, this international perception is a compelling phenomenon. India must appear practical and reasonable without lowering its guard or pulling back from the principled approach on the question of Pakistani involvement in terrorism. It is equally important that India not lose the general support of the international community, gained since September.

India must examine options to de-escalate the military tension in a gradual and measured fashion. It should agree to bilateral discussions with Pakistan, at a sufficiently high official level and with a defined time-frame of the next two to three months. At the same time, India should continue its diplomatic campaign aimed at important world powers, to keep up international pressure on Pakistan to translate General Musharraf's policy statements into operational realities. Moreover, it should simultaneously start substantive negotiations with leaders of all groups in Jammu and Kashmir to resolve the domestic dimensions of the Kashmir problem. If India wants to avoid third party involvement, it must give top priority to resolving the internal dilemmas of Jammu and Kashmir.

The likelihood of international involvement or intervention, particularly by the US and Russia, is on the cards for the following reasons. (1) For the international community, Kashmir is a territorial dispute in which Pakistan has a status and stake. (2) Despite the passage of more than 50 years, the dispute remains unresolved and has led to major conflicts between India and Pakistan. (3) Concern about such conflicts has qualitatively increased in the international community because India and Pakistan are both nuclear powers now. (4) With cross-border terrorism and pan-Islamic militancy now a matter of international concern, the assessment is that this pernicious phenomenon finds fertile ground in disputes like that over Kashmir. There is also a speculative assessment that the stabilisation of Afghanistan is indirectly dependent on the resolution of Kashmir and the normalisation of Indo-Pakistan relations.

India must clearly understand, therefore, that there is every possibility of the US intervening in the Indian subcontinent, not just politically but operationally, if there is an impending nuclear confrontation between the two countries, in Washington's assessment. However, contradictory remarks by the Foreign Minister, Jaswant Singh, and the Defence Minister, George Fernandes,



indicate that India has not made up its mind on very vital aspects of Indo-US co-operation. Divisions in Indian public opinion about the U.S. are reflected in the contradictions, doubts and lack of clarity in Indian policies towards that country.

While the international campaign against terrorism provides India and Pakistan with an opportunity to move towards a reasonable dialogue, this opportunity can be used effectively only if there is a fundamental transformation of the power structure of Pakistan. General Musharraf will not be able to distance himself completely from terrorist organisations because his survival in power depends on not antagonising them beyond a certain point. But the transformation must extend to the plutocratic and feudal leadership of the major political parties in Pakistan. The hope for rationality in Indo-Pakistan relations has to be tempered, therefore, with abundant political caution. ■

Editor's Note:

J. N. Dixit retired as Foreign Secretary of India in 1994, after having served as his country's ambassador to Afghanistan, Pakistan, Bangladesh and Sri Lanka. This abridged version of his paper entitled "Indo-Pakistan Relations - Predicaments and Prospects - a general assessment," has been prepared by Malcolm Subhan, Vice-chair, European Institute for Asian Studies.

Jammu and Kashmir: The Lessons of History

by Ananya Chakravarti

In any attempt to de-escalate Indo-Pakistani tensions, understanding Jammu and Kashmir's political history is crucial. Jammu and Kashmir (henceforth referred to only as Kashmir for simplicity's sake), a Muslim-majority state that by Jinnah's Two-Nation Theory should have been Pakistani, legally acceded to India. While international law and not socio-political theories govern politics, India's sovereignty over Kashmir should not be questioned. Then why does the conflict thrive?

1947-48 set the mould of Pakistani policy towards the state. In February 1947, tribals from Pakistan's North-West Frontier Province tried to take pre-accession Kashmir by force. The plan misfired: on 26th October 1947, with support from Kashmir's most popular political party, the National Conference, Kashmir acceded to India. As Maharaja Singh surmised correctly, the mass

infiltration of tribesmen...cannot be done without the knowledge of...the Government of Pakistan. In spite of repeated appeals made by my Government no attempt has been made to check these raiders or stop them from coming into my State¹. Replace 'tribesmen' with 'terrorists' and the excerpt could belong to any statement issued by India since the infiltration of Kashmir prior to independence by organised Pakistani nationals backed by paramilitary forces.

The 1947 invasion led to war when Indian forces encountered regular Pakistani army personnel among the tribal attackers. Though conflict was limited because British generals headed the armed forces of both countries, the aggression left parts of Jammu and Kashmir, despite their accession to India, under illegal Pakistani occupation. Pakistan-occupied Kashmir, labeled Azad or Free Kashmir on Pakistani maps, is merely a Pakistani colony. Since Azad Kashmir is not officially under Pakistani jurisdiction, she is denied representation in Pakistan's National Assembly and High Court and has no access to her share of foreign exchange earnings. Yet, she receives no royalties for Pakistani exploitation of her resources, particularly the Mangla Dam², and Kashmiri nationalists running for office there had their nomination applications rejected because they refused to take the required oath of allegiance recognising Kashmiri accession to Pakistan. According to Azad Kashmir's constitution, no president may hold office there without swearing this oath, although legally Kashmir acceded to India and it is reprehensible that a 'free' region's president should swear allegiance to an alien power. Azad Kashmir languishes under Pakistan, even while humanitarian groups lament international indifference to gross violations of human rights there³. The mistreatment of Azad Kashmir and the subjugation of its Kashmiri populace belie Pakistan's sympathy for "Kashmiri freedom fighters"⁴.

By characterising the violence in Kashmir as a freedom struggle, Pakistan has provided diplomatic support for what India deems terrorism, even as Pakistan seeks to establish herself as a legitimate player in international politics. History again provides valuable insight into the current political and diplomatic situation. When losses in the wars of 1965 and 1971 failed to achieve Pakistani objectives in Indian Kashmir, Pakistan reverted to the tactics of 1947. Since 1988, terrorists operating in Kashmir have engaged India in a proxy war with Pakistan's material support that amounts to their tacit acknowledgement of responsibility. Pakistan's covert policy of sponsoring terrorists in Kashmir and then distancing herself from these pawns of political chess remains consistent with her 1947 actions. In 1947-48, Pakistan sought support from the US and Britain against India on the grounds that, without such



support, frail Pakistan would undoubtedly succumb to communism. Furthermore, the West, especially Britain, could not (as it cannot now) afford to alienate Muslim Pakistan and thus jeopardise its standing in the Middle East. Pakistan's perceived instability and the consequences of her dissolution into anarchy left the international community no choice but to be lenient. This same community maintained high expectations of the more stable India in terms of adherence to international law. Now, India finds it increasingly futile to keep compromising while, she feels, Pakistan stays intractable.

In the post-Cold War era, terrorism replaced communism in alarmist rhetoric: if Pakistan's ambitions in Kashmir are thwarted, her fragile power structure would crumble and her resources, including nuclear weapons, would become available to lawless fundamentalist terrorists, instead of communists. Yet, while Pakistan warns of these dangers, she affirms partnership in the war against terror. Though any commitment to such a worthy cause is welcome, Pakistan's sectoral approach undermines the global struggle: it is not possible to avoid fighting terrorism in Kashmir and eradicate it elsewhere⁵. Unwillingness to bring Pakistan-based terrorists to justice because they no longer operate under the same name⁶ releasing 2000 activists of banned organisations, including Lashkar-e-Toiba, in March 2002, on the written but unenforceable condition that they disassociate themselves from these organisations and observe a good behaviour bond for a period of two years, are counter-productive tactics.

Pakistan is under intense international scrutiny. Among others, US Deputy Defence Secretary, Paul Wolfowitz, has said, "It is critical that Pakistan halt cross-border infiltration of terrorists into Kashmir." When General Musharraf announced that Line-of-Control incursions had been stopped, many feared violent reactions by radical Pakistani groups. It is imperative to recognise that Pakistan's populace, including its right-wing, has traditionally shown solidarity with the military, particularly the ISI, a powerful, loyal body. Barring die-hard democrats and opposition parties, General Musharraf commands popular, military and even religious support in Pakistan. It would be a mistake not to hold him accountable for organised terrorist activities by Pakistani nationals, even after international recognition of continuing Pakistani violation of the Line-of-Control, for the unproven fear of a backlash that would leave Pakistan leaderless.

The fair, democratic governance of a Muslim majority state would have given ideological validation to secular India. Continuous fundamentalist-sponsored terrorism, much of it supported covertly or otherwise by Pakistan, despite lawful accession to India, never gave democracy in Indian Kashmir a fair chance. The attacks on Jammu

and Kashmir's State Assembly and the Parliament building of the world's largest democracy, soon after September 11th, cannot be ignored. At the time of this writing, days after signing the Almaty Act alongside India to fight terrorism among CICA countries, General Musharraf rejected Prime Minister Vajpayee's offer to patrol jointly the Line-of-Control to prevent terrorist infiltration. One hopes that his commitment to fighting terror will become clearer in the coming weeks. ■

Editor's Note

Ananya Chakravarti is an Indian student currently working at EIAS. These are her own views.

¹ The historic letter from Maharaja Hari Singh to Lord Mountbatten requesting Kashmir's accession was reproduced in the Appendix of C. Dasgupta's fine historical study *War and Diplomacy in Kashmir 1947-48*. All facts in this paper are taken from this work and Eric Margolis's work *War at the Top of the World*.

² The more favored North-West Frontier Province, from whence the 1947 tribal invaders of Kashmir came, receives royalties for the Terbel Dam.

³ On March 12th, 2002, in a Toronto press release, the Council of Advocates International reacted with "extreme disappointment" to the UN High Commissioner for Human Rights Mrs. Robinson's favourable report on the government of Pakistan concerning human rights issues in the region. They wondered why the Commissioner chose to speak about violence in India rather than addressing the need to protect fundamental and democratic rights of the people of Azad Kashmir on her visit to Pakistan.

⁴ In an official statement by the Ministry of External Affairs of Pakistan called *Kashmir, Kargil and Normalisation with India*, it is noted that "the struggle of the Kashmiri freedom fighters, which has been continuing for over a decade, assumed a new intensity as they moved their operation to the Kargil sector, capturing Kargil heights and threatening the Srinagar-Leh road. India reacted violently and made large scale military deployment to dislodge the freedom fighters." Unlike the international press coverage of the war in Kargil at the time (which made no reference to such freedom fighters), no mention was made of Pakistani intrusion across the Line of Control in this publication. The new stance under General Musharraf's administration is at odds with Pakistan's own position at the time. Former Prime Minister, Nawaz Sharif, made the unpopular and only partially heeded decision to halt the attack, mounted without his authorisation by General Musharraf on Indian territory.

⁵ It is alarming to note that, while Pakistan fought the Taliban in Afghanistan, Ms. Asiya Andrabi, a staunch pro-Pakistan leader of the Dukhtaran-e-Millat (DeM or daughters of nation), a radical women's group in Kashmir affiliated to militants and terrorists that had been banned in 1990, said 'Taliban are welcome in Kashmir'.

⁶ Lashkar-e-Toiba's parent terrorist organisation, Markaz Dawa Wal Irshad, recently changed its name to Jamat-ul-Dalwa to retain continued access to its funds.

First ASEM Ministerial meeting discusses migration

by Robert MacPherson

Lanzarote, one of Spain's Canary Islands, is better known as a springboard for African boat people aiming to get into mainland Europe than as a hub for migration to and from Asia. It was, nevertheless, the choice of the Spanish EU Presidency as the venue for a first-ever ASEM ministerial meeting – held on April 5-6 – to discuss “the management of migratory flows between Europe and Asia,” both legal and illegal. The 15 EU member states and their 10 East Asian partners in the Asia-Europe Meeting (ASEM) process all took part, along with EU Justice and Home Affairs Commissioner, Antonio Vitorino.

The meeting – one of several in the run-up to the ASEM summit in Copenhagen on September 22-24 – was initiated by Spain, China and Germany, and endorsed at the last ASEM summit in Seoul, in October 2000. It was precipitated by the startling discovery in Dover, England, in June 2000, of 58 mainland Chinese who had suffocated to death inside a Dutch-registered truck ostensibly filled with tomatoes. While current European attention on illegal immigration is focused on asylum-seeking Afghans and Kurds, a “risk assessment operation” carried out on April 2-4 at 16 EU airports (and relayed by the Spanish EU Presidency to a meeting of EU Interior Ministers in Luxembourg, on April 25) found that China was a major source of clandestine migration, with Britain and France being the main final points of destination. At Lanzarote, Mr. Vitorino told his ASEM colleagues that, out of 20 million non-EU nationals resident in the European Union, “a significant amount” originated from Asia. He added: “It is the Commission's estimation that migration flows between Europe and Asia will increase.” He was not just referring to illegal immigration; growing trade, tourism and education would see more Asians coming to Europe – and more Europeans going to Asia.

In the statement they issued at the end of their talks, the ASEM ministers agreed that migration issues in general needed to be tackled “in a comprehensive and balanced manner.” Illegal immigration, in particular, was increasingly “a common challenge to ASEM partners” with many complex elements, including “socio-economic development gaps among countries” and the proliferation of cross-border organised crime. In a line that many of the delegates saw as significant, the

ministers declared that “legal and illegal migration should not be considered in isolation from each other.” However, they acknowledged a dismal lack of hard information on the scale of the issue at hand. Thus, they agreed to swap “strategic information on migratory flows, including routes used and trafficking and smuggling networks.” In addition, the ministers agreed that more needed to be done to educate citizens on the “adverse effects of illegal immigration ... and available assistance to victims of trafficking.” There was no mention in the statement about facilitating legal migration, for instance in attracting Asians to deal with Europe's widely-anticipated shortage of skilled labour.

Though the Lanzarote meeting took place behind closed doors, the texts of several of the delegations' presentations were available and they pointed to broad differences in the ways that Asians and Europeans perceive the migration question. Thailand's Pracha Guna-kasem (special envoy for the foreign minister) spoke for many fellow Asians when he said “The root causes of migration, especially illegal migration, are closely related to the issue of poverty and different levels of development among various countries.” He saw a distinct need for “more opportunities for legal channels of migration, including access to the international legal market.” China's Vice Foreign Minister, Wang Guangya, said illegal migration was being “boosted” by double standards in the way that different nations were applying immigration policies – with some granting refugee status “under all kinds of pretexts.” Vietnam's Vice Minister for Public Security, Nguyen Van Huong, linked illegal immigration to “political plots to destabilise countries,” and referred to a need for all nations to “carefully manage their citizens.” Malaysia's Deputy Foreign Minister, Leo Michael Toyad, usefully noted that illegal immigration is not just a European issue, when he recalled that his country alone has half-a-million illegal immigrants. (The European Commission estimates that a similar number enter the EU every year).

The Europeans tended to see the matter more in law-and-order terms and a problem of integration. Germany's State Secretary for Interior Affairs, Fritz Rudolf Koeper, used Lanzarote to explain the Immigration Act that his government had just adopted, which requires obligatory lessons on German history and society for migrants who can't speak German. Koeper also noted how Berlin was starting to negotiate agreements with China and India to take back illegal immigrants. (A similar pact with Hanoi, he said, had seen almost 9,000 Vietnamese “successfully removed” from Germany). The Greek delegation, led by a senior Greek police officer Nikolaos Tasiopoulos, pointed one finger at “organised criminal networks” that bring illegal



migrants into western Europe through countries "like Turkey," and another at origin and transit countries that refuse to co-operate. (The Greeks brought with them sketchy figures that showed the number of East Asians arrested for illegal entry or stay had leaped from 41 in 1998 to 148 last year – with all but nine of the 148 coming from China).

Another measure of the differences, in which the ASEM partners approach the migration question comes from looking at who each country sent to Lanzarote. Out of the 15 EU national delegations, 11 were led by justice and interior officials, one by a public security chief (Greece) and two by immigration specialists (Sweden and Denmark). (Luxembourg sent its minister of family and social solidarity). The Asian delegations were more diverse: three were led by justice and interior officials, three from foreign ministries, plus an immigration director-general (Indonesia), a vice minister for public security (Vietnam), and a deputy minister for international organisations (South Korea). The Europeans could do worse than to appreciate why the Philippines, no stranger to all aspects of migration, did the wise thing and sent Patricia Sto Tomas, its Minister for Labour and Employment. ■

Communal Violence in India Provokes Political Crisis

- Continued from Page 2 -

The Muslims now accounted for about one-third of the population and, in 1940, Mohammed Ali Jinnah, the leader of the Indian Muslim League (which had been set up in 1906), launched the call for a separate Muslim Pakistan. This flew in the face of a thousand years of Indian history, during which time the Muslims had become an integral part of Indian society. The British accepted the principle of the partition of India, in 1947, so that the major part of the country would remain under a strong, centralised administration. Although many hundreds of thousands of India's Muslims now left the Hindu majority areas of India for the new West and East Pakistan (the latter becoming Bangladesh in 1972), while Hindus migrated in the opposite direction, about one-third of the Muslims of British India remained behind in independent India.

Meanwhile, there were also some Hindus, who did not accept the ideal of a fully secular republic after independence, as propagated by the Indian National Congress. They preferred to give Hinduism an official status within the new republic, similar to that enjoyed by Islam in Pakistan. They considered that obtaining independence from Britain was not enough. The slur on Hinduism, inflicted by the much longer period of Muslim "occupation", also had to be expunged. They would not accept the fact that India's Muslims were as Indian as they were. In 1951, these people set up a political party called the *Bharatiya Jana Sangh* (Indian People's Organisation). It was formed from a combination of Hindu traditionalists within the Congress, members of the *Hindu Mahasabha* (Hindu Great Council) and the militant Hindu nationalists of the *Rashtriya Swayamsevak Sangh* (National Volunteers' Organisation or RSS).

The *Jana Sangh*, led by S.P. Mookerjee, hoped to replace the Congress as the main political party of India's Hindus. At about the same time, the Socialists within the Congress also broke away, hoping to capture most of the progressive support from the Congress. However, so long as Jawaharlal Nehru was Congress leader and Prime Minister, neither the *Jana Sangh* nor the Socialists were able to gain more than a handful of seats in Parliament. While the *Jana Sangh* did better in the 1967 elections, it was only ten years later, in 1977, with the victory of the *Janata* (People's) Party over Mrs Indira Gandhi's Congress, that *Jana Sangh* politicians, such as Atal Bihari Vajpayee and L.K. Advani, first achieved ministerial office. However, the *Janata*, which was an unstable coalition of Congress dissidents, Socialists and the *Jana Sangh*, soon fell apart and the Hindu nationalists reconstituted themselves as the *Bharatiya Janata Party* (Indian People's Party), in 1980. Whereas some within the BJP were moderate in their views, including Mr Vajpayee, one of the founders of the *Jana Sangh*, others were more extreme. The BJP remained close to several mass organisations of militant Hindus, prominent among which were the RSS, which provided the "shock troops" for the movement, and the *Vishwa Hindu Parishad* (World Hindu Council) or VHP, which served as the "religious wing" of the RSS.

Ayodhya temple issue

During the period of British rule, there had been numerous examples of inter-communal violence between Hindus and Muslims and these continued in India after independence. In 1984, the VHP launched a campaign to build a temple to the Hindu god Ram in the town of Ayodhya, in the northern Indian State of Uttar Pradesh. Ayodhya is considered by Hindus to be the *Ramjanambhoomi*, the birthplace of Ram. In 1528, the



Mughal emperor Babur had built a mosque, the *Babri Masjid*, at Ayodhya. The British had taken over the site in 1859 and the mosque, which fell into disuse, was locked up by the Indian authorities in 1949. The VHP proclaimed that the *Babri Masjid* had been built on the site of an earlier Hindu temple, which had stood on the precise spot where Ram was born. A recent VHP booklet stated that "the intention" behind Babur's building of the mosque "was deliberately offensive and meant to give an ocular demonstration of Hindu humiliation for all time." The building of the temple on this site would reverse this insult. The VHP's longer-term plan was to build a number of temples at sites in India where they believed that mosques had been established on earlier Hindu shrines. Another site, near Ayodhya, was at Mathura where, it was believed, Lord Krishna had been born. There was another in Varanasi, the Hindu holy city on the River Ganges, where a mosque was believed to sit atop the former site of a temple to Shiva. It was even claimed that the Taj Mahal, a monument erected by Shah Jehan, in honour of his wife, Mumtaz, was built on an earlier Hindu religious site.

The BJP adopted the proposal to build the Ram Temple, as part of its official policy. On 6 December 1992, a rally was held at the *Babri Masjid* site at Ayodhya where BJP leaders, such as L.K. Advani, gave rousing speeches to the thousands of assembled *karsevaks*, the militant members of the RSS and the VHP. Such was the fervour of the crowd that they clambered on to the already dilapidated building and, attacking it with picks and sledge-hammers, reduced it to a ruin, to the apparent dismay of Mr Advani. The result was outrage among India's Muslims and severe rioting between Hindus and Muslims, which led to the death of up to 3,000 people. The Hindu militants, nevertheless, continued with their campaign to build the temple, believing that the *Hindu Rashtra*, or Hindu Kingdom, could only come about once it had been built.

The BJP, which remained one of India's minor parties at the beginning of the 1980's, increasingly gained influence during the late 1980s and early 1990s, with the steady decline of the Congress and the collapse of the short-lived *Janata Dal*. Mrs Gandhi had set up the Congress (I) Party, following a further Congress split after her 1977 defeat, while the *Janata Dal* had been created from several Socialist and former Congress elements from the former *Janata* Party, in the late 1980's. Despite the general indignation at the violence following the destruction of the *Babri Masjid*, in 1992, the BJP had retained the proposal to build the Ram Temple as part of its official policy. However, when the party was finally able to form a government, albeit with a coalition of smaller parties, following the General Election of 1998, it was obliged to compromise on the

issue. When George Fernandes, the leader of the Socialist-oriented *Samata* Party, was given the task of drawing up the programme for the National Democratic Alliance, the umbrella body grouping the BJP with its coalition partners, he ensured that building the temple was not included. Moreover, much of the electoral success of the BJP, in the late 1980s and 1990s, had been due to the party broadening its appeal to a wider cross section of Indian voters, who were disenchanted with other parties. Many of these were not attracted to those BJP policies, which were seen as discriminating against India's minorities. However, dropping the temple issue only caused frustration and resentment among the many militants in the RSS and the VHP, who still constituted the hard core of the party's support.

Meanwhile, the VHP had collected about \$350 million in a fund to build the Ram Temple. In 1989, the first foundation stone was cut in workshops near to the ruins of the *Babri Masjid*. By the beginning of 2002, masons had carved some 212 stone pillars and thousands of Hindu zealots began gathering at Ayodhya in preparation for construction to begin. After the events of 1992, the whole question of building the temple had been placed in the hands of the Supreme Court for adjudication and there it had remained. However, the VHP became increasingly impatient and demanded that the government settle the matter by March 12. Meanwhile, BJP leaders, such as the General Secretary, Sunil Shastri, asked the VHP to remember that the Government had the duty to uphold the law.

Incident at Godhra

This was the background to the fire on the train at Godhra, which led to the horrendous communal violence in Gujarat. The BJP Chief Minister of Gujarat, Narendra Modi, initially claimed that the 58 Hindus, who had been killed on the Sabarmati Express, when it stopped at Godhra station on 27 February, had been killed by Muslim terrorists. This, however, was far from the truth. The Sabarmati Express runs from Uttar Pradesh to Gujarat. Several hundred *karsevaks*, who had been taking part in rallies organised by the VHP in preparation for building the Ram Temple, had tramped from Ayodhya to the nearby town of Faisabad to catch the train back to Gujarat. It left Faisabad at 5.30 p.m. on 25 February. Most of these zealots were poor, young Hindus with few prospects but inflamed by propaganda about the historic Muslim insults to India's Hindus. Their home state of Gujarat being "dry" (i.e. where the consumption of alcohol was forbidden), many had taken advantage of the possibility to buy drink in Uttar Pradesh. As a result, some of those, who were travelling in sleeping cars nos. S-5 and S-6, started behaving like hooligans. They repeatedly shouted slogans such as, "Wipe out every



Muslim." They exposed themselves to the other passengers. They pulled the headscarves off the heads of Muslim women passengers. They evicted a family of four from their seats in the middle of the night for failing to join in their militant chants glorifying the god Ram. Because of this behaviour, the train was obliged to make several emergency stops. The train took 1½ days to cross from Uttar Pradesh to Gujarat and, on 27 February, at around 6.00 a.m., it stopped at Dahod station. Several *karsevaks* got down from the train to have tea and snacks. They were drunk and unruly. They demanded that a Muslim tea vendor shout *Jai Shri Ram* ("Long live Lord Ram") before they would pay. He refused and they began to smash up his stall. They then climbed back on the train. The stall-holder lodged a complaint with the railway police.

Godhra was 75 kilometres down the line from Dahod. Half of the town's population was Muslim. Many of the Hindu families in Godhra had come from Pakistan at the time of Partition, in 1947. This made it one of the most "communally sensitive" towns in the State. There had been inter-communal violence in the 1980's and in 1992. After riots in 1981, many of the local Muslims had congregated in the district of Signal Fadia, which surrounds the railway station.

The train had been due at Godhra at 2.55 a.m. but eventually arrived there five hours late, at 7.43 a.m. It still had three hours more to go before it would arrive in Ahmadabad, the State capital of Gujarat. In the hour it took the train to reach Godhra from Dahod, the staff at Godhra station, as well as the platform vendors, had been warned of what to expect from the *karsevaks*. At Godhra station, the noisy, drunken *karsevaks* again poured on to the platform to order more tea and snacks. Another argument broke out, this time with a bearded Muslim stall-holder. They pulled his beard and beat him up. They repeatedly shouted out the slogan *Mandir ki nirmaan karo, Babar ki aulad ko bahar karo*, or, roughly translated, "Build the temple and throw out the Muslims". Not only did they refuse to pay for their snacks but, at this point, some of the *karsevaks* grabbed hold of a young Muslim woman and hauled her onto the train, a fact that was confirmed by a local policeman. According to one account, she was the 16-year old daughter of the bearded stall-holder, who had come forward to protect her father, although other witnesses said that they were not related. Among the witnesses to the unruly behaviour of the *karsevaks* was the station-master of Godhra, J.K. Katija.

Many small Muslim businesses had grown up in the area near to the railway, where bricks, petrol and Calor gas cylinders were readily available. As the train began to draw out of the station, the girl

started screaming for help. Some Muslims began pelting the train with bricks. Someone pulled the communication cord, which set off the emergency brakes. The train stopped, started off again and finally pulled up less than one kilometre from the station. A crowd of about 1,000 local Muslims gathered round and demanded that the *karsevaks* give up the girl. Instead, however, they shut the windows. The Muslim mob was infuriated. According to some witnesses, they used gas cylinders to break the windows. The VHP activists threw stones, which they had earlier collected from the track ballast, and also fought with sticks and their ceremonial swords. According to certain accounts, some Muslims then threw petrol bombs into the train. A mattress caught fire near to where coaches S-5 and S-6 were coupled and another fire started at the other end of coach S-6. A few minutes later, a gas cylinder in coach S-6 exploded. The upholstery caught fire and the whole of S-6 was soon engulfed in flames. Many of the VHP supporters fled from the fire, leaving behind mostly women and children, who had been sleeping in locked compartments. By the time the police arrived, coach S-6 was already burned out.

In all, 58 people died in the fire, including 26 women and 14 children. Shortly afterwards, local members of the VHP arrived from the Hindu districts of the town and began to set fire to Muslim houses in Signal Fadia. On 28 February, the police said that 63 people, including two municipal councillors, had been arrested in Godhra in connection with the fire on the train. B.K. Nanavati, the Deputy Police Superintendent at Godhra, said that the claim by Chief Minister Narendra Modi that the train had been attacked by terrorists was incorrect. He said, "It was a sudden, provocative incident." The burnt out hulk of sleeping car S-6 was shunted onto a siding near the station.

Riots in Gujarat

The State of Gujarat has a population of 51 million. It was the birth-place of Mahatma Gandhi. Its capital city of Ahmadabad has 5 million people. On the day after the incident at Godhra, about 60 people were killed in violent incidents between Hindus and Muslim in Gujarat. Ahmadabad's Muslim ghettos were attacked. The police fired tear gas and rifles, killing several rioters, but failed to stop the looting and burning. At least 50 buildings, including Muslim businesses and homes, as well as vehicles, were set on fire. A crowd of 2,000 people stoned six Muslim-owned bungalows. The mob then poured kerosene on the bungalows and set them on fire, according to the Deputy Commissioner of Police, P.B. Gondya. About 40 people, including 12 children, were burned alive. The mob blocked roads to prevent the arrival of the fire brigade. A mosque was targeted and copies of the Koran were burned. A Muslim religious



school was destroyed. Rioters pulled a lorry driver from his cab and killed him. In several incidents the police merely stood by, claiming that they were hopelessly outnumbered. In Ahmadabad, the Army was called out to restore order. 70,000 police officers were patrolling the streets and 700 people were arrested. The State Government announced that it would investigate the conduct of the police force, which is dominated by Hindus. The Government in Delhi sent 1,000 paramilitary troops to help quell the riots in Gujarat.

By 1 March, it was officially reported that at least 295 people, mostly Muslims, had died in three days of violence in Gujarat. In the smaller towns, the police appeared to be absent. A Muslim family of eight was burned alive in their four-wheel drive vehicle in Ahmadabad. At 2 am on 1 March, hundreds of Hindus poured into the Muslim shanty town area, killing 52 as they slept and injuring 17 more. Hospitals in Ahmadabad reported 150 cases of stabbings. Much of the city was reduced to mob rule. Police shot dead 9 more people, following an order of the State Government to "shoot on sight" any rioters, but still seemed to be largely powerless to halt them. Late that day, 30 Muslims were burned to death in the village of Pandarvada, 50 km from Godhra. 1,200 had been arrested since 28 February. An Army Brigade was flown to Ahmadabad but many rioters then moved to the smaller towns. The Defence Minister, George Fernandes, flew to Gujarat to take charge of the troops. The Army patrolled the Ahmadabad districts of Daraipur, Shahpur, Shahibaug and Naroda. The Defence Ministry said it was sending more troops. In the industrial town of Bhavnagar, 25-30 sites were set on fire. Buildings were also burned in Baroda and Godhra. There was much destruction along the highway between Vadodhara and Godhra. Altogether, violence was reported in 31 towns and curfew was declared in 30 cities, towns and villages. Violence was also reported in the neighbouring State of Rajasthan.

At 2 am on 2 March, a large crowd (one estimate said 10,000 people) attacked a Muslim quarter in the village of Sadarpur. 140 Muslims lived in one part of this village along a dead-end lane. The militant Hindus flooded the lane with water and then attached cables to the mains electricity supply leading them into the flooded lane. Next, they smashed holes in the roofs of the dwellings and threw in petrol bombs and Calor gas cylinders. As the people fled from their burning houses into the lane, they were electrocuted. The Hindu crowd also placed obstacles, such as tree branches, across the lane to deny access to the security forces. 28 Muslims were killed. Many were hunted down when they tried to escape from the back of their houses. By 3 March, well over 400 people had been reported dead (although some estimates said 1,000). There were more arson attacks in

Ahmadabad, although the level of violence ebbed as many extra troops and police had now been brought in. Mr Advani, the Home Affairs Minister, visited Ahmadabad and said that the government "must remove any feeling of insecurity in the hearts of the common man." However, he spoke mainly of the need to find those responsible for the train massacre. He defended the role of the police, saying, "Seventy-seven persons have died in police firing. How can I understand that police were lacking in their role?"

That day, the opposition parties in Delhi accused the BJP of "turning a blind eye" to the activities of the Hindu rioters and called for the resignation of Narendra Modi. They said that he had not done enough to stop the rioting. Instead, he had said that the actions of the rioters were "understandable" and that the people of Gujarat had shown "remarkable restraint in the face of grave provocation." The Police Commissioner of Ahmadabad, P.C. Pande, confirmed that the Hindu-dominated police force had either failed to come to the scene of the rioting or had stood by and watched as the Muslims' homes were attacked. He said, "My head hangs in shame." However, he said that there was little that he could have done. "Where the whole society has opted for a certain colour in a particular issue, it's very difficult to expect the policemen to be totally isolated and unaffected."

Although 6 more people died in Gujarat, during the weekend of 3-4 March, the shops were now reopening. On 5 March, daytime restrictions were lifted in Ahmadabad, though not in other cities. 3,000 homeless Muslims were sheltering in the Shah Alam mosque in Ahmadabad. The State Government announced that 200,000 rupees would be paid to the families of the Hindus killed in the train fire but offered nothing to the Muslim victims. On 11 March, Muslims were attacked in Rajpipla and two other towns in the south of Gujarat. On 12 March, Hindu mobs attacked Muslim neighbourhoods in the remote town of Kanwant, 200 km south of Ahmadabad. Police used tear gas and fired shots in the air but were heavily outnumbered. They evacuated more than 400 families to safer areas.

Vajpayee appeals to VHP

On 28 February, the Prime Minister, Mr Vajpayee, begged the Hindu militants to halt their plans to begin construction of the Ram Temple on 15 March. He cancelled his visit to the Commonwealth Summit and held emergency meetings with party officials. The BJP condemned the revenge killings. On 1 March, he met opposition leaders and issued a joint appeal for calm. All road and rail connections to Ayodhya were sealed off and 10,000 troops were sent to surround the site. The VHP said that it would consider Mr Vajpayee's proposal but



only if the Government indicated a date when construction could begin. Late on 4 March, the VHP vowed to go ahead with the construction of the Ram Temple. Ashok Sigal, the VHP President, said, "The programme will never be called off." Tarun Vijay, the editor of the RSS journal *Panchjanya* said, "It is time for this government to look after the sentiments of its core Hindu supporters. What otherwise is the point of being in government?" A warning came from the Muslim leader, Maulana Musannah Miyan, in Bombay, whose spokesman said, "The completion of the Ram Temple on the site of the *Babri Masjid* will by no means be the end of the Muslim struggle but, in fact, it will be the beginning of an era of violence, turmoil, anarchy." In between these extremes, the moderate former *Janata Dal* Prime Minister, I.K. Gujral, said, "Mr Vajpayee faces the choice of rejecting the forces of Hindu communalism or else watching his government rapidly disintegrate." On 5 March, moderate Hindu and Muslim leaders led a march of 800 people in Ahmadabad.

The VHP and its youth wing, the *Bajrang Dal*, were thought to have instigated much of the violence in Ahmadabad. On 11 March, the VHP announced that the construction of the Ram Temple would begin on 15 March. BJP officials had been conducting frantic talks with VHP and Muslim leaders to seek a compromise. A leading Hindu priest, Shankaracharya Jayendra Saraswati, said that he had persuaded the VHP to limit the event of 15 March to a prayer ceremony. He said that construction would only begin once consent had been obtained from government officials and Muslim leaders, unless the Supreme Court gave exclusive use of the site to the Hindus. However, on 10 March, the All India Muslim Personal Law Board, an umbrella body, rejected Saraswati's proposal, saying that it wanted a written guarantee from the VHP that it would not build on the site without approval from the Supreme Court.

Supreme Court ruling

On 13 March, the Supreme Court ruled against the demands of the VHP to hold a religious ceremony at the Ayodhya site. Ramachandra Das Paramhans, the 93 year old chairman of the trust set up to build the temple, said, "I will donate the pillars and perform prayers at the undisputed site as scheduled and will not restrict the number of devotees during (the) march." Mr Das, himself a Hindu priest, said that, if the worshippers were attacked, the reaction would be the same as in Gujarat. He said, "The March 15 programme will be peaceful but, if they are attacked like in Godhra, the reactions will match the Gujarat post-Godhra incidents." The same day, there was more fighting between Hindu and Muslim mobs in Godhra. In Delhi, the Government said that it would enforce the ruling of the court. Praveen Tohadia,

General Secretary of the VHP, said, "We accept the decision of the Supreme Court but we have to say with regret that, for the first time, Hindus have been denied the fundamental right of worship in independent India - something not done even by the British rulers and their courts."

The three judges of the Supreme Court had based their ruling on a 1994 decision of the Court that no religious ceremonies would be allowed near the site or on government-owned land around it until the Court had determined whether Hindus or Muslims should own it. The ruling had been made on the basis of a petition filed by a Muslim rights activist, Mohammed Aslam. It banned any ceremonies "of any kind by anyone" on the land. Justice G.B. Pattanaik, said, "We will not allow any (ceremony), which will escalate the situation." He also criticised the Government for allowing the dispute to go on for years. Parties allied to the BJP in the Government asked why the Government had directed the Attorney-General to seek court approval for the ceremony. The VHP's legal representative at the Supreme Court, Prakash Kumar Singh, said that the Court's ruling would be respected. He said, "The matter will come up for hearing again after ten weeks. In the meantime, the court order will be followed."

Puja at Ayodhya

At 2.45 p.m. on 15 March, Ramachandra Das had been due to lead the procession to the site at Ayodhya to start the construction of the temple. However, under pressure from L.K. Advani and others in the Government, the VHP had postponed the start of construction and, instead, decided to undertake a prayer ceremony, or *puja*, on the temple site. However, even this had now been ruled out by the Supreme Court. Nevertheless, the VHP said that the *puja* would go ahead. Mr Das had said, on 14 March, "We will do *puja*...even if the Government shoots me. I will end my life for the Ram *mandir* (temple). I will pray to God to give me a second life so that I can come back and work for the building of the temple." The VHP promised a mass protest if anyone was shot. On 15 March, police detained 18,000 Hindu nationalists across the country. There was renewed fighting in Ahmadabad. Hindus clashed with Muslims as they came out of the mosques after Friday prayers. One Hindu was killed and 7 others injured. However, the Hindu militants at Ayodhya paraded peacefully for their *puja* ceremony to bless the building of the temple, watched by more than 8,000 heavily armed police and paramilitary troops. Two carved pillars were carried from the workshop on bicycle rickshaws to the spot chosen for the *puja*, accompanied by Ramachandra Das in a white Ambassador car. The militants cheered but, outnumbered by the police, remained peaceful. The site chosen for the *puja* was



almost a mile (1.6 km) from the site of the *Babri Masjid*, well outside the 67 acres (about 20 hectares) of "uncontested land" held by the Government, pending the judgement of the Supreme Court. Ramachandra Das had threatened to commit suicide if the *puja* could not be held at a site of his choosing but said that this site was within the *Ramkot* (literally, "Ram's place"). About 1,000 *karsevaks* had been allowed to accompany the procession of the pillars to the prayer site but tens of thousands of others were denied access. The police arrested several BJP MPs, as well as about 900 Hindu activists in and around Ayodhya.

Meanwhile, on 21 March, 5 more were killed and 19 wounded in more religious violence in Gujarat. The leaders of the VHP announced that they planned to organise a national procession to display the ashes of the Hindu victims of the Godhra train fire, as part of a nation-wide campaign to gain support for building the temple. A spokesman for the Samata Party said, "If this *yatra* (procession) is not stopped, we will be forced to leave the coalition." Mr Vajpayee agreed to convene a meeting to consider banning the procession. The BJP was also reported to be considering calling a snap election in Gujarat but the party was divided on the issue. On 31 March, at least 11 people were killed and several injured in more Hindu-Muslim clashes in Gujarat and Maharashtra, with two people killed in police firings in Ahmadabad. On 3 April, 5 Muslims were reported burned alive in their homes in the village of Adhasana, 80 km south of Ahmadabad. 3 more were killed and 20 injured when police tried to disperse Hindu and Muslim gangs in Ahmadabad and in Umbhrat, a town 40 km to the south. The total of 8 dead was the highest for 2 weeks. Arson was also reported in the previously unaffected district of Kutch, on 3 April. The death total was now officially put at 800 over the past month. Mr Vajpayee visited Gujarat on 4 April.

Crisis in Parliament

From outside India, President Musharraf of Pakistan, speaking in Tokyo on 13 March, said that he was "deeply concerned about Hindu extremism and terrorism against the Muslims of India." He said that the recent violence in Gujarat was an internal matter for India "but we urge the Indian Government to please take note of it and protect their minorities." The same day, in India's Parliament, opposition MPs shouted that the Government's role in the case was an attack on the secular nature of India's democracy. The sitting ended in uproar and was adjourned. Sonia Gandhi (leader of the Congress-I and daughter-in-law of Indira Gandhi) led a multi-party demonstration in New Delhi and called for the resignation of L.K. Advani and Narendra Modi. The Government of India had reacted to the problem of

international terrorism, and to the serious problem of terrorist attacks in India, by promulgating a Prevention of Terrorism Ordinance. This now had to be approved by Parliament to save it from lapsing on 6 April. It had passed through the lower house, the *Lok Sabha*, in spite of Opposition protests that it would be used against the Muslim and other minorities. However, the Government lacked a majority in the *Raja Sabha*, which rejected the Ordinance Bill on 21 March. The Government responded by calling a very rare joint session of the Lok Sabha and Raja Sabha, which adopted the Bill by 425 votes to 296, after a stormy 10-hour debate, on 26 March. The Bill set strict rules for the arrest, interrogation and investigation of suspects and allowed them to be held for 30 days without appearing before a court. This was only the third joint session held since independence and the first since 1978.

On 14 April, Mr Vajpayee's Government survived a crisis when the *Telugu Desam*, a regional party from Andhra Pradesh State in the south and the BJP's biggest partner in the coalition, threatened to leave the Government unless the Gujarat Chief Minister was sacked. However, it subsequently withdrew the threat. Mr Vajpayee rejected calls for the dismissal of Narendra Modi and, while this eased the Prime Minister's position within his own BJP, it created problems for many of his 22 coalition partners. Mr Vajpayee laid the blame for the violence squarely on the Muslim minority. Mr Modi had described the violence in Gujarat as a natural reaction to the Godhra train massacre. Mr Vajpayee told a BJP conference in Goa, "If there had been no Godhra, the tragedy in Gujarat would not have occurred. Let us not forget now why the thing started. Who started the fire? How did it spread?" He uncharacteristically blamed India's 130 million Muslims for communal tension in India. He said, "Whenever there are Muslims, they do not want to live with others. Instead of living peacefully, they want to propagate their religion by creating terror in the minds of others." His remarks were greeted with dismay by many coalition leaders. One said, "This is a cynical and divisive move." Sonia Gandhi, the Leader of the Opposition, said of the Prime Minister, "Whenever he loses his natural balance, he reacts like this."

On 15 April, 3 more people were killed in clashes in Ahmadabad. A curfew was imposed on the affected areas. The *Hindustan Times* claimed that a secret British report estimated the total death toll at 2,000 or 1,200 more than the official estimate and claimed that the violence had been planned and was not spontaneous. There was uproar in both Houses of Parliament. Opposition MPs attacked the Government for failing to control the violence and proceedings had to be adjourned. The opposition parties believed that the BJP had started the inter-communal violence in Gujarat to



ensure the re-election of Mr Modi in the forthcoming State elections. Both the opposition and independents believed that the retaliation against the Muslims had been planned by the VHP and the *Bajrang Dal* and allowed to happen by Narendra Modi. News of the British report embarrassed the British High Commission in Delhi. A higher death toll was also reported by the relief agencies. There were now also 110,000 displaced Muslims in Gujarat.

On 16 April, the Lok Sabha had to be adjourned for second day and, on 17 April, for a third, as opposition parties maintained their pressure for the resignation or dismissal of Mr Modi. Three allied parties indicated that they would leave the coalition over the issue. However, from Uttar Pradesh, the *Bahujan Samaj Party* (BSP) offered to join the coalition if the BJP would support it in forming a state government in UP. Following State elections in Uttar Pradesh, in February, no party had won an overall majority in the State Assembly. The BJP continued to maintain support for Mr Modi. Moreover, the Opposition was further outraged when the Government gave permission for early elections to be held in Gujarat. On 19 April, the Lok Sabha was adjourned for a fifth consecutive day, preventing the start of the budget debate. The Opposition demanded that the Government submit to a no confidence vote over the situation in Gujarat.

On 21 April, more people were killed in renewed fighting in Ahmadabad. Rioters hacked one policeman to death. Four were killed when police opened fire to disperse a mob. Altogether, 18 people were killed. The following day, two more were killed and 14 injured. The official death toll had now risen to 853. The next day, 3 were burned to death and 5 injured in further Hindu-Muslim clashes in the city.

On 24 April, the deadlock in Parliament was finally brought to an end when the acting Speaker of the *Lok Sabha* gave in to Opposition demands that a vote be held on the Government's handling of the Gujarat crisis. (The Speaker, G.M.C. Balayogi, had been tragically killed in a helicopter crash on his way to Andhra Pradesh in early March). The vote, which would follow a debate, would take place on 30 April. However, it would be a censure vote, not a confidence vote. The motion, which was tabled by the Opposition, criticised the Government for failing to take measures to protect India's minorities, including its 130 million Muslims. There was also criticism of the Government's failure to provide for the 110,000 people left homeless by the rioting. The lifting of the deadlock would allow Parliament to vote on the budget.

On 26 April, forty survivors of the Gujarat violence came to Delhi to recount their experiences. 35 people had been killed in Ahmadabad in the previous week. British diplomats said that the violence bore the hallmarks of ethnic cleansing and that reconciliation between Hindus and Muslims would be impossible while Narendra Modi remained Chief Minister. By the end of April, two important Indian bodies, the National Human Rights Commission and the National Minorities Commission, had accused the Modi Government of encouraging the violence. The RSS declared that all Indians "should be called Hindus". The VHP, with nearly 2 million members, said that the security of the minority rested on the goodwill of the majority. The events in Gujarat were condemned by the EU, Britain, Germany, Finland, Switzerland and Canada.

Then, on 29 April, the Minister for Coal and Mines, Ram Vilas Paswan, resigned from the government in protest at the government's failure to stop the Hindu-Muslim riots, on the eve of the censure vote in Parliament. His *Lok Jan Shakti* party held 4 seats in the Lok Sabha and had fared badly in the recent elections in Uttar Pradesh in alliance with the BJP. Then, on April 30, Omar Abdullah, junior minister for external affairs, offered to resign after his party, the Jammu and Kashmir National Conference, announced that it would abstain in the vote. He called for an inquiry into the violence. The National Conference, a partner in the BJP-led coalition, is led by Mr Abdullah's father, Dr Farook Abdullah, the Chief Minister of Jammu and Kashmir State.

In the debate on the censure motion, Sonia Gandhi pointed to contradictions in Mr Vajpayee's recent speeches. She said, "Gujarat burns and bleeds. It continues to burn and bleed. Contrary to the claims being made, violence continues unabated." She said that India's image had been "tarnished the world over." She also criticised the positions taken by Mr Vajpayee. "One day he offers sympathy. The next day he condemns the whole community. When the Prime Minister engages in such double-speak, what can the nation expect from this government?" At the end of the gruelling 16-hour debate, Mr Vajpayee said, "It is being said I am against Islam. I take that as a slur against my image."

Two damning reports

A report prepared by staff in the embassies of the EU member states in India concluded that the Gujarat violence was not spontaneous but had been planned in advance and involved State ministers. The report was submitted for consideration by EU Ministers. A copy of the final draft, seen by the *Financial Times*, contained the following: "The pattern of violence suggests the purpose was to purge Muslims from Hindu and mixed Hindu-



Muslim areas. Muslim businesses were systematically targeted and destroyed." As regards the BJP State government, it said, "Ministers took active part in the violence...Senior officers were instructed not to intervene in the rioting." The report also said that the Godhra incident was only a "pretext" and that the violence had been planned months before. It said that the death toll was 2,000 and that 140,000 had been made refugees. In Madrid, the Spanish government, current holder of the EU Presidency, summoned the Indian ambassador to its foreign ministry. The Indian government reacted sharply to the leaked report, saying, "We reject interference in our internal affairs by the EU and others... through media leaks" The EU-India Summit meeting would take place in Delhi in May. Gujarat had been put on the Agenda. The EU had committed Euro 2 billion in development aid to India and is the largest donor of grant aid.

Human Rights Watch accused Gujarat state officials of complicity and cover up in the bloodshed. It said, "What happened in Gujarat was not a spontaneous uprising. It was a carefully orchestrated attack against Muslims." It accused the State government and the police of complicity. The report said that Gujarat State officials "were directly involved in the killing of hundreds of Muslims since 27 February and are now engineering a massive cover up of the State's role in the violence." It said, "Between 28 February and 2 March, thousands of attackers descended on Muslim neighbourhoods, clad in saffron scarves and kharki shorts, the signature uniform of Hindu nationalist groups. They were armed with swords, sophisticated explosives and gas cylinders. They were guided by voter lists and print-outs of addresses of Muslim-owned properties - information obtained from the local municipality."

These reports were damning indictments of the Gujarat State Government and of the local unit of the *Bharatiya Janata* Party. The BJP is certainly fearful of losing its last remaining State power base after the recent humiliation in the February State elections. The loss of control in Uttar Pradesh was certainly as painful as the earlier loss of Rajasthan, in November 1998. However, insofar as these reports are accurate, they are likely only to weaken the position of the BJP even further. This may lead to a further evolution in India's political make-up.

Reflections

For many years after independence, Indian politics were dominated by the Congress, particularly during the Nehru years (1947-1964). Following the short premiership of L.B. Shastri (1964-1966), the succession of Nehru's daughter, Indira Gandhi, led several leading Congress politicians to split from the Congress and form their own

political parties. Mrs Gandhi's leadership, including her assumption of near dictatorial powers in 1975, drew many of the small opposition parties together into the *Janata*, which took power after the 1977 elections under Moraji Desai, a former Congress minister. However, *Janata's* huge internal contradictions soon blew the party apart. The *Jana Sangh* faction re-constituted itself as the BJP, while many of the remaining splinters eventually came together as the *Janata Dal*, in 1987. Meanwhile, Mrs Gandhi's followers had also reformed themselves into the Congress (Indira) Party, which regained power in 1980, first under her leadership, then, after her assassination, in 1984, under that of her son, Rajiv. The *Janata Dal* was then able to form a minority administration under V.P. Singh, Rajiv Gandhi's former Finance Minister, in 1989 (with BJP support), but the party then began to break up into an ever increasing number of smaller parties, which, over time, reduced it to insignificance. Meanwhile, the Congress (I) returned to power under Narasima Rao, in 1991, only to be succeeded by two short-lived *Janata Dal*-led United Front minority governments (with Congress (I) support) under Deve Gowda (1996-1997) and I.K. Gujral (1997). However, as the *Janata Dal* grew weaker, the more it depended on outside support to remain in office. The subsequent electoral success of the BJP, in 1998, led some of the segments of the former *Janata Dal*, as well as some of the regional parties, to ally with the BJP to enable a stable government to be formed after so many years of instability.

Under the leadership of the Indian National Congress, India had emerged, after independence, as a secular democracy. This concept was first challenged when Indira Gandhi declared her Emergency and locked up most of the opposition, in 1975. The temporary suspension of democracy was a traumatic experience for many Indians and has never been repeated. The memory of it explains, in part, why many progressive Indian politicians were prepared to throw in their lot with the Hindu nationalists of the BJP in preference to the Congress (I). The combination of the moderate leadership of Mr Vajpayee and the fact that the BJP depended on its secular coalition partners to retain power, seemed to guarantee that the government's policies on issues affecting the minorities would be restrained, as for the most part they have been. However, the fact that the BJP was in power in Delhi, no doubt emboldened many of the Hindu militants in the RSS and the VHP to behave more aggressively. It is not only the Muslim minority, which has felt the impact of this, but also the Christians. Thus, that other great pillar of the Indian political system, secularism, has also now come under threat.



Moreover, while the Hindus, in the broader sense of the term, may constitute 80% of India's population, indications suggest that a broad majority want to maintain the secular system. Thus, the recent disturbances in Gujarat may well weaken further the BJP's prospects and strengthen the chances of the Congress (I) to make further gains. Mrs Sonia Gandhi, the Italian-born widow of Rajiv Gandhi, has certainly improved her reputation over the past few months and the position of her party has advanced considerably in the recent State elections. Ultimately, the question of who forms the next Indian government in Delhi (and even whether the present BJP-led administration survives a full term) may depend on the positions taken by the many smaller parties. Some of these are now part of the ruling coalition, some are aligned with Sonia Gandhi and yet others, like the *Samajwadi* Party of Mulayam Singh Yadav in Uttar Pradesh, prefer to stand alone. Together, they enjoy the support of enough of the electorate to make it difficult, if not impossible, for either of the two big parties to govern alone. If they could regroup again, they could probably determine who will rule India for the remainder of this decade. ■

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Afghanistan prepares for Loya Jirga

by Dick Gupwell

By the beginning of March 2002, Afghanistan was starting to settle down after its 21-year long nightmare. Ten years of Soviet occupation had been followed by civil war and then by the five-year long administration of the fanatically Islamic Taleban. Finally, after the terrorist outrages of 11 September 2001, perpetrated by Osama bin Laden's *Al-Qa'ida* movement, Afghanistan had experienced the US-led War on Terrorism, which began in October, to eliminate *Al-Qa'ida* and overthrow their Taleban hosts led by Mullah Omar. The war began with a short but intensive US aerial bombardment against the forces and military installations of the Taleban and *Al-Qa'ida*. This enabled the rival Afghan Northern Alliance to drive the Taleban and *Al-Qa'ida* from all the cities from Kunduz in the north round to Herat in the west, as well as from the capital, Kabul. Meanwhile, local Pashtun forces had obliged the Taleban and their *Al-Qa'ida* allies to relinquish Jalalabad in the east and Kandahar in the south. Thus, by the end of November, the US-led coalition had succeeded in its main objective of ousting the Taleban from power and eliminating Afghanistan as the principle base for *Al-Qa'ida* terrorist operations.

What remained to be done, however, was the equally difficult, yet far more delicate task of restoring Afghanistan, both politically and economically, so that it might never again fall prey to the virulent brand of Islamic fundamentalism represented by the Taleban and *Al-Qa'ida*. Meanwhile, the coalition had to remain on guard against any regrouping of Taleban and *Al-Qa'ida* forces, which would threaten this restoration process. In addition, the coalition, thus far, had failed to apprehend the main leaders of either of these organisations, including both Osama bin Laden and Mullah Omar. Thus, the coalition forces were obliged to continue to launch a series of "mopping up" operations, particularly in the vicinity of Afghanistan's mountainous eastern border with Pakistan.

The outlines of a future political settlement were reached in December at the UN-sponsored conference near Bonn, where the main Afghan political forces (with the obvious exception of the Taleban) were represented. This resulted in the Afghan Interim Administration taking office at the end of the year under the chairmanship of the Pashtun leader, Hamid Karzai. However, the largest number of

Cabinet posts in the Interim Administration were taken by the Northern Alliance, whose main military leader, General Fahim, became both a Vice-Chairman and Minister of Defence. In order to protect the new Interim Administration from possible threats in Kabul, the UN Security Council authorised an International Security Assistance Force (ISAF) to be deployed in and around the capital. By late February, this 4,500-strong force had been deployed under the command of a British major-general. Meanwhile, a number of "mopping up" operations were undertaken, the most important being at Tora Bora, south of Jalalabad, in December. Here, three local anti-Taleban Afghan groups, aided by a small number of mainly US Special Forces, managed to dislodge a large force of *Al-Qa'ida* and Taleban fighters from a major complex of fortified caves on the slopes of the White Mountains. However, around a thousand of these fighters succeeded in escaping by slipping over the frontier into Pakistan, although several hundred were subsequently arrested by Pakistani security forces.

Unfortunately, continuing threats from the Taleban and *Al-Qa'ida* were not the only source of instability facing the Interim Administration. There was also the almost endemic Afghan problem of rivalry among local armed Afghan commanders or "warlords". In part, these rivalries were seen within the Northern Alliance among its principal components within the Tajik, Uzbek and Hazara minorities. More important, however, were tensions among rival Pashtun commanders in the south and east, with the most serious clash emerging around the eastern city of Gardez. Hamid Karzai appealed for ISAF to be enlarged and deployed in all the main cities to help overcome this problem. While seeking to tackle these internal political difficulties, Hamid Karzai's Interim Administration also had to meet the enormous challenge of the economic, social and even physical reconstruction of the country after so much destruction and dislocation. What is more, the new government had to face this task with virtually no means at its disposal. Hope, however, was provided during the Tokyo international donors conference in January, where the considerable sum of \$4.5 billion was pledged for the reconstruction effort, of which \$1.8 billion was to come in 2002. (For a detailed analysis of developments in Afghanistan since 11 September, see *EurAsia Bulletin*, Vol. V, Nos. 8 and 9, August-September 2001, pp. 1 and 48-56, Nos. 10 and 11, October-November 2001, pp. 10-33, No. 12, December 2001, pp. 13-39 and Vol. VI, Nos. 1 and 2, January-February 2002, pp. 10-33.)

Thus, by the beginning of March 2002, several different but interconnected developments were unfolding in Afghanistan. First, there was the residual War against Terrorism. This was being conducted by the US-led coalition forces against remaining Taleban and *Al-Qa'ida*



fighters. The main US base was at Kandahar airport in the south, from which a number of search and destroy operations were undertaken. However, the greater threat came in eastern Afghanistan where a major operation was undertaken at the beginning of March. Operation Anaconda involved US-led coalition forces and a large number of Afghan allies moving against suspected *Al-Qa'ida* forces based in another cave complex in the Shah-i-Kot valley, south of Gardez. This got off to a rather difficult start but ended as, at least, a qualified success. Further operations were undertaken, particularly after a large force of British Royal Marines had arrived in April to reinforce the existing US-led coalition forces.

Secondly, there was the problem of internal political instability among Afghanistan's political forces, other than the Taleban. Here, there were two main difficulties. The first involved direct threats to the Interim Administration itself from insecurity in and around Kabul. This included, amongst other things, a perceived threat from the one-time Afghan prime minister, Gulbuddin Hekmatyar, who was reported to have abandoned his exile in Iran and returned to Afghanistan to stir up trouble. The second again involved eastern Afghanistan and threats to security in the cities of Khost, Gardez and Jalalabad. In this region, it was sometimes unclear whether a particular threat came from the Taleban and *Al-Qa'ida* or from supposedly anti-Taleban Afghan allies. In and around Kabul, the Interim Administration could count on the support of ISAF but beyond the capital it had to resort to persuasion and mediation and possible pressure from coalition forces. Moreover, there were also question marks over the future of the International Security Assistance Force itself. While appeals for the expansion of the force seemed to fall on deaf ears, there was also the matter of replacing the British leadership within the short time limit set by Mr Blair's government and the difficulties of reaching agreement with the Turkish government to take over the baton.

The third development was the political process. Under the Bonn Agreement, the mandate of the Interim Administration would last for a mere six months. In January, the UN Secretary-General had announced the composition of an Independent Commission, which would arrange for the holding of a traditional Afghan "grand assembly". This *Loya Jirga* would have the task of choosing a new Head of State for Afghanistan and appointing a Transitional Administration to take over from the Interim Administration. The Transitional Administration would then be scheduled to govern Afghanistan for a further eighteen months until democratic elections could take place. In March, the Independent Commission announced the rules and procedures by which the members of the

Loya Jirga would be chosen, with the largest number to be chosen by a process of indirect election by local tribal assemblies. The uncertainties here were several. How could the Interim Administration ensure that the selection process went smoothly and fairly; would the political coalition within the Interim Administration hold together to take Afghanistan through to the next stage; and what role would the exiled king, Zahir Shah, and the former president, Burhannuddin Rabbani, play in the process of choosing a new Head of State?

The final development was the whole issue of reconstruction. Enormous demands were placed on the Interim Administration, which they had almost no means to satisfy. The logistical difficulties faced by Ministers and their under-paid and poorly equipped staff were considerable. Moreover, little of the promised money arrived. These matters came to a head at a meeting of donors in Kabul, in April. Hamid Karzai expressed his obvious frustration at the slowness with which things were moving, while the Interim Administration came under criticism, not least from the European Union, for not yet having a stable currency and proper accounting procedures for realising the Interim Administration's draft budget for the year. As if this was not enough to cope with, Afghanistan was also hit by a series of devastating earthquakes in March and April, which only complicated the task of reconstruction further.

The military situation

By the beginning of March, the US-led coalition had built up a substantial land force in Afghanistan. The main US base was at Kandahar airport, which had been secured by US Marines at the end of November. The Marines had subsequently been replaced by troops of the 101st Airborne Division. The Kandahar base was also used to house those detainees who had not been transferred to the US base at Guantanamo Bay. Other prisoners were held by the US at Bagram and on US warships in the Arabian Sea. Also based at Kandahar was the 3rd Battalion of Princess Patricia's Light Infantry Regiment from Canada, as well as a contingent from Jordan. Moreover, troops of the US 10th Mountain Division, who initially had been sent to Uzbekistan, were now also brought to Afghanistan.

Kandahar airport had been taken more or less intact from the Taleban. The same could not be said for the much larger base at Bagram, which had been secured by British Marines, also in November, after the forces of the Northern Alliance had advanced to liberate Kabul. Bagram, situated about 50 km north-east of Kabul, had been developed during the Soviet occupation, in the 1980's, as their main base. However, it had been on or



near the front line between the Taleban and the Northern Alliance for several years and had been fought over and frequently shelled. By early March, however, it had been sufficiently rehabilitated to serve again as a major military base.

In addition, the coalition had developed base facilities in neighbouring Kyrgyzstan. The US and Kyrgyzstan (population 4 million) had reached agreement for a one-year lease of 35 acres (about 10 hectares) at Manas International Airport, outside the capital, Bishkek, for the development of the base. The government of Kyrgyzstan had consulted with the members of the Commonwealth of Independent States and with the partner countries of the Shanghai Co-operation Forum before agreeing to the lease and had encountered no problems. In December, 200 soldiers of the US 86th Contingency Reserve Group, including civil engineers and medical staff, had arrived at Manas, which was now ready to house 3,000 coalition troops. 200 French forces had arrived, together with Mirage 2000-D fighters. 11 countries, including Norway, South Korea and Poland, had asked to base their forces there. However, 2,000 of these would be US forces. 20-30 transport aircraft would be based at Manas, as well as US F-18s and F-19s. Colonel Billy Montgomery said that the base was exclusively for operations in Afghanistan. "We have no plans for it to be used in any other capacity," he said.

In the Arabian Sea, there was still a large number of coalition naval vessels, including aircraft carriers from the US, French, British and Italian navies. Several other EU countries had sent naval forces, as had Australia, Canada and Japan. US long-range bombers had been using the British base at Diego Garcia in the Indian Ocean, while Oman had been serving as a base for US Special Operations forces and B-1 bombers operating in Afghanistan. The US Vice-President, Dick Cheney, met Sultan Qaboos on 14 March.

In order to keep all these forces together, a Coalition Co-ordination Centre had been set up at US Central Command HQ at Tampa, Florida. The overall commander of the operation, the US General Tommy Franks, could maintain co-ordination with representatives of the coalition allies. The UK representative was Lieutenant-General Cedric Davies. 68 countries were now represented in the coalition, the latest recruit being Kuwait.

With the loss of Kabul, Kandahar and the other cities of Afghanistan by the Taleban and their *Al-Qa'ida* allies, there was little further prospect of major military operations involving large formations of ground forces. Mullah Omar had made it clear that they would now revert to the tactics employed successfully by the Afghan

mujahideen against the Soviet occupiers in the 1980s, by taking the fight into the remote mountains. During that time, the *mujahideen* had developed a number of fortified cave complexes, especially in the mountainous regions of eastern Afghanistan, where they could be supplied easily using the many trails across to the autonomous tribal areas of Pakistan's North-West Frontier Province (NWFP). At the time, Osama bin Laden had played an important role in developing these facilities. After he had returned to Afghanistan, in 1996, they were strengthened further. The people on both sides of this frontier, which was imposed by the British in 1893 (the Durand Line), are Pashtun tribesmen.

Major Charles Heyman, the Editor of Jane's World Armies, said that 10,000 Taleban and *Al-Qa'ida* fighters might have fled to the mountains after the fall of Kabul and Kandahar. He said, "They will take a lot of shifting." Indeed, he felt that "the 10,000 figure is likely to be on the low side. It could be double that." However, he said, "They are not all fanatical Taleban but a good number of them will come out to fight. It is possible that, as the weather gets better, the number will get much, much larger and it could happen very quickly." Moreover, in early March, Pakistani officials said that 1,800 *Al-Qa'ida* and more than 3,500 Taleban fighters might have crossed into Pakistan since November. About 600 had been detained, 280 of whom had been handed over to the US. The peak of infiltration had been in December and early January, following the fighting at Tora Bora, but had then declined significantly.

The village of Tora Bora, situated above the Meleva valley on the lower slopes of the White Mountains, lies just south of the main eastern city of Jalalabad. Most of the 2,000 so-called "Arab-Afghans", belonging to *Al-Qa'ida*, who had helped to garrison Jalalabad with the Taleban, had withdrawn to a cave complex near Tora Bora after Jalalabad had been taken over by the forces of the anti-Taleban Eastern Alliance. The US had assisted three local *mujahideen* commanders (Hazarat Ali, Haji Zaman Gamsharik and Haji Zahir), who belonged to the Eastern Alliance, to attack these *Al-Qa'ida* forces around Tora Bora at the beginning of December. The US employed a lot of air power in this operation but only a handful of their own ground forces. These were Special Forces who both advised the Afghan commanders and acted as spotters for calling in air strikes. This was a formula, which had worked successfully with the Afghan forces of the Northern Alliance, both in the north and at Kabul, and with Hamid Karzai's force near Kandahar. However, at Tora Bora, the main body of *Al-Qa'ida* fighters, who avoided death or capture, had fled over the mountain trails into the Pashtun tribal areas of Pakistan's NWFP.



The Pakistani army had deployed a large force along the border to deal with this eventuality but most of those fleeing managed to escape capture.

Following the battle for Tora Bora, there were no further actions of comparable size for many weeks, although minor "mopping up" operations continued both in southern and eastern Afghanistan. However, by mid-February, there was growing evidence that another large force of Taleban and *Al-Qa'ida* fighters was beginning to come together again in eastern Afghanistan. This time it was in the Shah-i-Kot valley, about 35 km south of Gardez, in the Zormat District of Paktia Province. Another complex of fortified caves had been detected. The Chairman of the US Chiefs of Staff, General Richard Myers, said that these fighters "started to get together in a place where they could have enough mass to be effective and we've been following that, allowing it to develop until we thought it was the proper time to strike." US intelligence had tracked the movement of hundreds of *Al-Qa'ida* fighters from Kandahar and the North to their redoubts in Paktia Province. This time, however, the US command sought to prevent the enemy from escaping. The tactics used were to employ a large number of coalition forces, combined with local forces. In addition, while the main coalition force was to advance into the valley occupied by the enemy force, other coalition forces would be placed in "blocking positions" at possible exits from the field of action. The operation was named after the snake, which kills its prey by crushing it - the Anaconda.

Operation Anaconda

Operation Anaconda was the biggest US-led ground offensive of the war. The coalition forces deployed initially numbered around 1,500 and were accompanied by a roughly equal number of local Afghans. Of the coalition forces, the main components came from troops drawn from the US 10th Mountain and 101st Airborne Divisions. US Special Forces were also deployed, including elements of the 160th Special Operations Aviation Regiment. The coalition forces included troops of 6 other countries - Germany, France, Norway, Denmark, Australia and Canada - mainly elite special forces. The German contribution included 92 troops of the special KSK unit. Major-General Franklin "Buster" Hagenbeck, Commanding Officer of 10th Mountain Division, was in overall command of Operation Anaconda. His forces were provided with air support, including about a dozen US AH-64 Apache and AH-1 Cobra attack helicopters. The highly sophisticated and costly Apaches were being deployed for the first time in the war in Afghanistan.

The 1,500 allied Afghan troops participating in the operation were both paid and trained by the US. 60 more Afghan troops, with uniforms provided by the US, were helping to garrison Gardez. The Afghan troops were receiving \$200 per month from the US. However, the use of local Afghan troops involved a serious risk, given the political situation in and around Gardez. The two main Afghan commanders of the operation were General Gul Haider and General Zia Lodin. In addition, the Afghan field commanders included Abdul Mateen Hassan-kheil and two long-standing rivals, Kamal Khan Zadran and Zakim Khan, whom the Americans had managed to bring into the same operation.

Gardez was controlled by the Ahmad Zeys tribe, whose head, Haji Saif-ullah, had been proclaimed locally as Governor of Paktia Province after the fall of the Taleban. At the same time, the head of the rival Zadran tribe, Padsha Khan, had been appointed Governor by Hamid Karzai. However, after Padsha Khan (the brother of Kamal Khan) had tried unsuccessfully to take Gardez, the provincial capital, by force, in January, Hamid Karzai had replaced him with an outsider, Taj Mohammed Wardak, a US citizen who had returned to Afghanistan after more than a decade abroad. Abdul Wali Zadran, the nephew of Kamal Khan, had been trying to persuade the US to bomb Gardez, which, he claimed, was a hot-bed of the *Al-Qa'ida*. Abdul Wali said that the new Governor, Taj Mohammed, was "an imposter" and said, "We are attempting to mediate with the Interim Government but, if we don't get justice, we will capture Gardez ourselves." He said that both Haji Saif-ullah and Zakim Khan were also *Al-Qa'ida*.

Commander Hassan-kheil had been one of three *mujahideen* commanders from Gardez who had fought against the Soviet occupation. He said that his former colleague, Commander Saif-ur-Rahman Mansour, was now a Taleban commander fighting against the Coalition forces in Shah-i-Kot. (The third commander had been Padsha Khan.) Saif-ur-Rahman had moved his men into some villages near Shah-i-Kot and informed Governor Taj Mohammed that they could not return to their villages, as they were now fugitives. Through an emissary, he promised that they meant no harm.

In addition, a Pakistani spokesman said that the 100 km border between Pakistan and Afghanistan's Paktika Province, next to Paktia Province, had been closed and extra army units, including the Khasadan militia, had been deployed. The Pakistani border was about 50 km east of Shah-i-Kot.

US intelligence had initially estimated the number of *Al-Qa'ida* and Taleban forces concentrated around Shah-i-Kot at between 400 and 600. In Gardez, Haji Saif-ullah



said that for weeks there had been reports that the Taliban and *Al-Qa'ida* had been regrouping in the mountains to the south-east. The US had paid cash for information but some local warlords have given false information to obtain money.

A bad start

The start of the operation was delayed for two days because of bad weather. It eventually began late on March 1, when a convoy of 30 lorries, carrying Afghan soldiers and accompanied by US troops, advanced from Gardez, at around 11 pm, towards the Shah-i-Kot valley, which is bordered by the Khawar mountains. As the lorries approached the entrance to the valley with their headlights on, in the early morning darkness on 2 March, they were ambushed in a mountain pass by *Al-Qa'ida* forces. The fighting took place in high altitude, snow covered terrain. The valley floor around Shah-i-Kot is at 2,500 metres, with surrounding peaks rising to 3,500 metres. 1 US soldier and 3 Afghan troops were killed in this initial assault.

It had been planned that the coalition troops would approach the area from three directions to isolate the enemy and block his escape. General Zia Lodin was supposed to advance with the main column into the valley and sweep the *Al-Qa'ida* towards the opposite side of the valley towards the "blocking positions". At the same time, the forces under Commander Kamal Khan Zadran and Commander Zakim Khan were supposed to advance up the flanks both to secure the advance of the main force and to prevent *Al-Qa'ida* forces from escaping. However, the initial assault was prejudiced by the failure of the Zadran commander, Kamal Khan, to secure his flank. Several sources said that Padsha Khan had told the Americans that his forces had already attacked Saif-ur-Rahman's Taliban troops but, in fact, the Zadran troops were not even in the area.

While the main convoy was advancing towards the valley, other US troops were flown in to secure a ridge as one of the "blocking positions". However, they landed in a fire-fight. Army Sergeant Taji Moore of the 10th Mountain Division described what happened. The helicopters had dropped 80 US troops onto an open ridge above Shah-i-Kot, when they came under mortar fire. "Everyone dropped their rucksacks and took cover. We could see the enemy. Some of them were singing and shouting and waving at us as they shot. We were running and dodging and trying to stay out of the fire." They dug foxholes and spent 18 hours on the ridge before helicopters could return safely and rescue them. 27 men were injured, including Sgt Moore, who was wounded in the hand and leg. Sergeant Robert Healy said that they had been surprised by the

heavy barrage of fire. They had tried to call for the helicopters to return "but it was too risky for aircraft, so we had to take care of the wounded and hunker down and wait until the next day. A lot of people got hit but everybody made it back alive."

The ambush of General Zia Lodin's main column, on the morning of 2 March, had forced it to retire towards Gardez. This enabled the enemy to direct all their fire, using mortars, machine guns and recoilless rifles, at the first wave of US helicopters coming into the landing zones of the "blocking positions". In view of this, the second and third waves of helicopters could not land and had to drop their men lower down the mountainside, from where they had an 18-hour hike to the top.

The following day, 3 March, the US deployed air power, which had not been used on the first day. *Al-Qa'ida* and Taliban positions were attacked by US aircraft, including B-52 bombers. These dropped 2,000-pound "thermobaric" bombs, which suffocate those hiding in the caves by blowing out all the air inside. This bombing continued the following day when, General Myers said, the US had employed 10 long-range bombers, 30 tactical strike aircraft and 2 AC-130 special operations gun-ships, as well as between 6 and 8 Apache attack helicopters for close air support.

On 4 March, 7 more US soldiers were killed and 30 wounded in a new assault. MH-47 Chinook helicopters attempted to bring in US Special Forces in darkness at 3.00 am. A Chinook carries 3 crew and up to 33 passengers. One Chinook was hit but the projectile failed to explode, although a Navy specialist, Petty Officer Roberts, was knocked out of his helicopter. The helicopter landed about 1 km away before other members of the crew realised that Roberts was missing. General Hagenbeck said that Roberts was then seen, via the camera in a Predator drone aircraft, being dragged away by three Taliban or *Al-Qa'ida* fighters. One of the two Chinooks then flew back to try to rescue him but he had been shot and his comrades retrieved his body. At around 6.30 am, two more Chinooks landed about 1 km from where Roberts had last been seen. One helicopter dropped off its Special Forces Team and flew back. The other was riddled with machine-gun fire and was disabled. It was the first aircraft downed by enemy fire in the war. A US officer said, "A large number of enemy advanced on them." They called in air support and AC-130 gun-ships strafed their attackers. Of their team of 21 Special Forces troops and accompanying air crew, 6 were killed and 11 of the remaining 15 were injured. However, they managed to hold off the enemy for a further 18 hours before both teams were evacuated by air. Apart from Roberts, the others killed were four Army and two Air Force personnel. The dead were flown back to the



US via Germany. By the end of the day, US aircraft had dropped 390 bombs and missiles on enemy positions. Some Afghan commanders said that the coalition force had not been sufficiently prepared. Mohammed Isshaq, the security chief in Gardez, said that the Americans had "made a big mistake. They went ahead without making trenches, without reinforcing their positions, and then they were cut off. They retreated really badly." Another, Khiel Mohammed, said, "Our command was really bad. We didn't think about all aspects of the battle before we attacked." However, General Myers said that the attack had been well prepared and had been planned for several weeks.

Symptomatic of the general insecurity in the area south of Gardez, which was considered as substantially pro-Taleban, was the incident involving a group of foreign journalists, who had driven to the village of Zormat, which was the nearest accessible point to the action, to cover Operation Anaconda. These journalists were subjected to threats from local Afghans in the village and a US Special Forces soldier, stationed there, told them "It's not safe here. Get the heck out." They then set out from Zormat in convoy to return to Gardez but their vehicles were attacked *en route* and a Canadian journalist, Kathleen Kenna of the Toronto Star, was badly injured in the thigh. The journalists went on to the small US base near Gardez, from where Ms Kenna was rushed to Gardez Civil Hospital for emergency treatment before being evacuated by air. The other journalists then set off for Gardez in their convoy but again came under attack and returned to the US base. By now, night had fallen and, as the Afghan guards assigned to them did not want to travel in the darkness, the journalists were obliged to spend the night in their cars. A US Special Forces soldier told the journalists, "There's a lot of stuff going on around here that you guys don't know anything about."

Victory at Shah-i-Kot

On 5 March, B-52s and F-16s continued to bomb targets around Shah-i-Kot. Moreover, this was the first major operation of the war to involve French forces. Mirage 2000s, based in Kyrgyzstan, and Super-Etendards, flown from the aircraft carrier *Charles de Gaulle*, took part in the air strikes. Hitherto, French aircraft had been used mainly in a supporting role for mid-flight refuelling and for reconnaissance operations.

General Franks said that allied and Afghan troops had been placed at four or five "blocking positions". After meeting initial heavy resistance, the US began to land troops near to the fighting. When pockets of resistance were met (consisting sometimes of only three or four fighters), the US troops employed either direct fire,

including mortars, or called in air strikes. These troops "moved to contact" the enemy fighters to push them towards the "blocking positions", a routine manoeuvre for light infantry forces. However, these US forces had access to air strikes that were far more precise than in any previous conflict. General Myers said of the Taleban and *Al-Qa'ida* fighters, "They're very well armed, they're very well equipped and they're not milling around. They're engaged in a very fierce battle, so there's clearly leadership involved."

Major Brian Hilferty, spokesman for the US 10th Mountain Division, said that several hundred US and Afghan troops returned to Gardez, on 5 March, for rest after four days of intense fighting. Three battalions of fresh US troops, each numbering around 500-600 soldiers, were sent from the US base at Kandahar to Bagram air base to reinforce Operation Anaconda. Major Hilferty said, "First we identified the enemy, found out where there was a large concentration of them. Then we isolated them using the Afghan, US and coalition forces and now we're pounding them with superior fire-power." General Mohammed Ismail, leading several hundred fresh Afghan troops from the nearby town of Joji, said, "We are here to crush *Al-Qa'ida*." The now 2,000 strong US-led force advanced towards the Taleban/*Al-Qa'ida* positions, preceded by mine-sweeping units. It was now estimated that around 2,000 Taleban and *Al-Qa'ida* fighters and their families were in the cave complex near Shah-i-Kot. Commander Hassan-kheil, who was leading 135 Afghan troops, said, "The Taleban and *Al-Qa'ida* fighters have become weak. They are running out of ammunition. The bombing has stopped and our soldiers and some US advisers have advanced to within 100 metres of some rebel caves and bunkers. There is fierce fighting. The rebels are firing heavy machine guns and rocket-propelled grenades. They can't escape. They're surrounded. Slowly, we are pushing in." It was reported that Afghan commanders had tried to negotiate a surrender of the rebels before the attacks began.

On 6 March, General Hagenbeck said that local enemy leaders had been "funnelling" and "infiltrating" their fighters into the area. "In our estimation, the number of enemy we've fought over time is in the neighbourhood of 600 to 700." He added, "In the last 24 hours, we have killed lots...lots of *Al-Qa'ida* and Taleban." He said, "We truly have the momentum." General Franks said that 1,100 US troops of the 10th Mountain Division, the 101st Airborne Division and Special Forces constituted about half of the allied force. A US official said, "We are adding fire-power." This included a small number of A-10 Warthog "tank-buster" jet aircraft, armed with rapid-fire cannon and missiles. The US also deployed AC-130 gun-ships to give



covering fire while the US servicemen were lifted from their positions. However, all the initial batch of Apache attack helicopters, as well as the Cobras, had been shot and damaged. Afghan commanders said that the fighting was along a 10 km front line of bunkers and caves rising up to the mountain peaks. The overall battlefield was reported to extend over 180 square kilometres. The enemy were making hit and run attacks. An Afghan fighter, Mohammed Yunis, told Reuters, "They have divided into groups of four or five. They jump out of a cave, open fire on us and then dart back into the cave or move to another one. They know the area very well." US-led infantry clambered up a mountainside and reached a cave complex, where they recovered mortars, small arms and rocket-propelled grenade rounds. Nevertheless, by 6 March, General Zia Lodin's main column had still not broken through to the valley.

Heavy US bombing resumed on 7 March using B-52s. There was snow and strong winds and the temperature fell, which hampered ground operations. It was evident that there were some gaps in the encircling coalition forces, as there are many smugglers' paths in the area. The coalition force now consisted of 1,100 US forces, 800 Afghans and 200 others (Europeans, Australians and Canadians), mostly elite forces. Major Hilferty said that the US and Afghan soldiers were edging forward under fire and had taken some ridges and caves. From hide-outs, they recovered AK-47 ammunition, medicine, night-vision devices and documents. The explosions from the bombs dropped by the B-52s could be heard in Gardez. Additional Apache helicopters, armed with Hellfire missiles and 30mm canon, which are very nimble to manoeuvre, were deployed on 7 March, as well as A-10 Warthogs. During the night of 6-7 March, US transport helicopters ferried in fuel, food and ammunition from Bagram air base. Commander Hassan-kheil said, "These are very high mountains and former *mujahideen* bases that the Russians couldn't defeat, even with their heaviest bombing and best soldiers."

There was further fighting on 8 and 9 March and many high positions were seized. Indeed, it was only after several days of air strikes that all the "blocking positions" were secured. Colonel Frank Wiercinski, of the 101st Airborne Division, said, "Right now, the mortar fire is not that accurate because we command a lot of the OPs (observation posts) that they used to command." He said that no enemy fighters had surrendered in the past 24 hours. On 10 March, Major Hilferty was able to announce that 400 US troops had been withdrawn from the front line. He said, "We are obviously re-positioning our forces but the operation has not ended. This phase is over but we will continue the war on terrorism here." He said that, in the previous three

days, US troops had encountered "no sustained or accurate fire" and had suffered no casualties. He said, "We will continue to track and kill *Al-Qa'ida* and Taleban extremists." The weather had now improved but few US aircraft were deployed until one B-52 appeared in the late afternoon.

Despite this progress, there was still a considerable body of Taleban and *Al-Qa'ida* fighters entrenched in the valley, which the local Pashtun forces had failed to dislodge. It was now that reinforcements were called up from the Afghan Defence Ministry in Kabul. Hamid Karzai sent a force of 1,000 Afghan troops to Gardez, under General Abdul Wahab Jeundi, equipped with a dozen tanks, armoured personnel carriers, rocket launchers and artillery, to join battle. They drove from Kabul up to the Shah-i-Kot Valley in three days. However, this force was essentially composed of Tajiks from the Northern Alliance. In Gardez, a Pashtun commander, Mohammed Ismail Khan, said, "We propose to Mr Hamid Karzai to instruct the new coming troops to go back to their place of origin. We take this opportunity to say that the issue of Paktia Province be purely left to the people of Paktia." He added, however, "I can assure you we obey and support the Interim Administration." There were many rivalries among the local Afghan commanders and Commander Hassan-kheil blamed Padsha Khan for refusing to deploy his forces, which had caused General Zia Lodin's forces to run into the ambush.

The fresh US and Afghan forces massed on 11 March and rumbled up to the mountains to mop up the remaining Taleban and *Al-Qa'ida* force. Late on 11 March, air attacks resumed with intense bombing and strafing of the enemy positions. Mohammed Ismail Khan thought that three-quarters of the enemy had now been destroyed. Major Hilferty said, "The *Al-Qa'ida* and Taleban extremists seem to be in much smaller pockets now, not the larger groups that we saw in the first few days. We will continue to work our way through the area until we are satisfied we have taken out all of the *Al-Qa'ida* terrorists."

After an overnight advance, the US and Afghan forces overran the *Al-Qa'ida* and Taleban positions in the Shah-i-Kot valley, on 12 March, the 11th day of the operation, forcing the remnants to flee towards Pakistan. General Jeundi, returning to Gardez from the front, said, "The Battle of Shah-i-Kot is over. A coalition of both Afghan and US forces has taken control of the entire Shah-i-Kot valley. The Taleban and *Al-Qa'ida* are retreating towards the frontier with Pakistan." After the US bombing attacks, the coalition force had broken through enemy trenches at about mid-day and advanced on to the mountain caves. Tanks were used to attack the caves at



close range. They were faced with heavy machine-gun fire. They killed several rebels at every trench. Other Afghan troops had climbed down from positions on the mountain tops and threw hand grenades into the caves. Most of the enemy had been Pakistanis and Arabs. General Jeundi commented on the local resentment caused by the arrival of his Tajik troops, saying, "It seems they don't want the Americans and the National Army here. They would rather have the Taleban and *Al-Qa'ida* instead." Like his men, General Jeundi was also a Tajik. Some Americans did not seem to be aware that the troops from Kabul were Tajiks. A US lieutenant-colonel had described them as Pashtuns.

Lessons from Anaconda

On 13 March, Major Hilferty said, "It is winding down," although 1,500 troops were still deployed. Most US forces had now returned to Bagram and were preparing to return to Kandahar, being replaced by Canadians and Australians. Major Hilferty said, "This is nothing if not an incredible success." It had been the biggest operation involving US ground troops since Somalia, in October 1993. General Franks said, "The sure way to do work against the enemy is to put people on the ground and that's what we've done in this case." Lieutenant-General Bernard Trainor, of the US Marines, said, "It gives lie to the belief that Americans can only fight from 35,000 feet."

However, the operation, which had been expected to last for three days, had dragged on for eleven days. The first large-scale deployment of US ground troops in the war had been accompanied by an escalation in casualties. In fact, the US suffered its worst casualty rate since the start of operations in October. Apart from the 8 killed, 49 US troops were also injured but 34 of these were able to return to active duty quickly. Casualties among the Afghan allies were put at 7 dead and between 20 and 30 wounded.

There were wide variations in the claims of the number of *Al-Qa'ida* and Taleban killed. Major Hilferty estimated that 700 had been killed during the operation. However, a senior assistant of the Afghan Defence Minister said, "Only 50 or 60 were killed. Most of them escaped." There was also controversy over the identity of the enemy. Villagers around Shah-i-Kot said they were units of the former Taleban regime, although both US and Afghan commanders stated that Egyptians, Sudanese, Indonesians, Chechens, Uzbeks and Chinese (Uighurs) were found among those killed, which was strong evidence that the *Al-Qa'ida* was present. What was clear was that very few prisoners had been taken. At one point, a local Afghan commander in Gardez said that 60 enemy fighters, all Chechens, had been detained.

However, Major Hilferty said that fewer than 20 prisoners had been taken, while General Zia Lodin spoke of 35. Major Hilferty said the prisoners were being questioned at Bagram and Kandahar. He said, "We're sure they're *Al-Qa'ida* but we have to interrogate them." About half of the prisoners taken turned out to be local farmers and were released.

General Jeundi, who became the deputy to the overall Afghan commander, General Gul Haidar, said that Taleban and *Al-Qa'ida* fighters had escaped and moved northwards to Logar and Wardak, just south of Kabul. The Kabul government had sent a separate Afghan force to pursue them. He said, "We've cleaned up Shah-i-Kot village. There are two gorges toward Pakistan and today we're trying to advance to the gorges. There are some enemy fighters but there's no resistance." The coalition forces had established a "security belt" around the area to prevent the enemy from escaping. However, locals said that secret escape routes existed. Tribal elders in Zormat, the home village of the Taleban commander Saif-ur-Rahman, said, on 12 March, that they were working on a cease-fire plan to allow trapped fighters to leave the area. There was no confirmation as to whether Commander Saif-ur-Rahman had been killed or had escaped.

As for material losses, the Americans had been concerned at how their Apache helicopters would perform. 3 Apache AH-64A attack helicopters had been damaged by ground fire in the early stages of the operation but all returned to base and were repaired. One damaged helicopter had been obliged to make an emergency landing to replenish leaking oil with supplies provided by another helicopter and both then returned safely to base. Before Afghanistan, the US had been hesitant to deploy this new and very costly weapon. However, Major-General Richard Cody, Commanding Officer of 101st Airborne Division, was a keen supporter of the use of Apaches.

In turn, the Taleban and *Al-Qa'ida* forces suffered heavy personnel and material losses. General Hagenbeck said, "I think we've taken out a large chunk of the *Al-Qa'ida*-Taleban's hard core, experienced veterans," adding that these included commanders equivalent to majors, lieutenant-colonels and colonels. He said, "We've isolated their command and control element and their logistics structure, and we're going to go after that. We took out a lot of ammunition caches in Shah-i-Kot and a couple of other places we haven't publicised. So they're going to have to start bringing in logistics."

There was also speculation as to whether any senior enemy leadership had been present at Shah-i-Kot. Taj



Mohammed, the Governor of Paktia Province, thought that Osama bin Laden or his deputy, Ayman al-Zawahiri, might have been leading the resistance around Shah-i-Kot. The Gardez security chief, Mohammed Isshaq, said, "When they're fighting really desperately, that means there are top people." At any rate, none were found, either among the dead or those taken prisoner.

Nevertheless, questions had to be asked as to why Operation Anaconda had started so badly. Major-General Hagenbeck said that the enemy had been warned of Operation Anaconda, because poor weather had delayed the operation for two days until March 2. His troops had been assembled and ready for battle but could not move. When the weather cleared, "I was convinced that, by then, many people knew the operation was coming." Other issues concerned the quality of US intelligence. Marine Captain Jeff Pool said, "One thing that didn't go right was our 'intel' gathering and that caught us by surprise. It also took a lot of us by surprise that they put up such fierce resistance." General Hagenbeck said, "We have intelligence from a variety of sources." He believed that local fundamentalists had "called a *jihad* against the Americans and their coalition partners." Commander Hassan-kheil said that the US suffered from bad intelligence, bad co-ordination and reliance on untrustworthy local commanders. He said, "The US does not understand our local politics. It does not know whom to trust and trusts the wrong people." He blamed Padsha Khan for the set-back at Shah-i-Kot. Taj Mohammed said, "The US used to rely on Padsha Khan for information but I doubt they will any more." However, Padsha Khan was insistent that, "I was the one and only person insisting that there are *Al-Qa'ida* members over there. Finally, the Americans understood. No-one believed me. Now I have been proved right." He insisted that everyone in Gardez, who had been making accusations against him, was a member of *Al-Qa'ida*. Haji Saif-ullah said that he did not think that the Americans still listened to Padsha Khan. He said, "The Zadran just like to talk a lot. He doesn't have the power to threaten us." There was also disappointment in the role played by General Zia Lodin. Lieutenant-Colonel Walter Piatt, of 10th Mountain Division, said, "The Special Forces felt strongly about Zia. They chose Zia to be our partner but I don't think even the smartest people could understand the dynamics of Afghan politics."

As if to underline the US difficulties of depending on local Afghan allies in operations around Gardez, on 11 March, Commander Kamal Khan killed Commander Zakim Khan's deputy, Haji Suba Khan. Abdul Wali Zadran said, "Kamal Khan finally found the time to do it, thank God." They had been bitter enemies for many years. Abdul Wali Zadran had about 15 US Special Forces operating with his force. He said,

"We have told the Americans that everyone in Gardez is *Al-Qa'ida*. I still don't know why the US doesn't bomb them." Thus, Operation Anaconda was prejudiced from the start by US dependence on Afghan allies who were bitter enemies. A former Northern Alliance defence minister, Wahid-ullah Saba'oun, said, on 18 March, "If the US continues to fight this way, they will lose. The Americans didn't ask anyone. They just go in and start supporting local groups in the provinces and start fighting. The local commanders won't fight because they know they will be fighting each-other when the battle is over. They don't want to lose their soldiers." The alternative was to use more Northern Alliance soldiers from the Afghan Defence Ministry. Abdul Rasul Sayyaf, a leading member of the Northern Alliance, said, "I think it is useful for the Americans to deal with these incidents through the Defence Ministry," adding that it was "the Defence Ministry of all Afghanistan. It can look after the provinces." However, it was also felt that such a policy might exacerbate ethnic tension within Afghanistan, as most Defence Ministry troops were Tajiks. However, those who had been deployed late in Operation Anaconda had done well and had taken several objectives, which the local Pashtun forces had failed to take.

On 19 March, General Hagenbeck rejected criticisms of US tactics during Operation Anaconda. He said, "We destroyed hundreds of *Al-Qa'ida*'s most experienced fighters and terrorists. We destroyed their base of terrorist operations and eliminated their sanctuary." At the Pentagon, Brigadier-General Rosa said, "The US is faced with a problem. On the one hand, it wants to disarm the warlords. On the other hand, it doesn't know when it will need them again."

The first hand experiences of some of the US soldiers taking part in Operation Anaconda were revealing. Lieutenant Chris Beal, who had led a platoon for 7 days, said, "We were hailed on, snowed on, shot at and mortared at but we did the right thing at the right time. After a lot of close air support came in, anything that moved was killed." Sergeant Billy Stallings, who led a squad which patrolled several villages and uncovered numerous caches of weapons and supplies, said, "They were well bunkered in. They had protective masks, radios, explosives and manuals on how to use them, and much more weapons and ammunition than we expected." Lieutenant Adam Hall described the fighting as "pretty scary", while Specialist Brian Schuett said that, because of the cold and the night-time bombing, "You were lucky if you got an hour of sleep." Lieutenant-Colonel Chris Bentley said that air power either neutralised or destroyed at least 20 cave complexes." Warrant Officer John Hamilton, piloting one of the AH-64 Apache helicopters, was in the combat area just minutes into the assault. He described the next 55



minutes as chaos. "It was hard to tell where the 'friendlies' and enemies were on the ground. There was enemy fire bearing down on us. I was hit once and then got out of the area."

In addition, a local witness, a repairman called Behesthi, who had been kidnapped by the enemy and held in one of their caves, said that they were a mixture of Afghan Taleban, Arab *Al-Qa'ida*, Chechen militants and Pakistani Islamic extremists, all committed to holy war. He said that there were more Afghans, under Saif-ur-Rahman, and that many of the caves were interconnected. A number of the Afghans had slipped back to their villages. He doubted the high number of casualties claimed by the US. Mr Behesthi said that he had been held for a week.

Afghanistan's Deputy Foreign Minister, Mohammed Rahim Shirzai, said that pockets of resistance were likely to remain even after Operation Anaconda. "It may take a long time for us to get rid of the Taleban and *Al-Qa'ida* fighters. It is unlikely we will be able to destroy them any time soon." Italy's Defence Minister, Antonio Martino, after visiting Kabul, said, "To say that *Al-Qa'ida* were vanquished and that the Taleban had dissolved like snow in the sunshine was an optimistic thought. If the estimates of up to 5,000 Taleban guerrillas are true, we have a military problem - not just pockets of resistance." Hamid Karzai described the fighting as "the last isolated base of terrorism in Afghanistan." Dr Abdullah, the Foreign Minister, said that the goal of the Taleban and *Al-Qa'ida* fighters in Shah-i-Kot was simple. "It is to destabilise the interim government and to create hopes for smaller pockets of *Al-Qa'ida* and Taleban, which are in other parts of the country, that they can resist." When it was reported that other Taleban and *Al-Qa'ida* forces had now re-grouped in Wardak, Ghazni, Khost and Paktia provinces. 5,000 government troops were deployed to head them off. General Jeundi said that the Defence Ministry had put together a force of 20,000 troops to hunt down *Al-Qa'ida* and Taleban extremists. It was composed of four elements: 5,000 Tajik troops under General Fahim, the Defence Minister, 5,000 Uzbek troops under General Dostum, the Deputy Defence Minister, 5,000 Hazara troops under General Ustaz Mohaqiq, the Minister of Planning, and 5,000 Pashtun troops under Hazarat Ali, the leader of the Eastern Alliance in Jalalabad.

Apart from having to cope with the 5,000 "armed and active" fighters that General Fahim said were trying to regroup nearer to Kabul, the US-led coalition was planning further operations in southern and eastern Afghanistan against pockets of *Al-Qa'ida* and Taleban fighters. Visiting Bagram airbase, General Franks described Operation Anaconda as "an unqualified and

absolute success." He said, "Future operations are likely to be the same size as Anaconda."

Actions in southern Afghanistan

Meanwhile, coalition forces continued to conduct operations, albeit on a much smaller scale, in southern Afghanistan, particularly around Kandahar. On 11 March, US aircraft bombed an ammunition dump at Tapai Muhaimat, 10km south-east of Kandahar. The dump was bombed for three consecutive days. There was a huge explosion and some fragments landed 10 km away. The whole area was then littered with unexploded grenades, mortar shells, rockets, mines, tank shells, missiles, bullets, etc. It was the largest ammunition dump in Afghanistan. Between 50 and 100 people are killed or injured every week in Afghanistan from land mines and other unexploded ordnance. There are an estimated 780 sq. km. of un-cleared minefields, most in rural agricultural and grazing areas, with 14 million anti-personal and anti-tank mines. Another 500 sq. km. are littered with unexploded bombs, shells and mortars, including about 25,000 "bomblets" from US cluster bombs used during the war. The UN estimates that it will cost \$660 million for this to be cleared in 7 years, or \$900 million if the task were to be completed in 3 years. The Tapai Muhaimat ammunition dump was in a remote part of what had been the largest Taleban/*Al-Qa'ida* military base in Afghanistan, where 5,000 troops had been housed, according to local residents.

On 17 March, US forces with tanks and helicopters surrounded the tiny desert outpost of Hauzimated and arrested 31 *Al-Qa'ida* suspects. The village is 40 km west of Kandahar. However, after four days in detention, all were released. 18 were said to be allied Afghan soldiers. They claimed to have been mistreated during their interrogation. However, Major Ignacio Perez, at the Kandahar base, said, "These individuals were treated in a highly professional manner. We treat all detainees humanely and consistent with the protections provided for under the Geneva Convention."

On 28 March, a US Special Operations Navy Seal was killed and another wounded in a land-mine explosion. They were part of a small unit on a training exercise south of Kandahar. Chief Petty Officer Matthew Bourgeois, from Florida, was the 31st US serviceman killed in the Afghan operation. The Governor of Kandahar province, Gul Agha Shirzai, enjoyed US support. His brother had been appointed as the Director of Operations and Security at the airport (described as a "major sinecure") and was working closely with US forces. The US also maintained relations with Shirzai's rival, Mullah Naqib-ullah. The US had trained 80 troops of a local Afghan commander, Mohammed Khan, in how



to deal with the local population when carrying out security checks (searching cars, etc).

On 15 April, an explosion killed 4 US soldiers as they were disposing of ordnance, including large calibre rockets from the time of the Soviet occupation. Several others were injured and some were reported missing. The explosion took place around noon. Gul Agha's spokesman, Yusuf Pashtoon, said that the explosion took place near the former compound of Mullah Omar, at Kandahar. The US Special Forces were based at the compound and ordnance was usually destroyed by controlled explosions. The ordnance had been found and collected from former Taliban armouries over the previous few days.

Three days later, on 18 April, there occurred one of the major mishaps of the war. Four Canadian soldiers of the Princess Patricia's Light Infantry were killed and at least eight others injured when the pilot of a US F-16 mistook them for rebel fighters and attacked them with at least one laser-guided 500-pound missile. The accident took place at 1.55 am. The Canadians had been taking part in a live-fire training exercise 12 km south of Kandahar. The F-16 pilot was a reservist of the Air National Guard (rather than the US Air Force), who was not aware that he was flying over a coalition exercise. The pilot had seen what he took to be tracer fire and thought he was being fired upon. He twice asked for permission to drop a bomb but was refused both times. Troops of the Canadian battalion had taken part in Operation Anaconda. Canada's Defence Minister, Art Eggleton, described the incident as "shocking". Prime Minister Jean Chrétian told Parliament, "As to the circumstances at what appears to have been a terrible accident, clearly we have so many questions this morning. Extensive training for combat is meant to save lives. How is it in this case that it took so many lives? I want to assure the families and the people of Canada that these questions will be answered." Canada's Defence Chief, Lieutenant-General Ray Henault, said, "There was no hostile activity in the area that would have created this incident. How this sort of thing could happen is a mystery to us. Without a doubt, there was a misidentification." Major Jamie Robertson, the spokesman for the Canadian Joint Task Force South-West Asia, said, "This is a nightmare. It is the worst-case scenario when you have fratricide." For the US forces, Major Hilferty said, "We are in a very dangerous business. We play with stuff that kills people."

Other developments in eastern Afghanistan

Further "mopping up" operations continued in eastern Afghanistan after the end of Operation Anaconda. Brigadier-General Rosa of the Pentagon stated that elite US troops had killed 16 suspected *Al-Qa'ida* fighters in eastern Afghanistan, on 17 March. A convoy of three vehicles had been heading southward from Operation Anaconda and had refused to stop when US helicopters fired warning shots and, instead, had returned fire. US ground forces had then attacked the convoy. 16 enemy were killed, 1 wounded and 1 captured. No US forces were injured. The action took place 70 km south-west of Gardez. Weapons, ammunition and rocket-propelled grenades were found in the vehicles. A fourth vehicle, travelling at some distance behind the others, was stopped without resistance and was found to be carrying women and children. They were freed. Brigadier Rosa said that 500 allied troops were continuing to sweep the area around Shah-i-Kot but had met no resistance in the past 48 hours. In the Shah-i-Kot valley, more than 30 caves had been searched.

In Washington, George Tenet, the Director of the CIA, and Vice-Admiral Wilson, the Director of the Defence Intelligence Agency, met the Senate Armed Services Committee, on 19 March. Mr Tenet said that the Taliban and *Al-Qa'ida* fighters were still concentrated in eastern Afghanistan, near to the Pakistani border, even after Operation Anaconda. He said, "You're entering into another phase here that actually is more difficult because you are probably looking at smaller units that intend to really operate against you in a classical insurgency format." Admiral Wilson said that US forces had eliminated *Al-Qa'ida's* use of Afghanistan as a training centre for international terrorists but there was still "a very widespread possibility of insurgency-type warfare and operations." The same day, Major-General Hagenbeck, speaking at Bagram air base, said that, although Operation Anaconda was over, the *Al-Qa'ida* and Taliban would be actively pursued throughout Afghanistan. He said that all US and coalition forces had now been withdrawn from the eastern Shah-i-Kot valley. He said, "When we find pockets of resistance, we'll go after them." The following day, he said, "I can tell you there are *Al-Qa'ida* operatives in Paktia right now who are going to great lengths to try to re-group and regenerate. They are also spending a lot of money to re-group." He said, "They are a very adaptable enemy."

Late on 19 March, gunmen attacked US and Afghan troops at a checkpoint near to Khost airport, with machine-guns, rocket-propelled grenades and mortars. One American soldier from the 101st Airborne Division



was injured. There were three allied Afghan casualties. The US troops pinpointed the source of the firing, a disused prison, and called for air support from an AC-130 gun-ship. Brigadier Rosa said, "The enemy fire seemed to be trying to harass our troops or trying to inflict quick casualties, as opposed to a more sustained attack. I would expect to see more of this." At the same time, fighting broke out in Khost between the forces of Kamal Khan and those of his brother, Padsha Khan. Ayub Khan, an allied Afghan military commander who supported Padsha Khan, described this as a misunderstanding, which would be resolved when the two brothers met. He said that the incident was unrelated to the other attack. Nazir Mohammed, an assistant to Zakim Khan, the rival commander in Khost, said that shops in the city had been closed on 20 March. He said, "I don't know who started the fighting first. Kamal Khan's and Padsha Khan's forces started fighting and two people from Padsha Khan's side were injured. I don't know about any Americans."

A few days after the murder of Zakim Khan's deputy by Kamal Khan's soldiers on 10 March, gunmen had also exchanged fire with the security forces in Khost, after challenging the authority of the newly-appointed Khost police chief, Sur Gul, because he had tried to disarm them the previous day in Khost public market. Sur Gul had escaped uninjured but a bodyguard had been killed and two others wounded. On 24 March, Mohammed Ibrahim, the Governor of Khost Province, demanded that the US hand over the Afghans, who had opened fire on Sur Gul, who were thought to be US allies and who had subsequently taken refuge in a US fortified compound. Mohammed Ibrahim said, "We will talk again tomorrow with the Americans and I am sure they will hand them over." The Khost intelligence chief, Mr Hazrat-uddin, added, "We have asked the Americans to hand them over but, so far, they haven't." While most of Khost was controlled by Padsha Khan Zadran, there were competing factions within his group and the assailants were apparently loyal to Padsha Khan's nephew.

Clearly Khost, like Gardez in neighbouring Paktia Province, was a major headache both for the US-led coalition and for Afghanistan's Interim Administration. Local commanders in Khost also claimed that the first US soldier to have been killed by enemy fire, Sergeant Nathan Chapman, who had died in an ambush on 4 January, had not been shot by *Al-Qa'ida* guerrillas but was killed as a result of tribal violence. At the beginning of April, 500 troops of the 101st Airborne Division conducted a five-day mission to seal another cave complex, this time near Khost. Fifteen caves were investigated and several hundred rounds of mortar shells and small arms ammunition were destroyed. Five bags of documents were taken back for examination. These

included hundreds of files on individual members of *Al-Qa'ida* and Taleban fighters. The US troops returned to Bagram base on 6 April

On April 9, grenades were thrown at an Afghan military patrol, operating with US forces in the Mullakheil District of Paktia Province, killing one Afghan soldier and injuring two others. The patrol fired back at the two men who had thrown the grenades, killing both. Then, on 14 April, Major Hilferty reported that US-led forces had clashed with "terrorists" during a skirmish the previous day, when another joint US-Afghan patrol had come under fire. He did not say where the incident took place but he believed that the patrol had "killed several terrorists." The troops had called in air support and five *Al-Qa'ida* or Taleban attackers had been killed after an AC-130 gun-ship arrived. Major Hilferty also reported that rockets had been fired at a US-controlled airstrip outside Khost. According to Fazal Mir, a local leader, three rockets had been fired at the airstrip around midnight, hitting a building and injuring three Afghans. However, in Kabul, the Minister for Tribal Affairs, Amunalah Zadran (another of Padsha Khan's brothers), said that two BM-12 missiles had exploded 7 km from the airfield and that no-one had been hurt. The US Army Operations Officer, Major David Rasmussen, said that people at the scene heard what sounded like rockets or mortar rounds hitting the south-west end of the airfield but that no buildings had been hit and no-one hurt. No US troops had been at the airfield at the time. Major Rasmussen said that *Al-Qa'ida* and Taleban forces were behind recent attacks but many local Afghans blamed rival US-funded warlords who were vying for supremacy. US troops at Khost airfield had also come under fire at the start of Operation Anaconda but there had been no injuries.

Following Operation Anaconda, US troops, clearing a cave near Shah-i-Kot, had found a US hand-held global positioning system, with the name and unit of a US soldier inscribed on the case. It was first believed that this had belonged to a soldier who had been killed in Somalia, in 1993. However, on 21 March, it was found that it had belonged to a US pilot of the same name who had been serving in Afghanistan and who had lost it during a skirmish. On 20 March, after several months of searching terrorist camps in Afghanistan, US forces had found no trace that the *Al-Qa'ida* had produced chemical or biological weapons. Two days later, British officials said that coalition forces, who were examining caves in the Shah-i-Kot mountains, had found a biological weapons laboratory. The US did not mention this laboratory and the British officials gave no details. Also, fewer than 20 enemy deaths had been confirmed from Operation Anaconda and British sources said that the likelihood was that many Taleban and *Al-Qa'ida* had



escaped. A few days later, British troops of 40 Commando, Royal Marines, and the 1st Battalion of the Parachute Regiment searched caves near Khost suspected of being used by *Al-Qa'ida* and the Taleban. Weapons and documents were discovered.

The question was again raised as to whether escaping Taleban and *Al-Qa'ida* forces should be pursued over the mountains into Pakistan. On 21 March, Gen. Hagenbeck said that pursuing *Al-Qa'ida* and Taleban into Pakistan would only be carried out with the approval of Pakistan's leaders. The attack at Khost airfield had been only 32 km from the Pakistani border. Gen. Hagenbeck said that it was not clear whether the Americans at the airport had been caught in cross-fire between Afghan factions or had been attacked by Taleban and *Al-Qa'ida* fighters. He said that sealing the border was not Pakistan's first priority, adding, "I think Pakistan is more focussed on tensions with India." He said, "Hot pursuit would probably be my last resort. What we would try to do is anticipate any type of operations that would cause the enemy to go into Pakistan and we would try to co-ordinate with the Pakistani Government and our ambassador in Pakistan before we did any of those kinds of operations."

Tribal leaders, from the autonomous tribal areas of Pakistan's North-West Frontier Province, warned against US military incursions across the Afghan border. The border with the tribal areas is 750 km long. There are seven defined Tribal Agencies in the Federally Administered Tribal Area, which are home to 5 million people. The Agencies have their own tribal councils, courts and law and the rule of their leaders is absolute. Pakistani soldiers had not been deployed in the tribal areas during the 53 years since independence. However, they did come in December to patrol along the border. While the Pakistani troops could control the handful of road crossings, even with 12,000 troops, they could not guard the hundreds of mountain trails, which cross the border. Moreover, most of their troops were concentrated along an 80 km stretch of the border.

On 27 March, Pakistan's Interior Minister, Moinuddin Haider, said that US troops would not be allowed to cross the border to find Taleban and *Al-Qa'ida* fugitives. He said, "The Pakistani tribesmen...are co-operating with us and they are acting in a very responsible manner." Mr Rumsfeld, the US Defence Secretary, had said, on 25 March, that the US had no plans to send troops across the border. Despite this, on April 25, it was reported that US and British Special Forces were engaged in fighting *Al-Qa'ida* and Taleban fighters who had taken refuge over the border in Pakistan from Paktia and Paktika provinces. Several US soldiers were reported to have been injured in these actions in the mountains, which straddle the frontier. The

Pakistani spokesman, Major-General Qureshi denied this. However, on 29 April, it was again reported that several hundred British and US troops had been transported by helicopter to the mountainous border area.

In addition, US and Pakistani security agents undertook a series of raids in Pakistan's Punjab Province, on 28 March, and captured 25 suspected Arab members of *Al-Qa'ida* (coming from Saudi Arabia, the Yemen, Syria and Egypt), as well as 5 Taleban. On 2 April, it was confirmed that one of the captured men was Abu Zubeida, a senior lieutenant of Osama bin Laden, who was thought to have taken over as chief of operations after Mohammed Atef had been killed during a US air raid on Afghanistan. The White House called this a "serious blow" for *Al-Qa'ida*. Abu Zubeida had tried to escape but had been shot in the leg, groin and stomach by the Pakistani police. He was, nevertheless, expected to survive. He had been implicated in the bombing of the US embassies in East Africa, in August 1998, and in the attack on the destroyer *USS Cole*, in Aden harbour, in October 2000. The prisoners were flown to Guantanamo Bay and it was suggested that Abu Zubeida might be the first to face a US military tribunal. By mid-April, the US was also concerned that, with the melting snows, there might be a new influx of *jihadis* from Pakistan, especially as the Pakistani authorities had now released about 1,000 of the Islamic militants who had been detained in January.

On 23 March, the US moved several A-10 Thunderbolt ground attack aircraft (known from their ungainly shape as "Warthogs"), which are designed to attack armoured vehicles and are themselves armoured, to Afghanistan. Their Gatling gun can fire 3,900 rounds per minute and they also carry bombs and missiles. In mid-April, Gen. Hagenbeck announced that two infantry battalions of the 10th Mountain Division would return to their base at Fort Drum, New York, and be replaced with fresh troops from the same division. The division has a high proportion of soldiers from New York and neighbouring New Jersey and, no doubt with the events of September 11 in mind, all the troops had shown a high degree of commitment in the Afghan operation.

British Marine deployment

On March 18, Britain's Secretary of State for Defence, Geoff Hoon, announced in the House of Commons that an additional 1,700 Royal Marines would be sent to Afghanistan. General Franks and the US military chiefs had asked for the Royal Marines two weeks earlier because of their experience in winter warfare. The Marines operate in small units of 60-100 men and specialise in hostile, mountain terrain. (One US soldier from 10th Mountain Division had allegedly confided to a



journalist, "We don't do mountains.") The Marines would be separate from the British forces in ISAF and would be deployed against pockets of Taleban and *Al-Qa'ida* resistance and in hunting the leadership of both organisations. The force would be centred on the battalion-sized 45 Commando and would be based at Bagram air base. 45 Commando has around 750 men. 3 companies, including the HQ Company, were already stationed on the British helicopter carrier, *HMS Ocean*, offshore in the Arabian Sea, while the two others would be flown out from their base at Arbroath in Scotland. The British Royal Marines undertake frequent training in the mountains of Norway and the two companies of 400 mountain warfare specialists, based in Arbroath, had been training in the mountains of Scotland for the past 3 months. The Royal Marines of 45 Commando would be joined by commando-trained artillery, engineers and logisticians, all trained for mountain warfare. These would be deployed from 29th Commando Regiment, Royal Artillery, 59th Independent Commando Squadron, Royal Engineers, and the Commando Logistics Regiment. They would be provided with 3 Chinook helicopters from 27 Squadron, RAF. 45 Commando had served in Kosovo in 2001. The deployment was called "Operation Jacana".

The Royal Marines were led by Brigadier-General Roger Lane, Commanding Officer of 45 Commando, acting under the overall US commander, Major-General Hagenbeck. Brigadier John Rosa said that the US now had 5,300 troops on the ground in Afghanistan. With the 1,000 Canadians and the 1,700 Royal Marines, they would form a Brigade group. It had been announced that Operation Jacana would last for three months. However, on 19 March, Geoff Hoon said that the British military commitment in Afghanistan was "open-ended to the extent that we have a job to do to deal with the remaining elements of *Al-Qa'ida* and Taleban." He said, "I don't believe it is sensible for anyone to say today what will be the position in a month or three months time." With the additional deployment of the Royal Marines, the number of British forces deployed in Afghanistan would increase to 6,100, including 1,800 in ISAF and those on British warships in the Arabian Sea. It was reported that the British decision to send 45 Commando was also to enable Britain to exert greater influence on US policy in Afghanistan.

The first units of the Marine contingent began arriving at Bagram on 23-24 March, with the "vanguard" arriving early on 3 April. 500 more Royal Marines arrived on 10-11 April and the full deployment of 1,700 troops had arrived by the middle of the month. On 14 April, they began their first operation to search several cave complexes in eastern Afghanistan. This was called "Operation Ptarmigan" after a Scottish

bird. About 300 Royal Marines of W and Z Companies, commanded by Lieutenant-Colonel Tim Chicken, were deployed, operating above the snow line. The Marines were flown in by Chinook helicopter and were accompanied by around 150 British troops from the Special Air Service and the Special Boat Service. A small number of US and Afghan troops also took part. Brigadier Lane said at Bagram, on 16 April, "I can confirm that we have achieved operational capability. There is a significant number of 3 Commando Brigade operating in the mountains of Afghanistan with coalition partners. When we arrived, it was clear the war in Afghanistan was not yet over. The hunt for *Al-Qa'ida* and the Taleban goes on. We said that we would be here for the long haul and we stand shoulder-to-shoulder with the United States and the other coalition allies in the global war on terrorism."

Another officer, Lieutenant-Colonel Paul Harradine, added, "Our men are in very rugged, mountainous and rough terrain. They are on foot, carrying *bergens* (a type of rucksack) weighing 80-90 pounds in freezing temperatures. It is very difficult with low oxygen levels but, so far, we have not had anything to indicate they are having problems." He said, "The commander is happy that the integration and interoperability of the coalition forces is working well." Another officer, Major Pegs, said that the UK would treat any captives as prisoners of war under the Geneva Convention. He said that this "does contrast with US policy."

However, when Operation Ptarmigan ended on 18 April, no "contact" had been made with the enemy, although booby-trapped bodies had been found. The Royal Marines had found "terrorist facilities", documents and 20,000 rounds of large calibre ammunition, usually used for anti-aircraft guns. This was near to the site of Operation Anaconda. Brigadier Lane said that there had been "evidence to suggest some terrorist facilities remained undisclosed" and that *Al-Qa'ida* forces had re-infiltrated. He said that the Marines had found new cave complexes, one of which had contained the AA ammunition. A corporal said, "There are tons of unexploded ordnance down there and a lot of dead bodies."

On 21 April, gunners of the British Royal Artillery conducted tests on the new "Mamba" system - a Mobile Artillery Monitoring Battlefield radar system - which is able to detect the source of incoming missiles from a single reading, even if this is from behind a mountain, thus allowing a quick response. The Marines were equipped with a battery of six 105mm howitzers and were the first force to deploy artillery in Afghanistan. US forces rely solely on air



power. Meanwhile, the US decided to double its force of Apache attack helicopters at Bagram airbase to provide extra support for the Royal Marines against Taleban and *Al-Qa'ida* fighters in the mountains and to pursue enemy fighters fleeing from the Marines' ground attacks. Four more Apaches arrived by 24 April.

Prisoners

The war in Afghanistan, which had now been going on for about six months, had led to the capture of many prisoners. By mid March, the US was holding some 300 prisoners at Guantanamo Bay, on the island of Cuba, and 244 more in Afghanistan at the Kandahar and Bagram bases. However, nearly 3,000 more were being held, in far worse conditions, under Afghan supervision at Sherbargarh in northern Afghanistan.

As for those held by the US, officials said that they had still not determined the nationality of some of the prisoners, although it was believed that they came from 33 countries. The largest group was composed of Afghan members of the Taleban. The next largest contingent was about 100 prisoners from Saudi Arabia. At Guantanamo Bay, there were detainees from 26 countries, including 30 from the Yemen, 25 Palestinians, 8 Algerians and 3 British Asians. There were also a few from Chechnya, France, Belgium and Australia, together with 6 Kuwaitis (according to Kuwaiti officials) and 1 Swede (22 year old Mehdi Mohammed Ghezali). Arab newspapers claimed that others came from the republics of Central Asia, and from Jordan, Syria, Bahrain, Bangladesh, Tunisia, Morocco, Indonesia, and some Iraqi Kurds. On 3 April, Russia claimed that three of the prisoners held at Guantanamo Bay were Russian citizens and asked for their return to face prosecution. France now claimed four more prisoners, making a total of six, and wanted them all extradited to France. DNA samples were taken to assist with future identification. The guards at Guantanamo Bay had strict instructions not to allow the interrogators to touch any of the prisoners. On 29 April, it was reported that there were now 40 British nationals being held in Afghanistan and Pakistan, in addition to the three detained at Guantanamo Bay.

The prisoners at Guantanamo Bay included a small number of senior figures. Fazel Mazloom had been the Taleban's Army Chief of Staff and was suspected of having organised the assassination of Ahmed Shah Massoud. Abdul Salam Zaef had been the Taleban's ambassador in Islamabad. Awal Gul had arranged Osama bin Laden's transfer from the Sudan to Afghanistan in 1996. Also held was the Egyptian, Ahmed Abdel Rahman, son of Omar Abdel Rahman, the blind cleric, who was convicted, in 1995, of attempting to blow

up the World Trade Centre in New York. He was caught in Kabul in November.

One-third of the prisoners at Guantanamo Bay, known as "Camp X-Ray", went on hunger strike, at the end of February, after one of them had been ordered to remove a home-made turban while praying. 107 of the prisoners refused to eat their dinner because of the incident. However, the US Navy's resident Mullah, Lieutenant Abuhena Mohammed Saiful-Islam, negotiated with the prisoners and, on 1 March, the camp commander, Brigadier Lehnert, announced that the detainees could wear turbans. Prisoners had already been allowed to drape towels over their heads during prayers but not to make turbans out of their bed sheets, as the offending prisoner had done. This would now be allowed. On 2 April, two prisoners were still refusing food and were being force-fed.

On 28 February, a Pentagon spokesman had said that none of the prisoners held at Camp X-ray was suitable to be tried by a US military tribunal. Mr Rumsfeld said that he would rather they were tried in their own countries. However, on 20 March, it was reported that the US Defence Department would shortly unveil the military tribunals to be used in the prosecution of Taleban and *Al-Qa'ida* prisoners. The tribunals would resemble courts-martial. Some might be held on US warships, where a few prisoners were still being held for security reasons. Defendants would be granted a military lawyer and would also have the right to hire a civilian counsel. To secure a conviction, a two-thirds majority of the 3 to 7 member panels would be required. Unanimity would be required to secure a death penalty. There would be a limited right of appeal to a special review panel but not to a federal court. Defendants would also have the right to see prosecution evidence in advance, although the prosecution would be allowed to use evidence not normally allowed in civilian courts, such as "hearsay" evidence. The tribunals would be open to the media but not to television. Probably, only a small number of the prisoners would be brought before the tribunals.

On 20 March, Amnesty International said that denying a full right to appeal bypassed the "fundamental principles for fair trials" and could be in contravention of international law. The regulations were formally announced on 21 March. These were, at least, somewhat more advantageous to the defendants than those outlined by Mr Bush in November. Mr Rumsfeld said, "It is balanced, it is fair, it is designed to produce just outcomes." For example, it had earlier been said that, to apply the death penalty, only a two-thirds majority would be required and that there would be no appeals mechanism. Tom Malinowski of Human Rights



Watch said, "In America, we've never let our political leaders decide who is guilty. That's been the fundamental principle since 1789." However, he said that the milder rules "go a long way to meet the concerns of human rights groups." On 22 March, Pentagon officials said that the detainees might be kept in US custody indefinitely, even if they were acquitted.

On 14 March, General Jura Beg, the warden of Jowzjan Prison in Sherbargan, described the condition of his 2,770 prisoners. He said, "Every 15 days or so one of them dies. We don't have enough food for them anymore. We don't have medicine." The US had interrogated many of the prisoners and had taken about 100 of them to Guantanamo Bay. The Government of Uzbekistan had taken about 10 Uzbeks back home. The warden had freed about 300, who were either very old or very sick, at the time of the Eid festival. The remaining prisoners were all Afghans or Pakistanis, about 800 being Pakistanis. General Beg, a supporter of General Dostum, said, "No-one from the Government has visited here." The prisoners were kept in 40 cells, each designed to hold an average of 20 prisoners. The normal capacity of the prison was only 800. General Beg said that, because of government cutbacks, he had had to reduce the food rations to the prisoners. He said, "They don't work, they don't use energy, so the food is enough for them." While there was a handful of doctors to treat the prisoners, there were almost no medical supplies. Drinking water came from a nearby stream. General Beg said, "It is full of garbage."

Then, on 19 April, the International Committee of the Red Cross reported that the prisoners being kept at Sherbargan, after five months of confinement, were still receiving only bread and rice to eat and that hundreds were suffering from malnutrition. The Red Cross began an emergency feeding programme on 16 April for about one hundred of the worst off. Tents were also being provided to treat around 500 of the prisoners. The ICRC planned to start a food programme for all the prisoners. Many were suffering from tuberculosis, diarrhoea, respiratory infections and other ailments. Several dozen prisoners had already died. Following the protest made by the Boston-based Physicians for Human Rights, in February, the US had taken no action. Thus, the Red Cross said that it had had no option but to intervene.

On 2 April, President Musharraf of Pakistan visited Kabul for talks with Hamid Karzai. He offered co-operation and assistance to Afghanistan and said, "I have made it absolutely clear to my brother here that Pakistan has only one aim - to assist Afghanistan and to assist my brother sitting here and his government in doing whatever he wants to do in Afghanistan." However, he also pressed Mr Karzai on the

issue of Pakistani prisoners held in Afghanistan and, particularly, at Sherbargan. Hamid Karzai told Musharraf, "We will look into the release of those boys, those young men, who have no relations to *Al Qa'ida* or terrorism and let them come home."

US reflections on strategy

On 18 April, it was reported that the Bush Administration had concluded that Osama bin Laden had been present at the battle of Tora Bora in December but had escaped because sufficient US ground troops had not been deployed. There was, however, a small chance that he had been killed in the massive aerial bombardment of the area, which had begun on November 30. Assuming he had escaped, however, the Administration felt that the decision for the US military to rely on local Afghan warlords for support at Tora Bora had been the biggest mistake of the war.

Many prisoners, who had been interviewed by US interrogators, had described an address given by Osama bin Laden to his troops at Tora Bora on December 3. This had caused some friction between the US intelligence community and General Tommy Franks, who, prior to Operation Anaconda, had pursued a policy of using allied Afghan forces supported only by small numbers of US Special Forces. Thus, at the subsequent battle of Shah-i-Kot, in early March, over a thousand US troops had also been deployed. However, General Franks' spokesman, Rear-Admiral Craig Quigley, said, "We have never seen anything that was convincing to us at all that Osama bin Laden was present at any stage at Tora Bora - before, during or after." He said, "Truth is hard to come by in Afghanistan. You need to see some sort of physical, concrete proof." Moreover, Donald Rumsfeld said that he did not know at the time of Tora Bora, "nor do I know today, of any evidence that he was in Tora Bora at the time." However, he did not deny this possibility. General Myers said that the Tora Bora operation had been in "one of the most inhospitable parts of Afghanistan." He said, "I disagree with this notion of failure." However, it was clear that the three local Afghan forces deployed at Tora Bora had failed to seal off the escape routes.

Critics said that General Franks had not perceived the problem soon enough because he was based in Tampa, in Florida. One defence official said, "No-one had the big picture." Admiral Quigley explained that, at that point in the war, it had been vital to include allies from the Pashtun majority and "not just push them aside and take over because we were America." He said, "Our relations with the Afghans in the south and east were entirely different at that point in the war. It's no secret that we had a much more mature relationship with the Northern Alliance fighters." He added that General



Franks still believed that it had been essential to help the anti-Taliban forces around Tora Bora, "to make sure it was crystal clear to them that we were not there to conquer their country." This was "absolutely the right thing to do." Moreover, although the US did not deploy its 10th Mountain Division at the time, Pakistan's President Musharraf had agreed to move several thousand troops up to the frontier and they had managed to intercept about 300 of the estimated 1,000 *Al-Qa'ida* fighters who had escaped from Tora Bora. These prisoners, who had been handed over by Pakistan, made up about half of the detainees currently held at Guantanamo Bay. However, they included none of the top *Al-Qa'ida* leadership who might have been at Tora Bora. Only two of the top leadership had thus far been accounted for - Mohammed Ataf, who was believed to have been killed by a US Hellfire missile during an air raid, and Abu Zubaydah, captured in the Punjab in March.

By late April, it was reported that the US and Britain were attempting to buy back old Stinger and Blowpipe missiles from the Afghan government to prevent an illegal trade developing in these weapons. The missiles had been supplied to the *mujahideen* during the Soviet occupation. It was also suggested that, after the US casualties during Operation Anaconda, the US had returned to letting Afghan forces again act as advance parties.

Internal security

Apart from the purely military problem of mopping up the remaining pockets of Taliban and *Al-Qa'ida* fighters, which was the overall responsibility of General Hagenbeck and the US-led coalition forces, there were also serious problems of internal security based on threats from other sources. In Kabul, the responsibility for dealing with these threats was shared between the Interim Administration, under Hamid Karzai, and the British-led International Security Assistance Force, under Major-General John McColl. Beyond the capital and its immediate surroundings, however, ISAF's responsibility did not extend, which only helped to make the Interim Administration's authority over the distant provinces more tenuous.

Many of Afghanistan's major regional commanders were members of the Interim Administration. These included the Tajik General Fahim, who was Defence Minister, and the Uzbek General Dostum, who was his deputy. The Hazara General Mohaqiq was, like Fahim, a Vice-Chairman and also Minister for Planning. Others, including the powerful Ismael Khan, the main Northern Alliance leader in the west and the Governor of Herat, had a close

relative in the Cabinet, in Ismael Khan's case his son, Mir Wais Sadeq, the Minister of Labour and Social Affairs. The problems came mainly from the large number of minor warlords, who fought not so much against the Government but against each other for control of territory or lucrative trade routes. Nevertheless, even in Kabul, there was concern at crime, in some cases committed by unpaid soldiers, and by possible political threats to the Interim Administration and to the implementation of the constitutional progress foreseen in the agreements reached at Bonn.

While Hamid Karzai and others, including the UN representative in Afghanistan, Lakhdar Brahimi, had appealed for an expansion of ISAF and for its deployment to Afghanistan's other main cities, important questions remained about the future of the limited force already deployed, particularly about its leadership and funding.

Future of ISAF

On 1 March, Prime Minister Blair accepted that Britain might have to extend its leadership of ISAF beyond the original deadline of 30 April. Turkey, who, in principle, was due to take over, was facing a bill of \$60 million per year to increase its present ISAF contingent of 260 by 1,000, and was clearly not yet in a position to take over. The present British contribution to ISAF was 2,000 troops, the main component being 1,500 soldiers from the Royal Anglian Regiment. US and British officials met Turkish officials to discuss the hand-over of the leadership of ISAF to Turkey. The Turkish government wanted US guarantees of air cover and the continuing presence of the troops of NATO partners in Afghanistan, as well as help to cover the costs. At the UN, it was reported that US and British officials were also considering the possibility of doubling the strength of ISAF to about 10,000 to enable its deployment to Mazar-i-Sahif and Kunduz in the north and Jalalabad in the east of Afghanistan.

On 7 March, the EU's Special Representative in Afghanistan, Klaus-Peter Klaiber, said that extending the mandate of ISAF to cover regional capitals should be "considered seriously". Mr Klaiber said that, without augmenting ISAF, "the political and reconstruction process will not be successful." The EU was already providing Euro 200 million for reconstruction and Euro 25 million for humanitarian assistance in 2002, while troops from EU member states accounted for 90-95% of the strength of ISAF. Mr Klaiber feared that the provinces were being taken over by "warlordism", making it difficult to restore political life or stability.



Other voices were raised in support. Mary Robinson, the UN High Commissioner for Human Rights, wrote in the *International Herald Tribune*, on 12 March, that ISAF "must be rapidly expanded beyond Kabul." She said that without success here, and with the new Afghan security and police forces, "there can be little prospect for ensuring respect for human rights." She added, "The most critical need now is for international security assistance." On 14 March, General Musharraf, speaking in Tokyo, urged that ISAF be deployed throughout Afghanistan without a fixed deadline. He said, "My suggestion is, instead of giving time limits, one should give effect limits." He said, "I think the United States and the International Security Assistance Force should respond to the requests and requirements from the Government of Afghanistan to reinforce their hand and extend their writ all over Afghanistan. It's a different operation that we're involved in now. It involves the demands of the frustrated people of Afghanistan and the Government of Afghanistan." He also considered that the war in Afghanistan was "absolutely over", adding, "Whatever remains to be done, I would call it 'mopping up'."

On 15 March, Donald Rumsfeld said that the coalition partners of the US would have to pledge more money to maintain the peace-keeping operations in Afghanistan. He said that there was little chance of ISAF being expanded. The US was frustrated at the reluctance of its European allies to maintain the leading role in ISAF. ISAF now had 4,500 troops but its funding had only been provided up to the end of June. Germany had refused to take command of ISAF after the British mandate expired at the end of April. Mr Rumsfeld said that, while expanding ISAF might be a good idea, "there's no-one who's volunteering to do it." However, it had generally been agreed that the mission of ISAF would be extended beyond June. He also complained that none of the \$4.5 billion pledged to Afghanistan at the Tokyo Conference had been for security.

However, a few days later, it was announced that a German colonel would take over from a British brigadier as second-in-command of ISAF on 19 March. That same day, at a meeting in New York at the UN, no countries offered to send more troops to join ISAF. Instead, the US and EU member states were considering sending military advisers to help the Afghan forces and to provide financial and other incentives to help accommodate regional leaders with each-other and with the central government. Turkey asked for \$60 million to offset the annual cost of taking over the leadership of ISAF and of increasing its contribution from 260 to 1,260. It was reported that the US might provide half of this.

Then, on 20 March, Vice-President Dick Cheney, on a visit to Ankara at the end of a tour of 11 countries of the Middle East, said that the US had decided not to support an expansion of ISAF. However, he undertook to provide financial aid to Turkey for its peace-keeping operations in Afghanistan. Congress would be asked for an aid package of \$228 million. On 24 March, the British Foreign Secretary, Jack Straw, told the BBC that Britain would extend its leadership of ISAF beyond April because of continuing uncertainty about Turkey taking over. "We said we'd be here for a matter of months...It's going to be extended for a little while but, again, in the long march of history, this is a limited operation."

Another call for expansion came a few days later from Kamel Hussain, a lawyer from Bangladesh and *rappporteur* for the UN Commission on Human Rights. He wanted an ISAF force of around 10-20,000 troops to ensure security. He said, "The first priority in restoring human rights is security. How do you start the rule of law after the rule of the gun for so many years."

The Turkish Prime Minister, Bulent Ecevit, on 5 April, said that Turkey had agreed to take over the leadership of ISAF from Britain. The timing of this remained unclear but June 22 appeared to be the likely date. A week later, Geoff Hoon announced that Britain would continue to lead ISAF until June. At the same time, the NATO Secretary General, George Robertson, said that NATO had offered to take responsibility for planning for ISAF when Turkey took over command in June. Geoff Hoon also told the House of Commons that the British contingent in ISAF would remain well into the summer, even after Turkey had taken over the leadership. On 17 April, Donald Rumsfeld said that the US did not envision using US troops as part of a peace-keeping force. He said, "If the International Security Assistance Force wants to be expanded, fine. If it wants to go to other countries, fine. Who's going to lead it? Who's going to pay for it?" However, on 29 April, Turkey formally agreed to take command of ISAF for the next six-month period, although, again, no precise date was given for the hand-over.

ISAF's work

On 6 March, 3 Danish and 2 German soldiers serving in ISAF were killed and 7 others injured in an explosion at an ammunition dump in Kabul when a missile, which they were attempting to destroy, exploded. The incident occurred at a demolition range 2 km from the German-Danish military base outside Kabul. Denmark's Prime Minister, Anders Fogh Rasmussen, said, "The task of the unit in Kabul is to bring stability to war-torn Afghanistan and to help its people back on their feet. This effort must continue so that the country will not again become a



home for international terrorism." The explosion occurred as the soldiers were setting charges to blow up the missile. Denmark had provided 48 engineers, including specialists for mine clearance, for ISAF in January, as well as 4 F-16s and 1 Hercules transport aircraft. Germany had committed 1,200 troops to ISAF and would take over control of the "tactical leadership" of the multinational brigade from Britain for two months at the end of April, while Turkey would later take over the overall leadership.

The multinational nature of ISAF and its well-integrated teamwork was seen in the running of Kabul city airport (as distinct from Bagram air base). The airport had been placed under the control of Group Captain Steve Abbot of the British Royal Air Force. In his logistics room were British, New Zealand, Spanish and Norwegian staff and one Australian. The airport perimeter was guarded by British and French patrols. Flight Lieutenant Shawn Belles was the only Australian serving in ISAF and was in charge of air movements. There were ten Norwegians. One French soldier received a leg wound in a shoot-out near Kabul airport late on 18 April.

On 1 April, ISAF troops began a major operation against a group of Northern Alliance soldiers in Kabul, who were suspected of having turned to crime. Several of the city's suburbs, where a lot of crime had been reported recently, were "swamped" with ISAF patrols. British and German ISAF patrols had come under fire twice since 29 March. An ISAF spokesman, Flight Lieutenant Tony Marshall, said, "There is some suggestion they are Northern Alliance soldiers stationed on the outskirts of the town and that, possibly, the reason why they are coming in and doing these things is because they are not being paid, they are not being fed and they are not being clothed." The mainly Tajik Northern Alliance force in Kabul had no central organisation but different groups followed their own commanders, who had come together for the offensive against Kabul.

As well as several armed robberies, two people had been killed. Tony Marshall said, "There is going to be a major push for the next week or so. We are throwing a lot of extra resources in there, a lot of extra patrols. ISAF is determined that we will shut off, cut off this particular upsurge in violent crime. We are mounting patrols specifically to try to catch, or at least intercept, these armed individuals coming into the area." The people living in the western suburbs of Kabul were particularly poor. He said, "This is out and out robbery without any ethnic base." He said that local residents had appealed for help against these nightly attacks where people's doors had been kicked down and all their possessions taken. He said that the ISAF crackdown had

the full support of the Interim Administration. However, he also referred to attacks on ethnic Hazaras. On 1 April, 47 automatic weapons had been seized, including 32 from a Pakistani-registered vehicle.

On 7 April, two rockets were fired at the camp used by German and Danish ISAF troops but fell 200 metres from the perimeter fence. The rockets were 107 mm of Chinese make. Four more Chinese-made 107 mm rockets were found in Kabul on 8 April. Three of them were wired up to a crude detonator. Flight Lieutenant Tony Marshall said, "We think this is part of a campaign to disrupt and destabilise the situation here and undermine confidence in the Interim Government and the peace-keepers."

On 9 April, a British soldier of the Royal Anglian Regiment, serving with ISAF, was shot in the head and seriously injured, while on patrol in the village of Barjay, in south-western Kabul, where there had been increasing insecurity, in what was probably an accident. ISAF said that the shooting "did not involve any party outside ISAF." Turkey's Major Can Oz said, "The casualty was taken to the French hospital on the military side of Kabul airport. He has been evacuated in a French C-160." The shot had been fired from a British weapon.

On the lighter side and as growing evidence of the good relations between ISAF and the local Afghan population, on 20 March, a cricket match was arranged between an ISAF team and an Afghan team, at the request of the Afghan Cricket Association. Cricket had almost petered out in Afghanistan under the Taleban and those caught practising, when they should have been at prayer, would be whipped by the religious police. However, the ACA had now received an invitation to take part in the forthcoming six-a-side tournament in Chiang Mai, in Thailand, and wanted some practice. ISAF produced a team made up almost entirely of English players. The Afghan team managed to bowl out the ISAF players in the first innings for a humiliating 56 runs. The Afghans then went on to score 57 for the loss of seven wickets when, after only two hours of play, the heavens opened and the game had to be abandoned because of rain. While the players ran to the shelter of a tent to be provided with an early tea, with scones and jam, the 120 spectators applauded the rain, no doubt pleased after the prolonged drought. Although the match was declared to be a draw, it was seen as a moral victory for the Afghans to avenge the earlier defeat of an Afghan football team by ISAF in February. However, unlike the earlier occasion, which was marred by crowd violence, the cricket spectators were said to have behaved with the "utmost decorum". Moreover, the same could not be said either about a baseball game, which was organised between US forces



and an Afghan team. One American player was kicked in the head and two Afghan spectators were shot in the leg. The unfortunate player happened to fall over near to some spectators, one of whom kicked him in the head. An Afghan guard, who moved in to push back the spectators, unintentionally let off his Kalashnikov gun and two nearby Afghans were hit.

Kabul Plot

On 2 April, Afghan State Television said that General Wahid-ullah Saba'oun, a leading figure in the 1990s, had been arrested on suspicion of plotting against the Interim Administration. In fact, more than 200 people were arrested in Kabul, on 2-3 April, in a crackdown by police and Defence Ministry troops aimed at Gulbuddin Hekmatyar and members of his *Hizb-i-Islami* party. On 3 April, a Defence Ministry spokesman said, "We have information that Gulbuddin has started sabotage operations against the Interim Administration." He said that Mr Hekmatyar, who had fled to Iran in 1996, had returned to Afghanistan and was operating in "one of the border provinces." He blamed Pakistan's Inter-Services Intelligence (ISI) for complicity in the plot.

Mr Hekmatyar, a Pashtun originally from Kunduz, had been appointed as Prime Minister, in 1993, in a power-sharing arrangement with President Burhannuddin Rabbani, shortly after the fall of the Soviet-backed President Najibullah, the previous year. Professor Rabbani, a Tajik, had formed the *Jamiat-i-Islami*, the first of Afghanistan's Islamist political movements, in 1972. However, Hekmatyar promoted a far more radical brand of Islam than that of the moderate and scholarly Rabbani and set up his own *Hizb-i-Islami*. This party, in turn, had split, in 1979, with a rival faction being formed under Younis Khalis, which is thought to have attracted the young Mullah Omar as a member in the 1980s. The 1993 power-sharing arrangement quickly broke down with Hekmatyar turning against Rabbani. Hekmatyar's rocket attacks against Kabul are thought to have caused the death of 50,000 people. He had been supported by Pakistan's intelligence service, the ISI, but, by 1995, the latter had switched their support to Mullah Omar's growing Taliban movement, obliging Hekmatyar to seek refuge in Iran the following year.

Wahid-ullah Saba'oun had been Hekmatyar's chief of security before defecting, in 1997, to the Northern Alliance, which had appointed him as Finance Minister. The Defence Ministry spokesman also said that Saba'oun's assistant, Commander Indriss, had been plotting to blow up buildings in Kabul and had been arrested on 1 April with dozens of co-conspirators. The Afghan authorities claimed that they had broken up a conspiracy to mount a

terror campaign against the Interim Administration and the exiled king, Zahir Shah, who was due shortly to fly home from his long exile in Rome. The conspiracy was linked to Gulbuddin Hekmatyar. However, the details released by the Afghan authorities were scanty. Mr Saba'oun had recently told the *Financial Times* that he had made a clean break with Mr Hekmatyar and explained that his wing of the *Hizb-i-Islami* was now aligned with Mr Rabbani. He said, "It is not the time for fighting. It is time for struggling with pen and not with guns. The parties don't want to fight anymore." The Defence Ministry spokesman dismissed this comment.

By 5 April, there had been more arrests in Kabul. Most of the suspects belonged to the *Hizb-i-Islami*. Some, according to officials, were linked to *Al-Qa'ida*. They were alleged to have plotted bomb attacks and selective assassinations in Kabul to sabotage the forthcoming *Loya Jirga*. Mohammed Naseer, the Director of Security in the Office of the Governor of Kabul, said, "They want to launch a *coup d'état* against the government. These people are linked to both Hekmatyar and *Al-Qa'ida*." Eight Pakistanis, who were detained, were said to have had an arsenal including rocket-propelled grenades and had been based near Kabul airport. It was claimed that they belonged to Pakistan's *Jamiat-i-Islami*, who had been the main backers of Mr Hekmatyar. Mr Saba'oun's house was raided. Afghan officials said that he was in custody but ISAF said that he had fled. It was also reported that some of the detainees were supporters of the warlord Abdul Sayyaf, whose forces controlled certain districts of Kabul and had been blamed for a recent string of murders and robberies. He had already been questioned several times by ISAF over the violent behaviour of his men. ISAF and British military intelligence were reported to have provided information to the Interim Administration about these security threats. However, although Mr Hekmatyar had denounced the Interim Administration as a western puppet, in March, his deputy, Jumma Khan Hamdard, said that the *Hizb-i-Islami* would be prepared to take part in the *Loya Jirga*. On 4 April, another *Hizb-i-Islami* leader, Qutbuddin Hilal, said that those arrested were former members of the group. Almost all those arrested were Pashtuns.

There was some uncertainty as to the precise number of those detained. On 4 April, Younis Qanooni, the Interior Minister, said, in Kabul, that about 140 of the 300 people recently detained had been released. The operation had begun on 1 April. 160 people were still being interrogated. However, on 8 April it was reported that more than 500 had been detained the previous week.

In an interview, on 5 April, Mr Saba'oun disowned any links with Hekmatyar. He said that he had split from him



in 1996. He had not been arrested in the raids earlier in the week but had remained under guard at his house. He said that any weapons seized in his house were those of his personal guard. Saba'oun said that Hekmatyar may have planted dis-information about him and that the intelligence service may have used Hekmatyar as a pretext to crack down on Pashtuns. The same day, Mr Rabbani said, "Unfortunately, this operation might cast doubt on the security." Of General Saba'oun, he said, "He is a trustworthy man. Everyone knows he has cut his links to Hekmatyar." For ISAF, Flight Lieutenant Tony Marshall said that the Interim Administration had not informed ISAF in advance of the crackdown. He said, "Our attitude for the moment is that...if there is going to be some sort of *coup*, please let us know about it."

On 11 April, a joint patrol of ISAF soldiers and Afghan police found 151 Chinese-made 107mm rockets, as well as rocket-propelled grenades, mines and rifles, in a building on the Kabul to Bagram road. Another patrol found two US-made Stinger missiles during a raid on a house in Kabul. Five men were arrested for the earlier rocket attack on the ISAF German-Danish barracks. General Deen Mohammed Joorat, the Chief of Security at the Ministry of the Interior, said that there had been further arrests in the alleged plot to kill Hamid Karzai and Zahir Shah. He said, "We have also arrested a number of people in Kabul for firing rockets on installations of the International Security Assistance Force. These people seem to have links with the Taliban and *Al-Qa'ida*." Flight-Lieutenant Joel Fall said that about 400 Afghan security troops had conducted house-to-house searches in several districts of Kabul and seized grenades, fuses, ammunition and anti-personal mines. Fall said that the find of the rockets was "significant" and said that they would be destroyed.

Regional insecurity

Besides these developments around Kabul, there were several other instances of insecurity in the regions beyond the capital. In the north, renewed clashes were reported, at the end of February, between Uzbek troops under General Dostum and some of General Atta's Tajik troops in Balkh province. More serious were continuing reports of the harassment of Pashtuns living in the north. Pockets of ethnic Pashtuns are found scattered across the northern provinces of Afghanistan, many being descendants of opponents of the Afghan King Abdur-Rahman, who had forcibly settled them there at the end of the nineteenth century. These Pashtuns had proved to be natural allies of the Taliban, when they had succeeded in conquering much of the north after 1996. Freed of the Taliban yoke, many non-Pashtuns in the north sought their revenge.

On March 29, an investigator for Human Rights Watch, Peter Bouchaert, said, "Our research found that Pashtuns throughout northern Afghanistan are facing serious abuse, including beatings, killings, rapes and widespread looting. The interim Afghan government will need much greater support from the international community to bring security and stability to the north." The 60-page Human Rights Watch report detailed attacks on Pashtuns by Uzbek, Tajik and Hazara forces. Bouchaert said, "There was one village where we found that 27 people had been executed. It is quite amazing to go to northern Afghanistan and see the scale of the attacks. You can travel for hour after hour and see villages that have been looted blind. In some cases, even the window frames have been taken." He also appealed for ISAF to be strengthened and deployed in the north.

The Defence Minister, General Fahim, on 4 April, began a tour of regional centres beginning in Kandahar. Here, he held talks with the Governor, Gul Agha Sherzai. Kandahar was now collecting \$1.5 million in tax revenue but was transferring none of this to Kabul. In turn, the Interim Administration had spent no money in Kandahar. In his speech in Kandahar, General Fahim did not once refer to Zahir Shah. By contrast, Gul Agha mentioned the former King 12 times in his speech. Fahim was keen to convince Gul Agha of the need to create a national army. Speaking at a base housing 1,000 Afghan soldiers near Kandahar, he said, "The national Army is the greatest wish of the Afghan people. I am inviting all of you into an alliance that will realise all of our hopes. One day, we will make Afghanistan safe and respected by all our neighbours." Interviewed later, Gul Agha said, "Armies should not belong to persons. An army should belong to the nation." He said, "I am proud to say that my army is very integrated. My chief of staff is a Tajik and my special guard is mainly Hazara." However, Gul Agha complained that the Interim Administration had neglected Kandahar. He said, "We want the central government to have more communication with us, to send us more people here. More ministers should come and visit us. More high officials should come and see what's going on in different parts of the country." The following morning, General Fahim said, "He has quite enough money to pay for everything and to send some of it to Kabul in taxes." However, Gul Agha retorted, "We haven't seen a single penny so far as an allocation from the central government." Several ministers and officials had accompanied General Fahim.

General Fahim's next visit was to Jalalabad to meet local commanders and tribal leaders and to discuss the Government's plans to eradicate heroin production. Two local commanders, Haji Zaman and Haji Qadir, had been accused of being among the



chief heroin producers in the region. However, on 8 April, General Fahim's convoy was passing a crowded market place when a bomb, with a timing device, exploded at the front of his motorcade, about four car lengths away from General Fahim's car. Four people, including local students, who were lining the route, were killed in this attack and 14 others wounded. Another estimate gave 18 injured. Agha Jan, an aide to Hazarat Ali, the main commander in Jalalabad, said, "No one in the convoy was hit and the Minister was taken to a safe area where he continued with his meetings. The plans to disrupt his mission have failed." The Defence Ministry condemned the "assassination plot and attempts to destabilise the country before the *Loya Jirga*." Some people blamed Hekmatyar's *Hizb-i-Islami* for the attack, while others blamed local warlords involved in drug production. The Interim Administration said it had evidence of a plot to kill both Hamid Karzai and Zahir Shah. A number of suspects were subsequently arrested for the attack. In Jalalabad, Mohammed Zaman said, "The security situation in the country is fragile and there are elements within the country who would like to take advantage of that."

Fighting was reported on Afghanistan's western border, on 9 April, for control of the lucrative border posts. This was holding up the repatriation of refugees from Iran at Zaranj. However, 146 crossed over at Islam Qala. On 11 April, a UN spokesman, Manoel de Almeida e Silva, said that an employee of the UN Food and Agricultural Organisation (FAO), Shah Sayed, had been murdered in Mazar-i-Sharif by three assailants, who had entered his house the previous day. Lakhdar Brahimi condemned this as part of a "disturbing pattern" of attacks on humanitarian aid workers. On 14 April, Lakhdar Brahimi met local leaders at Mazar-i-Sharif to discuss security arrangements following this incident.

On 12 April, six people were killed and two others wounded when fighting broke out that afternoon at Dashte Top, 40 km west of Kabul, in Wardak Province. According to Zapt Alokzai, a senior Afghan national policeman, the fighting was between supporters of two commanders, Muzaffar-uddin, described as a follower of Gulbuddin Hekmatyar, and Ghulam Rohani Nangali, who, it was said, was trying to instal himself as Governor of Wardak Province. Kalashnikov rifles, mortars and anti-tank missiles had been used. Those killed were from Muzaffar-uddin's force. However, on 13 April, Commander Muzaffar-uddin, who claimed to be working for the Interim Administration, said that his troops had wanted to disarm Commander Nangali's men because they had been robbing travellers but they had fired on his men. He described Commander Nangali as a royalist. The Governor of Kabul Province was sent to

broker peace between these two rival Pashtun commanders and dismissed the conflict as an "internal problem" between them. He said that neither was challenging the authority of the Interim Administration. The fighting ceased on 14 April.

Then, on 28 April, 25 people were killed and 100 more injured in renewed fighting around Gardez. Padsha Khan's forces attacked with rockets, artillery and tanks in an attempt to oust Taj Mohammed as Governor. During the attack, six rockets hit Gardez Civil Hospital. Taj Mohammed gave Padsha Khan an ultimatum to begin negotiations or face a full counter-attack. He said, "I have talked to him on the walkie-talkie and told him if he does not sit at the table and negotiate within ten days, the government will attack him." Major Hilferty said that US forces had been in contact with both sides in an attempt to calm the situation. However, Taj Mohammed ruled out the possibility of US intervention to settle the dispute.

Training of Afghan national forces

With little prospect of an expansion of ISAF, emphasis was placed on the need to develop and train new Afghan national security forces. On 20 March, a US report, drawn up by military experts, indicated that a force of only 4,000 Afghan troops could be trained by September 2002 and that, by September 2003, the number of trained troops would still only number 12,000. It would cost \$50 million to train 4,000 and a further \$100 million to train 12,000. The experts estimated that an Afghan force of 20-30,000 would be needed to stabilise the country. Two weeks later, at a donors' conference in Geneva, Lakhdar Brahimi appealed for "several hundred million dollars over the next two to three years" to help build Afghanistan's new Afghan National Army and police force.

The Army's first battalion of 600 men completed its training by British and German instructors on 3 April after a six-week course. A three-hour ceremony took place to mark the graduation of the battalion of the new Afghan National Guard. An officer, Captain Ahmad-ullah, said, "Before, Afghanistan had only freedom fighters and militias. Now we have trained officers and soldiers. We know our responsibilities and we have taken an oath to serve the country. We come from every ethnic group and we have been taught not to hate. This is what will make us powerful." However, it was reported that these troops had not been paid and some of them had no weapons. A second battalion would begin training with the US military in May but funding had yet to arrive from Washington.



Constitutional developments

Under the terms of the agreements reached in Bonn, it had been determined that, before the six-month mandate of the Interim Administration expired, a traditional great assembly or *Loya Jirga* would be convened. This would have the task of choosing a new Head of State and the members of the Transitional Administration, which would lead Afghanistan for a further eighteen months. In January, the UN had selected the members of a Special Commission, which would determine how the members of the *Loya Jirga* would be chosen. On 28 February, the Special Commission announced that a system of "indirect elections" would be used and that the *Loya Jirga* would convene in June.

There was considerable speculation as to what role the former king, Zahir Shah, might play and whether he would be considered as a candidate to become Head of State, with or without a formal restoration of the monarchy. A long line of Pashtun Afghan kings had come to an end when Amanullah Shah had been deposed by a Tajik rebel, Bacha-i-Saqqao, in 1929. However, Bacha's rule was but a short interlude before he, in turn, was displaced by Mohammed Nadir Khan, a former commander in Amanullah's army. Nadir Shah, as he became, was murdered in 1933 and was succeeded by his 19-year old son, Zahir Shah. Zahir Shah's 40-year reign is now considered to have been a period of relative peace and prosperity for Afghanistan. However, in 1973, he was overthrown by his cousin, Muhammed Daoud Khan, while on a visit to Britain for treatment to his eye following an accident sustained during a game of volleyball. Daoud had earlier served as Prime Minister from 1953 to 1963. In 1978, Daoud was himself overthrown and murdered in a military coup inspired by the People's Democratic Party of Afghanistan. It was the fierce opposition of the Islamic parties to this and to the growing Soviet influence on the government, which led to the Soviet invasion at the end of 1979. In his exiled home in Rome, Zahir Shah had recently said, "Whatever duties the people of Afghanistan wish to bestow upon me, I shall accept. It is entirely in their hands." In Bonn, it had been agreed that he would open the inaugural session of the *Loya Jirga*.

The King was originally due to return to Afghanistan on 21 March. Then, on 26 March, he had already packed his bags when the Italian authorities delayed his departure because of perceived threats to his life. Only hours before Hamid Karzai and five other Cabinet Ministers were due to board a plane to take them to Rome, on 24 March, they were informed by the Italian authorities of the postponement. Aviation Minister, Zalmay Rassoul, said, "This was not our decision. Our toothbrushes were packed, the King was

ready and eager to come and we were ready to take full responsibility for his security. Now the Italians say there is a threat but they have not told us what the problem is." Mr Rassoul was in charge of preparing Zahir Shah's welcome in Kabul. It was reported that President Bush had telephoned the Italian Prime Minister, Mr Berlusconi, to warn him of threats to Zahir Shah. Italy had also received "alarming reports" from its own military intelligence about plans to assassinate the ex-King on his return to Kabul. There were no plans for ISAF to play any direct role in protecting the King.

Choosing the Loya Jirga

On 31 March, the Independent Commission announced the plans and rules for the *Loya Jirga*. It would have 1,500 members. The largest group, comprising 1,051 members, would be chosen by indirect election according to tribal custom. Starting on 13 April, electoral districts throughout Afghanistan would each choose 20-60 representatives "in the traditional way", who would then vote by secret ballot to choose the 1,051 members. A further 399 members would be selected from refugee groups, exiles, nomads, women, traders, Islamic scholars, intellectuals, educators and other professional groups. These would include at least 160 women, although only 6 seats would be guaranteed for Islamic scholars. The 21 members of the Independent Commission and 53 officials from the Government would also take part. The Commission said that any Afghan, who had not had ties to terrorist groups or been involved in crimes, such as looting, smuggling, "killing of innocent people" and war crimes or human rights abuses, could be "elected" to the *Loya Jirga*. This could even include members of the former Taleban militia and armed political factions. The Independent Commission would have the power to disqualify members of the *Loya Jirga* for such past offences. To protect the process against violence or sabotage, UN and Afghan monitoring teams would be present at the local elections for candidates. In extreme cases, voting could be moved to safer locations in 8 regional observation centres, which would be set up in the main cities and controlled by the Independent Commission, which would rule on any disputes. Such rulings would be final. The *Loya Jirga* would sit from 10 to 16 June.

The Chairman of the Independent Commission, Ismael Kasimyar, told a news conference, "Our endeavour has been aimed at ensuring the rights of the Afghan people to freely choose their own destiny and political future. We have done it without fear and without feeling any pressure from anyone." Michael Semple, the Chief UN Adviser to the Independent Commission, said, "The effort has been to find the right balance between pragmatism and principle and I think they've got it just



about right." Commission members said that the *Loya Jirga* would proceed on schedule, even if the former King had not returned by then. Otherwise, Zahir Shah would open the inaugural session and then retire once a chairman had been elected. The Northern Alliance commander, Abdul Rasul Sayyaf, said, "If the *Loya Jirga* comes through the wish of the Afghan nation, then it will solve the problem of peace. If this *Jirga* was created by the selection of others, then the problem will remain."

On 1 April, former President Burhannuddin Rabbani, the leader of the *Jamiat-i-Islami* party, said, "The King should understand something. Leadership in Afghanistan comes as a result of years of struggle and the King has been away for thirty years." Mr Rabbani, who had been driven from Kabul by the Taliban in 1996, had returned to the Presidential Palace after the Taliban had abandoned Kabul, in November, but had given way to Hamid Karzai after the Interim Administration had been installed, on 22 December. He said, "Until yesterday, our party was armed. Now, we want it to be a peaceful bloc." He said, "We want to broaden our political bloc, broadening by including people from the south and from the emigration. We would like more Pashtuns, tribal leaders, personalities from the south." He said, "As long as the *Jirga* is representative of the Afghan nation and not imposed by someone else, we will respect whatever decision it takes." Mr Rabbani was thought to aspire to being chosen as Head of State by the *Loya Jirga*, rather than Zahir Shah.

More than one thousand tribal elders, on 15 April, gathered at the Turkmen village of Mardian, near Mazar-i-Sharif, in northern Afghanistan, to select representatives to the *Loya Jirga*. Every village in Afghanistan would be consulted to send one or more representatives to meet in regional assemblies to elect the 1,051 members to make up the *Loya Jirga*. Lakhdar Brahimi watched the process with General Dostum. The selection process was to last 45 days. Mr Brahimi said, "This is a new era for Afghanistan. Everyone realises at long last that the long night of conflict is coming to an end. I think the people of Afghanistan are going to put the conflict behind them and start rebuilding the country." As Northern Afghanistan had been largely peaceful for several months, it was decided to begin the selection process there. Pashtun concern, that the new administrative arrangements might be dominated by the Northern Alliance, was expressed by Pir Seyd Gailani, the Pashtun leader of the *Mahaz-i-Milli-i-Islami* and of the Peshawar Group of exiles. He said, "If the Pashtuns see they have been ignored by the government, definitely they will react. I am not saying they will join *Al-Qa'ida*. Maybe they will make a new movement. *Al-Qa'ida* was

not popular. It is not the issue. The issue is Pashtun reaction."

Return of Zahir Shah

Hamid Karzai said that he would travel to Rome on 16 April to accompany Zahir Shah, a distant relative, back to Afghanistan on 17 April. Major Can Oz of ISAF said, "There were incidents but the security situation has improved." The following day, Dr Abdullah, the Foreign Minister, who had travelled to Rome with Hamid Karzai and several other ministers to escort the former king back to Afghanistan, said that his *Jamiat-i-Islami* faction would not oppose a restoration of the monarchy if the *Loya Jirga* agreed to it. He said, "That is a decision for the Afghan people."

Zahir Shah, now 87, flew back to Kabul with his entourage in an Italian military aircraft on 18 April. Upon his arrival, he was first greeted by Gul Agha Sherzai. Flowers were presented to him by General Dostum. Hamid Karzai said that Zahir Shah's presence in Afghanistan "will add peace and stability to Afghanistan." General Fahim was absent from the ceremony but Dr Abdullah said that his absence "had no political meaning whatsoever." In a statement read on television, on 21 April, Zahir Shah made his first official remarks since his return. He said, "I am not here to seek the monarchy but to help my people and to be close to them." He expressed his "full support" for Mr Karzai. He said, "I am here to try and help after all the mistakes which have been made in the past." British officials warned of a plot to assassinate Zahir Shah by terrorists posing as journalists, the tactic used by *Al-Qa'ida* to kill General Ahmed Shah Massoud, the Northern Alliance military chief, in September.

On 21 April, in a speech to Afghanistan's Muslim *Ulema*, Burhannuddin Rabbani warned against foreign interference in the *Loya Jirga*. He said that the elections might be "rigged" and designed to exclude Islamic fundamentalist parties, such as his *Jamiat-i-Islami*. Referring to the Chairman of the Commission, Dr Ismail Kasimyar, Mr Rabbani said, "I want Mr Kasimyar to take note, because some of his friends have said that *mujahideen* will not be selected for this *Loya Jirga*, that the Commission will cross out their names. That shouldn't happen. The *mujahideen* are patriots who fought against Afghanistan's enemies." However, Dr Sadeq Mudaber, a member of the Independent Commission, said, "The *Loya Jirga* procedures do not single out any religious groups or political groups. We just determine the criteria for people who can be elected." Mr Rabbani, who had made clear that he would seek election as President when the *Loya*



Jirga met, feared that these restrictions could be applied unfairly to the *mujahideen*.

On 28 April, Kabul was in festive mood as celebrations were held to mark the tenth anniversary of the ending of the Soviet-backed regime of President Najibullah, in 1992, which had marked the triumph of the *mujahideen* after their long struggle against the Soviet occupation. The Soviet forces had withdrawn three years earlier.

Reconstruction and humanitarian aid

On 28 March, the UN Security Council authorised a new mission to Afghanistan, the UN Assistance Mission in Afghanistan, which would last for 12 months, with Lakhdar Brahimi at its head. It would have considerable power over "the planning and conduct of all United Nations activities in Afghanistan." Unlike the UN operation in East Timor, the Afghan administration would retain most of the responsibility for reconstruction. A week earlier, on 20 March, Lakhdar Brahimi, speaking of the military operations in Afghanistan, had said, "We recognise the necessity and the legitimacy of why this has started. However, we share the anguish and concern about some of the negative effects and - this is a horrible word - collateral damage. This is a source of concern to everyone, not least the Americans. We very much hope the reconstruction can take place and hope it will gather momentum." He said, "The work of the coalition is not part of our operation and I hope it will not stand in the way of our operation."

In terms of humanitarian relief, some noteworthy progress was being made. The World Health Organisation had prepared a \$60 m. health plan with the Interim Administration and Baroness Nicholson, who has been appointed the WHO's Special Envoy, said that it would be "less about buildings and more about health care." The plan would include the provision of travelling clinics. By early March, the World Food Programme had supplied wheat and, in some cases, beans and cooking oil to 6.5 million Afghans. Many isolated villages, however, being several days ride by donkey from the nearest road, took longer to supply. There were reports that, in some cases, parents had sold their children, in order to save themselves and their children from starvation. Many people had been reduced to foraging for grass to have something to eat. Others died of starvation. More encouraging news came with the announcement, on 17 March, that President Bush had raised \$4.5 million from his appeal to US school children for each to give \$1 to help the young people of Afghanistan. Moreover, following the receipt of aid from the US and Europe, Kabul University had re-opened on 22 March. There were new windows in the buildings, new books in the library and teachers and new students, including women

for the first time in 6 years. Also, 1.5 million girls had started school on 23 March. Then, on 5 April, it was announced that Afghanistan, lacking all but the rudiments of a national telephone network, would develop a portable telephone system. This would be provided by the Afghan Wireless Communication Company in a joint venture between the Afghan Ministry of Communications and the New Jersey based Telephone Systems International, a subsidiary of the British-based Network Telecom. So far, only Kabul could be reached by the new system but it would be extended to Herat, Mazar-i-Sharif, Kandahar and Jalalabad in the next few weeks. \$50 million had been raised from shareholders for the scheme.

However, much less progress had been made in tackling the real problem of economic reconstruction. By early April, only about \$360 million of the \$1.8 billion pledged at Tokyo in January for reconstruction in Afghanistan in 2002, had been received by the Interim Administration. Most of this money had gone to pay salaries. Projects had not been begun. A two-day meeting between the Interim Administration and aid donors started in Kabul on 10 April, where the Interim Administration presented its recently prepared budget. Hamid Karzai told the international donors that a lack of money for projects, which would aim to create jobs, would be the catalyst for a revival of terrorism and power struggles between rival warlords. In reply to criticism of bureaucratic delays within Afghanistan, he said, "We will not remove our 'red-tapeism' unless you remove yours." He said, "We've only so far given hope to the Afghan people but no reconstruction." He said, "Don't expect us to give you a report every month. We will give you a report when we like to give you a report. There are too many groups of donors, reconstruction groups, assistance groups. I don't know the names of all of them." He said that donors were too interested in social projects and not infrastructure. He said, "If the international community is really serious in seeing Afghanistan secure, it must help Afghanistan begin on reconstruction of infrastructure projects - the first of which is roads. When we speak about these projects, no-one is interested." He also complained that the aid organisations were luring away the best Afghans. "You are rich people. You have a lot more money and your salaries are higher. A lot of ministries have raised complaints." The question remained as to how the Interim Administration could finance its proposed budget of \$460 million. The Interim Administration said that it could provide around \$80 million from taxes. However, many of the regions were not remitting revenue to Kabul. During the conference, several aid donors expressed concern at the security situation.



The EU Commission reacted sharply to Hamid Karzai's remarks at the Kabul aid conference. The Commission prepared a note, which was supported by the IMF, saying that little in the way of support to the Interim Administration's budget would be expected from the EU until the Interim Administration began to establish a transparent fiscal and monetary system. This note would be put to the Foreign Ministers at their meeting in Luxembourg. While the Interim Administration called for an expansion of the ISAF mandate, the Commission claimed that political stability would be impossible to achieve in Afghanistan without some economic framework and economic stability. The Note said, "Donor support - apart from humanitarian aid - requires some economic stability to be effective and budgetary support requires a clear fiscal and monetary framework." The Commission felt that the Interim Administration should consider three options in seeking to attract budgetary support. It should introduce a full "dollarisation" of the economy, drawing up its budget in dollars, while allowing local currency to circulate, or establish an independent central bank with a non-inflationary mandate. The draft Afghan budget for recurrent expenditure was \$460 million, of which international donors were requested to provide \$377 million. \$200 million was earmarked for salaries. The EU officials said that, as long as there was no independent central bank or strong currency, decisions about the size of the civil service, its salaries, and the share of expenditure for the army would be undermined, especially if there was an "indiscriminate printing of money". Also, a recent Commission decision to provide an additional budgetary support, along with Euro 14 million in disbursements allocated for a UN fund, would be delayed without monetary reforms.

Agriculture and opium

Crucial to the revitalisation of the Afghan economy was the development of agriculture. However, in some regions, this was complicated by a resurgence in cultivation of the opium poppy. The Interim Administration announced that, from 8 April, it would offer Afghan farmers \$250 for each *jirib* of opium poppies which they had grown (a *jirib* is equivalent to about 0.2 hectares). Hamid Karzai, in a decree issued on 4 April, warned that the Ministry of the Interior and the provincial and district authorities would "carry out enforcement" against those who refused the offer and attempted to harvest the opium crop. The price was more than the farmers would earn from an equivalent crop of wheat but considerably less than they could make from selling the opium to drug dealers. The decree said, "The holy religion of Islam is categorical about the evil impact of drugs. We are determined to eradicate the poppy crop." The US and other western countries were paying

for this programme. It was estimated that the current crop would produce about 4,500 tons of opium, which would be enough to produce 450 tons of heroin. However, the UN Drug Control Programme gave a lower estimate of only 270 tons of heroin. In recent years, around 150 tons of Afghan heroin entered European markets annually.

The decree rapidly ran into trouble in southern Helmand province, when inspectors tried to pay opium poppy farmers for their crop. 2,000 local Shenwari tribesmen, who had grown poppies on their farms, were protesting that the prices paid to destroy the opium crop were insufficient. When some of the protesters got out of control, a gunfight developed in which Government troops shot and killed 8 farmers and injured between 16 and 35 others.

The problem was illustrated by the case of one such farmer, Mr Musa. He had grown one-third of a hectare of opium poppies, which had cost him \$600 to plant and cultivate. Once harvested, the crop would be worth \$10,000. The UN Drug Control Programme said that the main eradication effort had yet to start. Most farmers were in debt to the suppliers, who gave them credit for the poppies to be planted. The money offered by the government would not be enough to enable the farmer even to cover his costs. Helmand Province grew about half of Afghanistan's opium crop. Moreover, with the announcement of the government's eradication campaign, the prices had increased rapidly. The UNDCP said that, while a kilo of opium would have sold for \$30 in February, the same amount would now fetch \$395. Another farmer, Abdul Hakim, explained, "The demonstration was to tell the government they need to compensate us if they will destroy our crop. We are so poor. Poppies are the only way we can feed our families." The Governor of Helmand Province, Mullah Sher Mohammed, said that he was following the Interim Administration's instructions. He said, "Opium is *haram* (forbidden) according to Islam and it is the duty of the government to eradicate it." He said that "Afghanistan's enemies" had provoked the violence. His forces had begun to eradicate opium poppies in the village of Nad-i-Ali, near Lashkarar, the provincial capital. The UN estimated that, in 2000, 80,000 hectares had been planted with opium poppies. The following year, after Mullah Omar's ban on poppy cultivation, only 5,000 hectares had been grown. The UNDCP estimated that, in 2002, between 40,000 and 60,000 hectares had been cultivated. Some farmers claimed that they had been told that, if the Taliban were defeated, opium cultivation would be tolerated. Sher Mohammed described such claims as "fantasy".



Earthquakes

During the months of March and April, severe earthquakes struck northern Afghanistan, on 3 March, 25-26 March and 12 April. They all occurred in the Hindu Kush mountains and resulted in heavy loss of life and destruction of property. Mercifully, with such a large humanitarian relief operation already underway in Afghanistan to cope with the general social and economic crisis, relief to the earthquake victims was both rapid and effective. However, it was a very demoralising blow to the Interim Administration and to the Afghan people. The first earthquake, measuring 7.2 on the Richter scale, struck at 4.38 pm, on 3 March. It was felt as far away as Islamabad and Dushanbe. In Kabul and Jalalabad, 5 people were killed and 31 injured. The epicentre of the earthquake struck Samangan Province and provoked a landslide, burying about 100 people, and also clogged a river, which submerged 300 homes in the village of Zow.

On 25 and 26 March, two further earthquakes destroyed much of the district of Nahrin, in Baghlan Province, which has a population of 85,000 and is 160 km north of Kabul on the northern side of the Hindu Kush. It is also 190 km south-east of Mazar-i-Sharif. The first tremor was at 7 pm on 25 March and measured between 6.0 and 6.2 on the Richter scale. This was followed by a number of aftershocks until a second tremor, measuring 5.0, struck during the morning of 26 March. The epicentre of the second, more destructive, quake hit Nahrin itself, the district capital and a town of 10,000 people. 90% of Nahrin was destroyed, as were half a dozen villages in the area. The town is 4½ hours by road from Mazar-i-Sharif. Two lorries crashed in the Salang Tunnel, on the main road between Kabul and the north, because of the earthquake, causing it to be closed. Moreover, two of the three usable roads into the area had been blocked by the earthquake. Rescue efforts were also hampered by unexploded mines and ordnance in the area. Nahrin had been on the former frontline between the Taleban and the Northern Alliance.

The Interior Minister, Yunus Qanooni, said, "It was a very heartrending catastrophe. About 2,000 died. The bodies of 1,800 have been pulled out of the rubble but many more are still buried. More than 3,000 have been injured and 30,000 displaced. It is beyond the Interim Government to deal with this tragedy. We ask all international agencies to help us in this emergency situation." 1,500 homes were also reported destroyed. The regional commander in Baghlan, General Ali Khalil, after flying over the area, said, "From the helicopter, we could not see one single building standing in and around Nahrin. People are bringing out the dead bodies of their families into the yards of their houses and on to the

streets." Hamid Karzai cancelled a visit to Turkey. He said, "We are sending rescue teams but aftershocks are making relief efforts dangerous. We need all the help we can get." While aid relief had been progressing well prior to 25 March, nearly all of the relief supplies sent recently to Nahrin had been lost in the earthquake and many people now had no food, water or shelter. A UN and ICRC team left for Nahrin and ISAF, whose HQ in Kabul was temporarily evacuated, sent two reconnaissance teams in Chinook helicopters to investigate. The EU's aid agency, ECHO, and *Médécins sans Frontières* sent 500 tents and 1,000 blankets. The WFP immediately sent 158 tons of food with 394 tons more on their way. 20,000 survivors were said to be still at risk. A UNHCR spokesman, Yusuf Hassan, said, "A horrifying picture is emerging, with massive destruction, many dead and whole villages raised to the ground. The area was already seriously affected by war and drought and this is a new calamity." Yusuf Nooristani, a spokesman for the Interim Administration, said, "There are a lot of destroyed houses, a lot of displaced people looking for assistance. It is really a chaos."

Further aftershocks were felt on 27 March, the most intense being 5.2. There were more landslides. Hamid Karzai spent 3 hours in the area and was heckled in Nahrin. The UN said that the final death toll would be around 800-1,200. The Defence Ministry put it at 2,000. The ICRC said that 750 bodies had been pulled from the rubble and 500 remained buried. Although the earthquakes had left 100,000 people without food or homes, Stephanie Bunker, the spokeswoman for the UN Assistance Mission in Afghanistan (UNAMA), said that several Chinook helicopters had landed at Nahrin, on 28 March, loaded with wheat, blankets, California dates, water and army rations. Moreover, the blocked roads had now been cleared and substantial quantities of emergency supplies had now arrived. 2,000 tents, 10,000 blankets and 1,000 tons of food were delivered in little over a day after the earthquake. Warm clothing, mattresses and cooking utensils were on their way. UNAMA set up a temporary compound on 27 March. The ICRC sent 400 first aid kits. MSF sent two medical teams. ISAF was able to fly in supplies in C-130 transport aircraft to Mazar-i-Sharif. However, the more isolated of the 42 villages affected had not yet been reached. Ms Bunker said that survey teams had visited 48 of around 100 villages in the area to assess damage. A medical centre, equipped by the Public Health Ministry, had been set up in a tent. The Health Minister, Dr Sohaila Siddiqui, worked alongside doctors and nurses until late in the night. MSF set up a second medical centre in another tent. A Russian mobile hospital was being sent from Tajikistan and ISAF was sending a mobile medical unit, staffed by 4 doctors and 8 medics. Pakistan sent a C-130 with tents, blankets and medicines. The UN said that



20,000 tents, 160,000 blankets and 10,000 mattresses were needed. Nahrin has a large, isolated Pashtun population. Baghlan Province is part of the region administered by General Dostum.

Then a third earthquake, measuring 5.8 on the Richter scale, hit northern Afghanistan at 8.30 am on 12 April. Part of a mountain collapsed near to Khost Freng, about 160 km north of Kabul. The Interior Ministry said that at least 50 people had died and 150 injured in three neighbouring villages. Most had died in Doabi, a village of around 3,000 people. A UN official, Farhana Faruqi, said that Doabi had been completely levelled. She said, "It's basically all flat. Not a single house is standing there." Local residents evacuated the area. 40 of the 50 victims were children.

Refugees return

One sign that the overall situation in Afghanistan was improving was the steady return of refugees. There were some 3.2 million refugees in Pakistan and somewhat fewer in Iran. The UN's programme for the repatriation of Afghan refugees began on 1 March. The UNHCR had set a target for 400,000 refugees to return during 2002. UNHCR teams would provide each refugee with a package including \$20 to pay for transportation home, as well as food and blankets.

In early March, Afghanistan had delayed signing an agreement with Iran and the UN for the return of several hundred thousand refugees, which had been due to begin in April. Iran had 2.35 million registered Afghan refugees and many more un-registered. Many worked as construction workers and did not live in camps. Iran's new Deputy Interior Minister, Ahmad Hosseini, said all would return within 2 years. The UNHCR set up 14 offices around Afghanistan. There were a number of incidents. For example, on 9 April, 14,000 refugees in a convoy of 700 vehicles, who were returning from Pakistan, were pelted with stones on the road between the border town of Torkham and Jalalabad. The same day, the UNHCR said that 160,000 refugees had been helped to return from Pakistan in the past month.

There was also the serious problem of internally displaced people. On 24 April, it was reported that US troops were now providing supplies to refugee camps for those displaced from their homes on the Shomali Plain, north of Kabul, where thousands were living in poverty. Many had been given tents, which they had put up next to their ruined houses. However, many had been living like this for three months without any means or help to rebuild their homes. Villagers said that the UNHCR had provided the tents, together with two

days supply of food and a little coal for the winter weather but then nothing. Many were sleeping seven or eight in one tent. About 100 families were returning every week from the refugee camps. The Taleban and *Al-Qa'ida* forces had carried out a "scorched earth" policy in their long campaigns against the Northern Alliance for control of the Shomali Plain, on the orders of Mullah Omar and Osama bin Laden. This was to deny this fertile land to the Northern Alliance.

Other developments

There were a number of other miscellaneous developments. Documentary evidence, amounting to 5,000 pages, which had been collected by reporters of the *New York Times*, indicated that most of the 20,000 recruits, who had passed through the dozen or so *Al-Qa'ida* training camps in Afghanistan, had received only basic infantry training. This was to shore up the Taleban forces in their struggle against the Northern Alliance. Terrorist training had only been provided for a small number of recruits. The recruits came under the auspices of several militant groups, each of which ran their own training camps. However, the courses given in religious indoctrination and military training were very similar. Parts of the same Arab-language training manuals were found in camps run by *Al-Qa'ida*, the Islamic Movement of Uzbekistan and Pakistan's *Harkat-ul-Ansar* (later called *Harkat-ul-Mujahideen*). From the mid-1990's, the recruits came to Afghanistan from more than 20 countries, including Pakistan, Uzbekistan, Turkmenistan, Tajikistan, Kyrgyzstan, Syria, Egypt, Morocco, Algeria, Jordan, Turkey, Iraq, Kuwait, Saudi Arabia, Yemen, Libya, Sudan, Somalia, Bosnia, Bangladesh, China (Xinjiang), Malaysia, the Philippines, Russia, Britain, Canada and the US. The Northern Alliance troops had been struck in awe at the willingness of these volunteers to die for the cause.

A new video film produced by *Al-Qa'ida* was broadcast by the television station *Al-Jazeera*, on 15 April. However, only old footage was shown, including some shots of Osama bin Laden. There was speculation that the video might have been released to coincide with the Israeli military operations in the occupied Palestinian territories of the West Bank and Gaza. In addition, the pan-Arab newspaper, *Al-Hayat*, published ostensible excerpts from a statement by Mullah Omar, who had remained silent since November. It said, "The war against Islam and Muslims is a flagrant crusaders' war. The Jews and Americans are one army on one mission in their war against us and are co-operating openly to implement it." Muslim countries were accused of making this possible by supporting the US in "its war against Islam in Afghanistan, carried out under the name of a war against terrorism." The statement called on the



Palestinians to be patient and said, "Our American and Jewish enemies will lose at the end of the battle."

On 7 April, UN investigators found evidence of three mass graves near Bamiyan, which were believed to contain the bodies of at least 35 ethnic Hazaras, both adults and children. The UN spokesman, Manoel de Almeida e Silva said, "Representatives of the Hazara community in Bamiyan believe the graves contain bodies of members of their community killed ... approximately one month before the fall of the Taleban." It was also thought that, earlier, in 2001, 178 Hazaras had been killed by the Taleban around Bamiyan in retaliation for guerrilla attacks. At the same time, the Taleban had blown up the great Buddha statues. All the modern buildings in Bamiyan had been blown up by the Taleban before they withdrew. Hazara leaders said that 15,000 of their people were killed by the Taleban. However, Tajik troops had also been accused of killing around 700 Hazaras in Kabul before 1996. The Shia Hazaras, of Mongol stock, had been practically independent, before being subdued by King Abdur-Rahman, in 1896. Usually treated as menials by the other ethnic communities, the Hazaras now number some 3-4 million. Hamid Karzai visited Bamiyan, on 9 April, and addressed a crowd next to where the giant Buddha statues had been. He described their destruction as "a national tragedy" and said that the government would rebuild them.

At a conference organised by the Ministry of Information and Culture, on 22 and 23 April, and funded by UNESCO, an attempt was made to revive the Afghan tradition of peace and tolerance found in the sect of Sufism. This had been neglected during 23 years of militant Islam. Hamid Karzai, who opened the conference, said that he hoped that Sufism "will rehabilitate the self and society as a whole." On a somewhat different note, an attempt was also made to revive the traditional sport of Buzkashi, played on horseback between two teams using the carcass of a headless goat. This popular sport, known only to the Afghans, had been banned by the Taleban. The Defence Minister, General Fahim, owns several of the best horses for the game and his players often win, which helps to maintain his popularity.

Postscript

Thus, the months of March and April, 2002, saw both a winding down of the war and important progress in consolidating the constitutional settlement agreed to earlier in Bonn. The efforts of the US-led coalition appeared to have marginalised the Taleban and *Al-Qa'ida* as a fighting force, although there were fears that they might yet launch a "spring offensive" against the coalition, a concern expressed by Donald Rumsfeld

during his visit to Kyrgyzstan at the end of April. In addition, continuing rivalries between local warlords meant that insecurity was still an important factor. In and around Kabul, however, the security provided by ISAF was enabling life to return to normal and a measure of prosperity to develop. Relations between the Interim Administration and the UN mission under Lakhdar Brahimi had progressed well and this offered the prospect of a relatively smooth transition from the Interim Administration via the *Loya Jirga* to the Transitional Administration, which would take over at the end of June.

Much of the credit for this encouraging state of affairs could be placed at the feet of the Chairman of the Interim Administration, Hamid Karzai. However, he was still faced with the major problem that the rule of the central government over the provinces was still tenuous. One of the provincial governors, Saleh Mohammed Zari, from Faryab Province in the north-west, complained, "We don't have any contact with the central government." Mr Zari had an office without furniture, electricity or telephone and none of his staff had been paid. Hamid Karzai, while on a visit to Jalalabad for a memorial service to Abdul Haq, his ally who had been killed by the Taleban early in the war, said, "We don't have contact with the provinces but that's not the same thing as not having power. When we call a governor and tell him to come, he is here the next day."

Mr Karzai's other main preoccupation was the sluggish rate of disbursement of the international funds pledged at Tokyo, in January, and the frustration of the Afghan people that concrete reconstruction projects were so slow to get started. It was unfortunate that the aid meeting held in Kabul, in April, ended in acrimony. Perhaps the donor community should organise an international assistance force of accountants and bankers to help the Afghan government make the required progress with their currency and auditing procedures. The fate of recent Afghan leaders is not very encouraging. In 1978, Mohammed Daoud was shot by his guards in the Presidential Palace. The following year, Mohammed Tarahi was smothered by a pillow. Major-General Najibullah, having been kept a prisoner at the UN compound in Kabul by President Rabbani, was taken by the Taleban, in 1996, disembowelled and hanged from a street pole. Hamid Karzai said recently, "A little civility is what Afghanistan needs. If I had guns, people would hate me. Who wants guns?"

The US and its western allies have a major asset in Mr Karzai, who is clearly much admired by his colleagues in the Interim Administration and, to a large extent, in Afghanistan as a whole. It is startling to



recall that, in the early stages of the war, he somewhat narrowly escaped being killed - by an American bomb. The details of this incident emerged only recently. In early December, when Hamid Karzai was leading a force of Afghans against the Taleban, near Kandahar, he had been slightly injured by a mis-directed 2,000 bomb dropped by a B-52. Three US Special Forces soldiers, part of a small team accompanying his group, and five of his own Pashtun troops were killed in the incident and a number of others injured. The error had occurred when the US operator of a global positioning system device, called a Precision Lightweight GPS Receiver, or "plugger", was obliged to change the battery in the device between one air attack and the next. He failed to realise that, in doing this, the co-ordinates, which he had programmed into the device to indicate the position of the Taleban forces some kilometres away, automatically returned to indicate the "plugger's" own position. Thus, whereas an attack launched by a Navy F/A-18, only a few moments before the battery gave out, had hit the Taleban target, by not re-programming the "plugger" after inserting the new battery, the B-52 sent its bomb plunging, minutes later, towards the Americans and Hamid Karzai's men. The senior US official, who explained this mistake, said, "It is not a flagrant error, a violation of procedure. Stuff like that, truth be known, happens to all of us every day. It's just that the stakes in battle are so enormously high." However, he conceded that the Army and Air Force had a serious training problem that needed to be corrected.

If the US bombing operations unfortunately managed to score a limited number of "own goals" (highlighted by the more recent incident involving the Canadian light infantry), the number of civilian Afghan victims of the bombing was much higher. On 7 April, several of the families of these victims presented a petition to the US embassy in Kabul. An 8-year old girl, who had lost 16 relatives in the bombing, handed a folder of petitions from 400 families to Michael Metrisko, head of the political and consular section of the embassy. The San Francisco-based organisation, Global Exchange, which had supported the petitioners, claimed that about 2,000 families might have suffered losses in the bombing. In particular, 300 people are thought to have died in bombing in and around Kunduz and around 300 more in villages in eastern Afghanistan. Marla Ruzicka, of Global Exchange, said, "It is the responsibility of the US Government to do a survey and to help the innocent victims impacted by the air campaign." Mr Metrisko said, "I am telling them that we are trying. We hope we can help but I cannot make a commitment." He said that Afghans had been handing in petitions since January. "The embassy has recommended that a positive response be given," he said. However, neither the Defence Department nor the State Department had yet replied. He

said, "You cannot imagine how difficult it is to listen to stories like this and not be able to give an answer." Amina's father, Juma Khan, a cobbler from Khanabad (near to Kunduz), said, "He said he would try to help but I don't know when." ■

Note on Sources

The source material used in the preparation of this article is based largely on reports from the following correspondents:

The International Herald Tribune

John Mintz, Brian Knowlton, Susan Glasser, Michael Gordon, Thomas Ricks, Peter Baker, Thom Shanker, Douglas Jehl, Barry Bearak, Pamela Constable, Patricia Grossman, John Ward Anderson, Bradley Graham, Dexter Filkins, Doug Struck, David Rohde, C.J. Chivers, Peter Bouckaert, Saman Zia-Zarif, Katherine Seelye, Vernon Loeb, Raymond Bonner, Elizabeth Olson, Kamran Khan, Karl Vick, Seth Mydans, James Dao, Carlotta Gall, Howard Schneider, Barton Gellman, Dana Priest and Ghulam Khan;

The Financial Times

Charles Clover, Jack Redden, Betty Liu, Andrew Parker, Guy Dinmore, Richard Wolffe, Miranda Green, Farhan Bokhari, Victor Mallet, Carola Hoyos, Alexander Nicoll, Bettina Wassener, Clare MacCarthy, David Stern, Judy Dempsey, Edward Alden, Brian Groom, Haig Simonian, Mark Nicholson, Mark Turner, Jimmy Burns, Leyla Boulton, James Mackintosh, Alan Beattie, Heba Saleh and Ken Warn;

The Independent

Andrew Buncombe, Rupert Cornwell, Christine Hauser, Mehrdad Balali, Kim Sengupta, Paul Waugh, Paul Kelbie, Christopher Bellamy, Kathy Gannon, Justin Huggler, Burt Herman, Peter Popham, Patrick Cockburn, James Palmer, Chris Gray, Todd Pitman, James Clark and Richard Lloyd Parry; and

The Guardian

Rory McCarthy and John Hooper.

Additional background information was taken from: Peter Marsden, "The Taliban - War, Religion and the New Order in Afghanistan", Oxford University Press and Zed Books, 1998.

THE EUROPEAN PARLIAMENT

by John Quigley

Strasbourg Plenary 11th-14th March

Women and Fundamentalism

Following the report by María Izquierdo Rojo (PSE) in the Committee on Women's Rights and Equal Opportunities, Parliament adopted a Resolution, on 13th March, on women and fundamentalism. The Committee report was adopted under the own initiative procedure. The Resolution states that the promotion and protection of human rights is "one of the cornerstones" of the EU and of its relations with third countries. EU foreign policy should be shaped and implemented on the basis of respect for human rights and democracy and that violent and degrading punishments, such as flogging or stoning, should become the subject of action by the EU at CFSP level. No political or religious movement could be above respect for fundamental human rights. Immigrant women in the EU should be informed of laws protecting them against discrimination that would enable women to end a harmful practice without impinging on their culture. Under the terms of the Resolution, Parliament wants the Commission to undertake a study on fundamentalist attacks, violations of human rights and on discrimination. Equally, the Council, under the terms of Co-operation or Association Agreements with third countries, should urge those governments not to "intervene in the lives of women" contrary to international conventions.

Referring to forthcoming legislation, the Resolution calls for the draft Directive on EU asylum procedures to take account of the plight of women who have suffered from fundamentalism and that this form of persecution should be enshrined in the definition and rules on refugees. Thus, women, who have suffered from or under a fundamentalist regime, should be entitled, by virtue of being women, to formal refugee status. The Resolution calls on the Council, the Commission and the Member States to establish a Special Observer Group to examine the policies of the Afghan government, to ensure their respect for the rights of women. The Group should also ensure that international aid and rehabilitation programmes should take account of gender interests. The Resolution condemns "murders to avenge honour" stressing that those who kill females in the name of 'honour' should be brought to justice to be tried as

murderers under criminal law. EU Member States should refuse recognition to countries that do not grant full citizenship to women or who exclude women from government. The damage caused to women, for example, by the Taleban regime, must be prevented from recurring. Lastly, the Resolution calls the most acceptable form of society, that where the separation of church and State is total.

Speaking during the debate, Commissioner for Employment and Social Affairs, Anna Diamantopoulou, said that, while religion is a private matter for each individual, it can not run counter to the basic principles of the Member States, one of which is equality for men and women. Islam is the second most important religion in the EU, she said. However, outside the EU, fundamentalism is a "very important problem". Identifying and condemning the problem would not be enough. Europe would be "guilty by omission" if it failed to act. Thus, the Commission has proposed specific measures to mainstream the gender dimension in all forms of foreign policy. This would include external trade development aid, third country Association or Co-operation Agreements and at summits, such as at EU-Asia level, she said. The Commission, Diamantopoulou indicated, is preparing a Council of Foreign Ministers meeting for 2003 to discuss a foreign policy action plan and recommendations on the problem of fundamentalism and women.

Sri Lanka

On 14th March, Parliament adopted a Resolution, by urgency procedure, on the situation in Sri Lanka, following the signing of the ceasefire agreement between the government and the Liberation Tigers of Tamil Eelam (LTTE). The Resolution welcomes the ceasefire agreement, which entered into force on 23rd February, calling it an opportunity in which a negotiated settlement can hopefully create a "peaceful atmosphere". The peace process should lead to a political solution to the conflict and to a lasting peace. Parliament states that all political parties and interest groups in Sri Lanka should support the peace process. The "truce agreement" should eventually lead to "future peace negotiations". The Resolution calls on both the Council and Commission to support the agreement "in practical terms", especially through financial means. Thus, the EU should be represented at the donors' meeting, in May, bringing a "comprehensive and co-ordinated" proposal to Sri Lanka.

Speaking during the debate, Commissioner for Agriculture, Franz Fischler, said he hoped the ceasefire would allow both sides time and room to negotiate a comprehensive peace agreement. A successful reconciliation process would pave the way for



reconstruction measures. The Commission, he said, would provide €2.7m in humanitarian aid in 2002, to help displaced persons. This would rise to €4m in 2003. Development aid will reach €10m this year, while up to €5m in economic aid will be allocated.

Taiwan at the WHA

Parliament adopted a Resolution, on 14th March, under the urgency procedure, on observer status for Taiwan at the annual meeting of the World Health Assembly (WHA), in May 2002, in Geneva. Ahead of the annual WHA meeting, due to take place on 14th May, Parliament adopted a very short Resolution calling for observer status for Taiwan at the meeting. This would allow Taiwan to “participate in an appropriate and meaningful way”. Observer status is appropriate given Taiwan’s domestic experience in “dealing successfully with important health issues”. This experience, Parliament believes, could be of benefit regionally. Some of the highest life expectancy ratios in Asia are to be found in Taiwan, where maternal and infant mortality rates are comparable to Western standards. Taiwan is the first country in the region to eradicate polio and to provide children with hepatitis B vaccinations. Taiwan has also expressed a willingness to assist World Health Organisation (WHO) activities, in both financial and technical terms. Mindful of more horizontal issues, the Resolution states that Taiwan should, in general, be better represented in international organisations.

The Commissioner for Agriculture, Franz Fischler, told Parliament during the debate, that the Commission does support Taiwan’s efforts to be involved in international organisations but only where that does not conflict with the EU’s one China policy. Taiwan’s campaign to join the WHO seems unlikely to succeed because only States can join. However, Fischler said, the Commission had been happy to promote Taiwan’s membership of the World Trade Organisation. He indicated that the Commission and the Member States would consider the legal situation of allowing Taiwan to participate at the WHA meeting but that Taiwanese involvement in the WHO would have to be mainly through non-governmental channels. The Council’s position was made clear in December 2001, when the answer to a question on this issue, from Olivier Dupuis, was published. The Council stated that it would not support Taiwan’s application for observer status at the WHO or any UN organisation.

Strasbourg Plenary 8th-11th April

Asylum Application

Parliament adopted a legislative Resolution, under the consultation procedure, on the proposal for a Council Regulation on the Member State responsible for examining an asylum application, on 9th April. The Commission proposal, which dates from 2001, referred to the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third country national. Luis Marinho (PSE) prepared the report of the proposal for the Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs.

Parliament adopted over one dozen amendments to the Commission proposal but many of these were minor changes. Thus, while only a single Member State should examine an asylum application, the State should do so in accordance with its international obligations. Asylum seekers should be entitled to be informed of the progress of their application in a language they understand and read. Parliament also wanted unaccompanied minors to be offered the protection of a family member or relative, where one is willing and able to be responsible for the child. Under Parliament’s terms, Member States would have an obligation to inform applicants for asylum that they have the right to request that another Member State should assume responsibility for the application. Commissioner for Justice and Home Affairs, Antonio Vitorino, said, during the debate in plenary, that this proposal for a Regulation was intended to replace the Dublin Convention with an instrument of Community law. The current asylum system is based upon common minimum standards and, therefore, harmonisation is very limited. The proposal learns from the mistakes of the Dublin Convention by introducing shorter procedural deadlines to ensure that applications are processed quickly and that Member States take appropriate responsibility for those illegal residents who have resided in its territory for more than two months. The proposal is an attempt to find a balance between combating “asylum shopping” with the interests of asylum seekers to have their application examined within a specified time period. This proposal for a Council regulation will become law when it is adopted by the Council.

Montagnard minority in Vietnam

Parliament adopted a Resolution, on 11th April, by urgency procedure, on indigenous minorities in Vietnam and the closure of refugee camps in Cambodia. In February 2001, indigenous minorities, known as Montagnards, who reside in the highlands of Vietnam,



had been persecuted, following demonstrations against the seizure of their lands. The problem was compounded by the influx of lowland Vietnamese settlers seeking agricultural land. Subsequently, following the migration of some Montagnards to Cambodia, the United Nations High Commission for Refugees, Vietnam and Cambodia signed a Tripartite Agreement, in January 2002, to provide for the repatriation of those Montagnards who wished to return to Vietnam. However, once Cambodia began a forced repatriation programme, the UNHCR withdrew from the Agreement. Some of those forcibly returned to Vietnam have been detained and beaten.

The Resolution calls on the signatories to the Tripartite Agreement to find a lasting solution to the plight of the Montagnard asylum seekers. Cambodia, as a signatory to the 1951 Convention on the Status of Refugees, has a responsibility to ensure that the repatriation of refugees is conducted on a voluntary basis and, thus, Parliament says, Cambodia should halt immediately the forced repatriation programme. Equally, the government of Vietnam should end its practice of the arbitrary detention of returning Montagnards. UNHCR staff should be given access to the central highlands to monitor the plight of returnees and have free access to the asylum seekers in Cambodia. Finally, the Commission should “assist” the Cambodian government in their responsibility for caring for the Montagnards. EU Member States should also be prepared to offer shelter to some of the asylum seeking Vietnamese.

Pascal Lamy, Commissioner for Trade, speaking during the debate in plenary, stated that the EU had watched the exodus of hill tribes from central Vietnam with concern. The instability in the region arose from a series of “complex events”. The Commission would continue to support the UNHCR in their efforts to provide suitable conditions for the refugees. Just as Cambodia should live up to its international obligations under the Refugee Convention, so too should Vietnam improve protection for civil, political and religious rights. The European community has Co-operation Agreements with both countries, signed in 1995 with Vietnam and in 1999 with Cambodia.

Democracy in Burma

Parliament adopted a Resolution, under the urgency procedure, on 11th April, on Burma. The Resolution, timed to coincide with the twelfth anniversary of the general election that was convincingly won by the National League for Democracy (NLD), calls for the immediate release of the NLD leader, Aung San Suu Kyi, who is under continuous house arrest. Despite talks between the ruling military junta, the State Peace and Development Council (SPDC), and the NLD, over 1000

political prisoners are still in jail in Burma. Ahead of the EU troika visit, in mid March, the SPDC released 25 women prisoners. Parliament calls on the SPDC to begin a nationwide ceasefire and to speed up the process of dialogue with the NLD, which has been ongoing since October 2000. Under the terms of the resolution, the Commission should ensure that humanitarian aid spent in Burma is delivered without political interference by the military. The aid should be distributed on the ground by international NGO's only. With the pending expiry of the EU Common Position (CP) on Burma coming towards the end of April, Parliament would like the Council to extend the CP for another six months. If, by the end of October, “further progress” on human rights has not been made, then the EU should consider strengthening economic sanctions and should consider an investment ban. At the moment, all foreign investment, according to Parliament, takes place through military backed companies.

European investment primarily takes the form of the oil and gas sector. However, as reported in *EurAsia Bulletin* Vol. 5 No. 10&11 on page 52, the Member States have decided to support Burma's application to the International Hydrographic Organisation (IHO). The 16th IHO International Conference was due to take place in April, in Monaco, with Burma participating as an observer. By the end of 2001, Burma had acquired a total of 28 votes out of a total of 43 required for membership approval. Eleven of these votes would, therefore, come from the 11 EU Member States that are members of the IHO. Finally, the Resolution calls on the governments of India, China, Japan and the ASEAN countries to “express themselves more explicitly” in favour of democracy and reconciliation in Burma.

International Terrorism

Under the procedure without report, Parliament adopted a legislative Resolution on international terrorism, on 11th April. Following the Commission text (COM(2002)117) on the proposal for a Council Regulation imposing certain specific restrictive measures directed against certain persons and entities associated with Osama bin Laden, the *Al Qa'ida* network and the Taleban, and repealing Council regulation EC/467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taleban of Afghanistan, Parliament adopted its legislative Resolution using the consultation procedure. Parliament adopted a series of amendments to the Commission text. These included a clarification of the fact that the public list of persons and entities, whose funds have been frozen, was, in fact, prepared by the United Nations Sanctions Committee. Parliament would



like the EU to have a procedure to amend the list, particularly in light of the fact that the list contains EU citizens, who have not been subject to any judicial proceeding. Parliament would like the Court of Justice to have jurisdiction over these EU citizens and to give preliminary rulings on the validity of the proposal for a Council Regulation. Parliament also introduced an amendment to ensure that the Regulation would expire once UN Security Council Resolutions 1267/1999 and 1390/2002 have expired.

EU-China strategy

Also on 11th April, Parliament adopted a Resolution on the EU's strategy towards China. This follows the report by Vasco Graça Moura (PPE-ED) on the Commission Communication (COM(2001)265) on "an EU strategy towards China – implementation of the 1998 Communication and future steps for a more effective EU policy". The report was adopted in the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy. The Resolution welcomes China's support for the Commission Communication. China has supported the international fight against terrorism and has made steps towards rapprochement with India, notwithstanding its long term friendship with Pakistan. China has, the Resolution states, made an undertaking to assist in the reconstruction of Afghanistan. This kind of project could serve as a benchmark for co-operation between China and the EU. Referring to the Asia-Europe Meeting (ASEM), the Resolution calls on China to take a more favourable attitude to the enlargement of ASEM, particularly to India.

The Resolution addresses four themes including trade, Taiwan, human rights and Tibet. While welcoming China's accession to the WTO, the Resolution states that economic progress can only succeed in tandem with political and social progress. China will inevitably face problems trying to meet international standards on its social and labour problems. Thus, the EU, the USA, Japan and other industrialised countries should be prepared to implement programmes in rural and disadvantaged areas to combat inequalities and to create educational opportunities. If there is to be long-term stability and peace in the region, there can only be a negotiated and peaceful resolution to the problem of Taiwan. Taiwanese participation in ASEM could be an important development in resuming a genuine dialogue between Beijing and Taipei. The Resolution calls on the Council to appoint an EU Special Representative for Tibet (see *EurAsia Bulletin* Vol. 6 No. 1&2 p 4). The Representative could facilitate the resumption of negotiations. The Commission, Council and Member States should give serious consideration to the possibility of recognising the Tibetan government in exile as the

legitimate representative of the Tibetan people, if the two parties do not sign an agreement on a new statute for Tibet, in negotiations under the aegis of the UN.

Speaking during the debate, the Chairman of the inter-parliamentary delegation for relations with China, Elly Plooij-van Gorsel (ELDR), said that the EU must be able to help a country, such as China, find its niche in the international community in terms of political, economic, social and cultural relations. Now that China is a member of the WTO, it can no longer pursue political goals with economic sanctions. The human rights situation had deteriorated greatly, she said, in the past year. There had been an increasing number of political executions, the ban on the Falun Gong movement and the escape of the Tibetan Karmapa Lama to India. She urged China to respect the UN Covenant on civil and political rights.

Commissioner for Development and Humanitarian Aid, Poul Nielson, said that, despite "several differences", the EU and China had reached a "wide understanding" on areas for the mutually beneficial development of relations. This had been demonstrated by the "successful annual summits" in 2000 and 2001. During Commissioner Patten's recent visit, he received signals that China recognised an increasing role for the EU in the world, an appreciation for progress in EU-China relations and a commitment to develop these relations at all levels. Nielson said that the visit had seen "strong progress" in bilateral and trans-national areas of concern, such as immigration, science and technology and the environment. Issues such as ASEM, Afghanistan, the Korean peninsula and international terrorism were also discussed. However, despite some improvement, the EU, Nielson said, remains deeply concerned about the general human rights situation. The way ahead is, he said, a long term process. The EU has a profound interest in a stable, prosperous and open China that embraces democratic practices, free market principles and the rule of law.

Questions to the Commission

EC-Pakistan Agreement

Graham Watson (ELDR) raised the issue of the European Community-Pakistan Co-operation Agreement, the latest version of which was signed in November 2001. He wanted to include in the terms of the Agreement five points ranging from the repeal of the blasphemy laws, a halt to the persecution of religious minorities, creation of a secular State, a curb on the *Madrasas* (Islamic religious schools) and, lastly, a commitment by Pakistan to implement several international Conventions on eliminating racial discrimination, ending discrimination against women and promoting the rights of the child.



In reply, Commissioner for External Relations, Chris Patten, indicated that as the Agreement had been signed, its terms could not be changed. However, Article 1 of the Agreement stipulates that both parties must “respect human rights and democratic principles”. The Commissioner did state that he was concerned about the application of the blasphemy laws as a “disproportionate number of cases” have been brought against religious minorities. Patten called the abolition of separate electorates for the national assembly elections scheduled for October 2002 “a positive step” in addressing a fundamental human rights concern. Regarding the desire to see a secular Pakistani State, the Commissioner recalled President Musharraf’s speech, on 12th January, enunciating a vision for a ‘progressive Islamic State’. That speech also indicated that no new *Madrasas* could open without government permission and that existing schools would have to be registered by the end of March. Pakistan had ratified the Convention on the elimination of discrimination in 1966 and the Conventions on the rights of the child and the elimination of discrimination against women in 1996. As part of the implementation process, the Pakistani government had established a Juvenile Justice System Ordinance and a national Commission on the Status of Women. The government had also “formulated an action plan” to eradicate the worst forms of child labour. (For more information on the Agreement see *EurAsia Bulletin* Vol. 6 No. 1&2pp62&64. For more on Musharraf’s January speech see Vol. 6 No. 1&2 p38).

Christians in China

Hanja Maij-Weggen (PPE-ED) voiced concern about the persecution of Christians in southern China where five named members of the South China Church have been sentenced to death and that three others received long jail terms. Noting that the arrest and interrogation of the church members was “accompanied by violence and torture”, Maij-Weggen asked how the Commission intends to raise these human rights violations with China. Commissioner Patten, in reply, stated that the case of one church member, Pastor Gong Shengliang, had been raised with the Chinese government in the context of the EU human rights dialogue. Calling respect for human rights a “central aspect of the EU’s relations with third countries”, Patten said that religious freedom was an “important part of the EU’s concern” about China. His answer included two promises. The Commission would “continue to follow closely” and also “raise with China” the situation of religious freedom at all levels, including summit and ministerial meetings. ■

THE EUROPEAN COMMISSION

by John Quigley

Measures against the Taliban

On 6th March, the Commission adopted a proposal (COM(2002)117) for a Council Regulation imposing certain specific restrictive measures directed against certain persons and entities associated with Osama bin Laden, the *Al-Qa’ida* network and the Taliban, and repealing Council Regulation EC/467/2001. The 2001 Regulation prohibited the export of certain goods and services to Afghanistan, strengthened the flight ban and extended the freeze of funds and other financial resources in respect of the Taliban in Afghanistan. In January 2002, the United Nations Security Council adopted Resolution 1390(2002) which stated that the financial measures, the prohibition on flights and the export ban should be adjusted. Other sanctions could be repealed entirely. Now that a legitimate government has been installed in Afghanistan, the link between an Afghan government and Osama bin Laden, the Taliban and *Al-Qa’ida* needs to be broken. The Commission proposal would give legal effect to the terms of the UN Resolution, within the territory of the Community. The new Regulation would also give the European Commission the power to amend Annex I, which includes the list of persons and entities whose funds of other financial assets have been frozen, on the recommendation of the UN Sanctions Committee. Previously, the right to amend the list rested with the Council of Ministers. The list in Annex I includes people and organisations in, *inter alia*, the USA, the United Arab Emirates, Pakistan, Afghanistan, the Philippines, Chechnya, Somalia, Yemen, Qatar, Liechtenstein, the Bahamas, Sweden, Canada, Germany and Switzerland. Upwards of 230 individuals are named in the list.

Humanitarian Aid

2001 Annual Report

On 16th April, Commissioner for Development and Humanitarian Aid, Poul Nielson, published the 2001 Annual Report for the European Community Humanitarian Aid Office (ECHO). The Report provides details of the €544m in aid spent during 2001 in over 60 countries on an estimated 15-20 m people. ECHO is responsible for providing approximately half its budget, with the rest coming from the EU Member States. Speaking to the press in Brussels, Commissioner Neilson



praised the report but said that what was even more important than large budgets was the effectiveness of any money spent. Thus, in June 2001, the Commission introduced the “primary emergency procedure”, which allows the Community to respond to a crisis within 72 hours, with initial financing of €3m for three months. This facility was used in Afghanistan. The benefits of linking relief, rehabilitation and development can be seen, he said, in countries such as East Timor. Close co-ordination between ECHO and Commission departments maximises the cost-effectiveness of Community aid and the impact of the assistance.

The Director of ECHO, Constanza Adinolfi, said that the international community, facing a challenge to stability and security, must continue to meet the legitimate expectations of the most vulnerable populations. The year 2001 also saw the introduction of new internal management and financial control systems, the simplification of procedures and better follow-up tools to measure the quality and results of ECHO’s activities. The Annual Report provides spending details per country. Thus, some €54m was disbursed in 2001 for Afghanistan, Pakistan and Iran. The corresponding figure for Cambodia was €5m, China €2.15m, India €14.6m, Indonesia and East Timor €13.4m, Burma and Thailand €6.49m, Nepal €2m, North Korea €3.36m, the Philippines €1.46m, Sri Lanka €0.7m and Vietnam €0.53m. This is a total of €104m for Asia.

(For details of ECHO’s aid strategy for 2002 see *EurAsia Bulletin* Vol. 6 No. 1&2 p65).

Sri Lanka

The Commission adopted a Commission Decision, on 11th March, allocating €1m in aid for the population of the Jaffna peninsula in the north of Sri Lanka. The Jaffna peninsula has been the scene of fierce fighting between the Tamil Tigers and government forces over many years. With the halt in hostilities, in February, there has been a steady flow of internally displaced people returning to the Jaffna region. The European Community aid will improve health care facilities under the remit of the International Committee for the Red Cross and develop water and sanitary conditions through the France based organisation *Action Contre la Faim*. Running for a period of eight months, the project will transfer 2000 “seriously ill people” from the Jaffna region to other parts of Sri Lanka for specialised treatment and establish safe water and sanitation facilities for 15,000 people deemed “particularly vulnerable”.

Subsequently, on 24th April, the Commission allocated €3.35m for two programmes to assist internally displaced persons, facilitate voluntary return and promote re-integration. The United Nations High Commission for

Refugees has been allocated €1.95m and CARE Deutschland €1.4m. Both organisations will provide assistance to improve access to clean water and construct sanitary facilities, increase household food production, establish health care clinics, community services such as orphanages and schools, vocational training and the provision of semi-permanent shelter.

North Korea

On 15th March, the Commission adopted a Commission Decision allocating €5.55m for assistance to non-governmental organisations operating in the Democratic People’s Republic of Korea (DPRK). The European Community Humanitarian Aid Office will distribute the money to fund projects benefiting approximately 250,000 people in the DPRK for the construction of water and sewerage systems, or their repair. The money will be spent in five of the DPRK’s nine provinces to improve the distribution of clean water, through repairing wells, disinfecting drinking water, building toilet and washing facilities and providing health training.

Indonesia

The Commission adopted a Commission Decision, within the financial framework of the “aid to uprooted persons in Asia” budget line, providing €2.58m for two projects in North Maluku Province, Indonesia. One project targeting 50 schools, run by Save the Children, a UK based NGO, will promote school attendance among internally displaced children in North Maluku. This will be achieved through reducing the barriers to access and through teacher training, parent-teacher workshops and measures to reduce community tension. This project will have a budget of €1.72m and will run for three years. World Vision Deutschland will run the second project, with a budget of €0.86m, also over three years. That project will finance a ‘Peace and Tolerance’ magazine to foster sustainable peace and encourage reconciliation. The magazine will form part of a school learning programme designed to nurture peace skills among 10,500 children in 115 schools.

Burma

On 24th April, the Commission adopted a Commission Decision, within the financial framework of the Community “aid to uprooted people in Asia” budget line, allocating €4.9m to two projects in Western Burma and across the border into Thailand where there are approximately 50,000 Burmese refugees living in five camps. A further 500,000 refugees straddle both sides of the border, having been displaced by the Burmese army. The French organisation *Action Contre la Faim* has been allocated €1.9m for a two year project to support returning refugees and the general population in two townships of the Rakhine state of Burma. The project will focus on food security and access to safe water. The



budget will also finance micro-credit loans to individuals and community organisations. *Malteser Hilfsdienst*, the Austrian based branch, which was founded in 1968, of the Order of Malta, will run a three year project with a budget of €1m aimed at improving health care facilities, both public and community based, for 14,000 refugees on the Thai border. A further €2m has been allocated to the Burma Border Consortium (Thailand), an amalgam of Christian organisations providing humanitarian relief, to supply food items and cooking fuel to two refugee camps. This project will run for two years.

Then, on 29th April, the Commission adopted another Decision providing humanitarian aid to Burma. The Decision, worth €1.2m, is designed to improve the living conditions for Burmese refugees living along the Thai border. ECHO will fund several projects supporting health infrastructure, hygiene training, immunisation and the provision of safe drinking water.

Laos

The Commission adopted a Commission Decision, on 29th April, allocating €0.4m for two different projects in Laos. One programme will provide technical assistance for the clearance of mines and unexploded ordnance. The other programme will provide health training for internally displaced persons and distribute hygiene kits.

Afghanistan

The Commission adopted two Commission Decisions, on 30th April, allocating a total of €19.1m in humanitarian aid. The two Decisions concentrate funding in the centre, north and west of Afghanistan. One Decision, worth €17m, will provide assistance to vulnerable groups affected by the civil war, drought and conflict. The assistance will cover food security, shelter and health care, both immediate and also with a longer term perspective. Taking account of internally displaced persons, the aid is also needed for the large number of refugees who have returned in the last few months. The second Decision is a response to the earthquake that struck the Baghlan region in late March. Baghlan is north of Kabul close to the border with Tajikistan. ECHO will spend €2m rebuilding homes, schools, health clinics and wells.

Food Aid to North Korea

The Commission adopted a Commission Regulation EC/605/2002, on 8th April, on the supply of white sugar as food aid to North Korea. The Community food aid scheme was established under Council Regulation EC/1292/1996 on food aid policy and food aid management and special operations in support of food security. A 1997 Commission Regulation established general rules for the mobilisation of products to be

supplied as food aid. These rules specify time limits and the conditions of supply with regard to costs.

The white sugar food aid destined for North Korea would be distributed under the auspices of the World Food Programme. The Commission Regulation calls for tenders to be submitted by 7th May 2002. The total quantity to be made available would be 600 tonnes and would have to be delivered during the course of July 2002. According to the terms of this Commission Regulation, the batch of food aid would be delivered through China. Also on 8th April, the Commission adopted Commission Regulation EC/606/2002 on the supply of vegetable oil as food aid to North Korea. The successful tenderer would deliver either rape seed oil or sunflower oil to the amount of 2000 tonnes. The deadline for the submission of tenders was 7th May 2002, with delivery slated for the month of July. Similarly, delivery by the World Food Programme would take place through China.

Subsequently, on 23rd April, the Commission published the outcome of the two calls for tender for food aid to North Korea. The tender for the supply of white sugar was won by Limako Suiker BV, the Netherlands, at a price of €354,95, making a total for 600 tonnes of €212,970. The successful tenderer for the supply of rape seed oil was Alfred C Töpfer Int. GMBH, Germany, at a price of €697,60 per tonne for a maximum of 2000 tonnes, making a total price of €1.4m.

Linen from India

The Commission adopted a proposal (COM(2002)172) for a Council Regulation, on 9th April, confirming the definitive anti-dumping duty imposed on imports of cotton-type bed linen originating in India by Council Regulation EC/2398/1997, as amended and suspended by Council Regulation EC/1644/2001. For details of the adoption of the 2001 Regulation see *EurAsia Bulletin* Vol. 5 No. 8&9 pp43&44. The adoption of Regulation EC/1644/2001 suspended the collection of duties from Indian exports to the Community but provided a February 2002 deadline for requests from Community industry for a review of the measures. Thus, on 13th February, the Committee of the Cotton and Allied Textile Industries of the EC (EUROCOTON), filed a request with the European Commission for a review against India concerning dumping in the Community. The Commission investigation re-assessed the findings made in the 2001 Regulation and conducted a new analysis of the impact of Indian imports, as well as imports from other third countries. This analysis determined that the amended definitive duty, introduced and suspended by the 2001 Regulation, should be confirmed. The current proposal for a Council Regulation is, therefore, an



instrument that would be adopted only in the interests of “transparency and legal certainty” because the 1997 Regulation determined the level of anti-dumping duty on imports not only from India but also from Pakistan and Egypt.

Coumarin from China

The Commission, on 15th April, adopted a proposal (COM(2002)182) for a Council Regulation imposing a definitive anti-dumping duty on imports of coumarin originating in the People’s Republic of China. In September 2000, the Commission published a notice indicating that anti-dumping duties in force against Chinese companies exporting coumarin to the European Community would soon expire. The Commission subsequently received a request from the European Chemical Industry Council (CEFIC) on behalf of the sole Community producer (who is based in France), indicating that unless anti-dumping duties were maintained against Chinese exports, then the Community producer was likely to suffer from injurious dumping. Thus, on 4th April 2001, the Commission launched an expiry review of the duties. The investigation covered the period between January and December 2000. Chinese exporting producers did not co-operate in the investigation.

The investigation showed that the comparison between the weighted average normal value and the weighted average export price demonstrated very significant dumping. The dumping margin was approximately 50%, which was just below the margin found in the original investigation. In general, the price of Chinese exports to other countries was, on average, 11% lower than prices offered in the Community. Specifically, in Hong Kong and India, the prices were 16% lower. Also, in May 2000, the USA imposed anti-dumping duties on Chinese coumarin ranging from 31-160%. Once the Community imposed anti-dumping measures, during 1996-98, Chinese exports fell dramatically. However, imports from Japan increased and “it would appear” that these were of Chinese origin. The profitability of Community industry improved during this period and employment rose. Given that Chinese producers have the capacity to increase production significantly, it is likely that injurious exports would continue, or increase, and at dumped prices. Thus, the current proposal for a Council Regulation, if adopted, would impose a definitive anti-dumping duty of €3479 per tonne on imports originating in China. Coumarin is used in the cosmetic and detergent industries as an aroma chemical. Although it can be obtained naturally, it is currently produced synthetically.

ECSC-EC Anti-Dumping & Anti-Subsidy Regime

The Commission, on 16th April, adopted a proposal (COM(2002)194) for a Council Regulation laying down transitional provisions concerning anti-dumping and anti-subsidy measures adopted pursuant to Commission Decisions ECSC/2277/1996 and ECSC/1889/1998, as well as pending anti-dumping and anti-subsidy investigations, complaints and applications pursuant to those Decisions. When the Treaty on the European Coal and Steel Community expires in July 2002, products covered under its terms will thereafter be covered by the Treaty on the European Community. Thus, any outstanding measures or investigations, complaints or applications will be governed by the Community regime that was established in Council Regulation EC/384/1996 and Council Regulation EC/2026/1997.

Typically, under the ECSC regime, measures are usually imposed with a five year lifespan. The 1996 Regulation provides protection against dumped imports from countries not members of the Community, whereas the 1997 Regulation protects against subsidised imports. The Commission proposal asks the Council of Ministers to adopt the new Regulation by 24th July 2002, one day after the expiry of the ECSC Treaty. If adopted, the Council Regulation would cover anti-dumping measures against China on imports to the Community of coke or coal, flat rolled products of iron or non-alloy steel from India and Taiwan and hot rolled flat products of non-alloy steel from China and India. The anti-subsidy measures that would be covered include flat rolled products of iron or non-alloy steel from both India and Taiwan.

Fifth World Shipbuilding Report

The Commission published, on 30th April, the fifth report on the situation in world shipbuilding, which had been scheduled to be published in 2001. The report confirms the conclusion reached in the fourth report that the world market suffers from a ‘serious imbalance’ of supply and demand. This has led to very low prices being offered, in particular, by South Korean shipyards. Korean production expanded considerably in the last few years. Combined with the US recession and the attacks of September 11th 2001, orders for container ships and cruise liners have declined sharply. Both the EU and Korea were specialists in these two sectors. The report outlines that the financial restructuring undertaken by Korean shipyards has not been in accordance with WTO rules, in the Commission’s opinion. Detailed cost investigations by the Commission during 2001 demonstrate that some Korean yards are still selling ships



at below cost. Yards that did make a profit in 2001, did so through high sales volumes, advance payments and one-off measures to improve their financial situation. (For details of the fourth report see *EurAsia Bulletin* Vol. 5 No. 4&5p40 and p48). ■

THE COUNCIL OF MINISTERS

by John Quigley

General Affairs Council 11th-12th March

Human Rights in China

The Council had a debate on the human rights situation in China, ahead of the 58th session of the United Nations Commission on Human Rights. The conclusions, adopted at the end of the debate, expressed a mixture of praise and concern. The Council “welcomed certain progress” on developments in the rule of law, economic and social reform and efforts to develop the legal system. However, the Council expressed concern at the lack of respect for freedom of expression, religion and association. There had been ongoing violations of human rights of pro-democracy activists, the Council noted, with the widespread use of torture. The Council expressed “deepest concern” and “dismay” about the ‘strike hard’ campaign on criminality, which, the Council stated, had resulted in an “extremely high number of death sentences and executions”.

Research Council 11th March

ITER

The Council had a discussion with the Commissioner for Research, Philippe Busquin, on the sixth EURATOM Research Framework Programme. During the meeting, Commissioner Busquin presented a proposal for an amendment to the negotiating directives related to the International Thermonuclear Experimental Reactor (ITER). These negotiating directives, when adopted, would give the Commission the power to negotiate, on behalf of the Community, in international bodies. Busquin also presented a Commission working document analysing the estimated cost of ITER. The Commission is involved in discussions with several other countries over the possible future site of ITER. The Council discussion is indicative of growing Member State interest in fusion research and an effort to wrest the initiative from the

other countries, Canada and Japan. At the moment, France is the sole EU Member State that has publicly put forward its candidature to host ITER. However, Spain’s Minister for Science and Technology, Ana Maria Birules, has indicated that Spain is carrying out a feasibility study on hosting ITER but has not yet put forward a formal application. The Commission working document estimates the total cost of ITER to be €10bn. If the reactor was built in the EU, the funding would come largely from the budget of EURATOM. The operating costs would be split between 75% for EURATOM, 20% for the successful Member State and 5% for the countries of the European Economic Area.

Agriculture Council 18th-19th March

Polyethylene Terephthalate

The Council adopted a Council Regulation EC/496/2002 amending Regulation EC/2604/2000 imposing a definitive anti-dumping duty on imports of polyethylene terephthalate originating in, amongst other countries, India. In 2000, the Council adopted two separate Regulations imposing both anti-dumping and countervailing duties on imports from India. Subsequently, an Indian company, Futura Polymers Ltd, requested “new exporter status” from the Community on the basis that it had not exported to the Community during the period of the original investigation, October 1998 to September 1999. The Commission adopted a Regulation initiating the review and removing Futura Polymer from the obligation to pay anti-dumping duties. The new review covered the period April 2000 until March 2001. The review determined that Futura Polymer did not export to the Community during the original period, did not have links to other exporting Indian companies and that Futura’s domestic sales were at least 5% of its total export sales volume. By comparing the weighted average normal price with the weighted average export price, the review established a dumping margin of 14.7%. However, Futura offered a price undertaking on its exports, which the Commission accepted, as it would eliminate the injurious effects of the dumping. Thus, the Council Regulation imposes a definitive duty on exports to the Community by Futura of €161.2 per tonne. The duty will be levied retroactively from the date of the start of the review, June 2001. This duty level compares to €181.7/tonne imposed on other Indian companies.

Personal Fax Machines

The Council adopted a Council Regulation EC/495/2002 repealing Council Regulation EC/904/1998 with respect to the imposition of a definitive anti-dumping duty on imports into the Community of personal fax machines



originating in the People's Republic of China, Japan, the Republic of Korea, Malaysia, Singapore, Taiwan and Thailand. Following the recognition that the product definition of personal fax machines had changed since the adoption of the 1998 Regulation, the Commission, in July 2000, launched a review, on its own initiative, of the anti-dumping measures in force. That review determined that certain technological and technical changes had taken place in the industry. The Commission then published a Notice indicating its intention to modify the product definition by removing any reference to weight or dimension. One company, Philips, produced more than 50% of the personal fax machines manufactured in the Community. However, in April 2001, Philips informed the Commission that it intended to phase out this production. It became necessary then, to determine whether the continued imposition of duties on the third countries concerned was in the Community interest. The Commission decided that the maintenance of the duties "would not provide any benefit in terms of protecting production against possible unfair trade practices". Thus, this Council Regulation repeals the 1998 Regulation and terminates the proceeding launched by the Commission to modify the product definition.

General Affairs Council 15th-16th April

International Jute Study Group

The Council adopted a Council Decision EC/312/2002 concerning the acceptance, on behalf of the Community, of the Agreement establishing the Terms of Reference of the International Jute Study Group 2001. Bangladesh, India and Nepal account for the vast majority of world trade in jute and jute products. Thailand, which is no longer a member of the International Jute Organisation (IJO) accounted for the remainder. As importers, all fifteen Member States of the EU are members of the IJO. Other members include China and Japan, with Pakistan as a lapsed member. The IJO was established in 1989 after the adoption of the International Jute Agreement, which originally began life in 1982. That Agreement expired in October 2001. Under the auspices of the United Nations Conference on Trade and Development (UNCTAD), in March 2001, a new Agreement was negotiated to establish the International Jute Study Group. The Council Decision gives legal effect to the terms of reference establishing this new Group, in the Community. The headquarters of the Group will be in Dhaka, Bangladesh.

The objectives of the International Jute Study Group (IJSG) will be to provide a framework for international co-operation on the development of the jute market. This can be achieved through developing both new markets

and new end-uses for jute products. It would include developing new processes and technologies to improve productivity and quality. The IJSG will address poverty alleviation and employment, particularly of women, in the jute sector. The controlling body of the IJSG will be the Council, comprising all the members. The Council would adopt an annual work programme, adopt the rules of procedure, financial rules, rules for projects and rules on staff regulations. The Council has 2000 votes. One thousand of these will be divided among the Members. The remaining one thousand votes are to be distributed in proportion to the "co-efficient of jute related importance" of a member. However, no member may have more than 450 votes. In the case of jute producing countries, the co-efficient is determined as the weighted average volume of production of 40% and the average volume of net trade of 60% of jute and jute products over 3 years. The contribution of member countries to the annual budget will be in proportion to their number of votes. A quorum in the Council would be 1000 votes, with decision requiring 1200 votes to be valid. The IJSG will remain in existence for 8 years but the Council could extend this only twice for periods of two years at a time.

Illegal Immigration

The Council adopted Council Conclusions of Illegal Immigration. The conclusions are mainly concerned with using the existing instruments of the EU in external relations to deal with the problem of illegal immigration at the EU's sea borders. The conclusions promise priority for any action that may help to combat both illegal immigration and trafficking by sea. The Council stresses the "absolute need" to obtain the "effective co-operation" of countries of origin and of transit in combating the flow of illegal immigrants. The trafficking of immigrants has resulted in "serious violations of human rights", not least by endangering the life of people in distress. The conclusions promise that the EU will work to "increase the rapidity and efficiency" of its action. This would mean developing an integrated approach by co-ordinating migration policy and the instruments of the EU's external relations policy.

In an effort to make substantive progress urgently, the Council has instructed the Committee of Permanent Representative to examine what measures can be taken immediately under existing legislation and how they might be enforced more consistently. Similarly, the Commissioner for External Relations, Chris Patten, and the Commissioner for Development and Humanitarian Aid, Poul Nielson, will convene "an *ad hoc* high level meeting" to examine what the Commission can do.



Afghanistan

Following a meeting with the EU's Special Representative, Klaus Klaiber, the Council adopted Council Conclusions on the political situation in Afghanistan. The conclusions state that international assistance to Afghanistan should be based upon the notion of the sovereignty and territorial integrity of Afghanistan. EU reconstruction assistance will be conditional upon all Afghan parties agreeing to adhere to and implement the agreement agreed in Bonn, Germany, on 5th December 2001 (for details of the agreement see *EurAsia Bulletin* Vol. 5 No 12 p 13). Equally, the EU should provide political and economic support to the Afghan Interim Authority (AIA) and the transitional authority, in order to enhance their internal leverage and credibility. The conclusions re-affirm the support of the EU for the UN Assistance Mission in Afghanistan. Referring to Klaus Klaiber's role, the Council wants the EU Special Representative to urge the AIA to stick to the political objectives set out in the Bonn agreement. Successive Afghan governments should, the conclusions state, be representative of the people of Afghanistan with a regularly renewed mandate. The government should make a commitment to political pluralism and the provision of internal security. This would include respecting human rights and the rights of minorities. The government should also commit itself to eradicating drug production and trafficking. Separately, on 22nd April, the EU accepted the appointment of H.E. Ambassador Humayun Tandar, as the Head of Mission of the government of Afghanistan to the EU.

Agriculture Council 22nd April

Burma

The Council adopted, without discussion, a Common Position CFSP/310/2002 under the Common Foreign and Security Policy (CFSP), on Burma. This procedure amends Common Position CFSP/635/1996 extending its terms for a further six months. The CP had been due to expire on 29th April but due to "insufficient progress in the situation of human rights", the Council proposed its extension until October 2002.

Linen from India

The Council adopted, without discussion, a Council Regulation EC/696/2002 confirming the definitive anti-dumping duty imposed on imports of cotton-type bed linen originating in India by Council Regulation EC/2398/1997, as amended and suspended by Council Regulation EC/1664/2001. During the course of 1997, the Council imposed a series of provisional and

subsequently, definitive anti-dumping duties on imports of bed linen from India, Pakistan and Egypt. Following a successful complaint by India to the Dispute Settlement Body of the WTO, the Council adopted a Regulation in 2001, imposing a new anti-dumping duty on imports from India but suspending its application. In the meantime, in early 2002, the Council adopted another Regulation, suspending the duties imposed on Egypt and allowing the procedure against Pakistan to lapse. In the case of India, the Committee of cotton and allied textile industries of the European Community (EUROCOTON) submitted a request, in February 2002, to the Commission for a review of the duties against India. The Commission re-assessed the findings of the original investigation into dumping, this time solely examining the evidence against India. The Regulation adopted by the Council, without discussion, therefore confirms the duties imposed by the 2001 Regulation but continues to suspend their implementation.

Justice and Home Affairs
Council 25th-26th April

Minimum Asylum Standards

The Council had a debate on the scope of the Commission proposal (COM(2001)510) for a Council Directive laying down minimum standards for the reception of applicants for asylum in the Member States. The Commission proposal was adopted in April 2001. However, the European Parliament has yet to adopt its report which is being prepared by Jean Lambert (V-ALE) in the Committee on Citizens' Freedom and Rights, Justice and Home Affairs. The Committee is due to adopt its report in July. Parliament will adopt its Resolution under the consultation procedure. The Council reached a "general understanding" of the Commission's proposal indicating that many of the Member States' objections have been lifted. It now seems likely that the proposal will be adopted by Council before the Summer. (For details of the Commission proposal for a Council Directive see *EurAsia Bulletin* Vol. 5 No. 4&5 p38).

Illegal Immigration and Trafficking

The Council adopted Conclusions on illegal immigration and trafficking by sea. The Council called for an "integrated approach" to the issue by co-ordinating migration policy and the EU's external policy, particularly with respect to border controls and the co-operation of countries of origin. Under the terms of the Comprehensive Plan to combat illegal immigration and trafficking, adopted by the Council in February, the Commission is obliged to prepare a feasibility study, by February 2003, on the improvement of sea border



controls. The Council Conclusions offer several guidelines to the Commission in the preparation of the study. The Council would like the study to consider the improvement of the Early Warning System, the strengthening of co-ordination amongst liaison officers who are posted to countries of origin and the use of new technologies. The Council urges countries of origin, embarkation or transit to take appropriate measures to prevent and combat illegal activities “as soon as possible”. This could include developing co-operation strategies with third countries to develop preventive measures. In the mean time, third countries would be encouraged to sign, ratify and implement the United Nations Convention against Trans-national Organised Crime launched in December 2000. The Convention has two protocols attached to it. These include the Protocol to prevent, suppress and punish trafficking in persons and the Protocol against the Smuggling of Migrants by Land, Sea and Air. Although the Council is negotiating re-admission agreements with third countries, this has proved to be a slow process. The Council Conclusions state, however, that third countries should nevertheless take back immigrants who illegally enter the EU. Lastly, the Council has tasked the Committee of Permanent Representatives to examine what measures the EU could take against third countries that refuse to co-operate in combating illegal immigration.

Re-admission Agreements with third Countries

The Council adopted criteria for the identification of third countries with which new re-admission agreements need to be negotiated. China is identified as one such country. These criteria form part of the Comprehensive Plan to combat illegal immigration, as adopted by the Council in February. These criteria were drafted by the Spanish Presidency under its Minister for Justice, Ángel Acebes Paniagua, after a meeting of the Migration-Expulsion Working Party and of the Strategic Committee on Immigration, Frontiers and Asylum.

The Comprehensive Plan requires the Council to decide on the criteria by which new countries can be identified, with regard to re-admission agreements. These countries are those that generate illegal immigration. Any re-admission agreement will require the third country to take back their nationals or stateless persons that have resided in the third country. In deciding which third countries to include, the Council will consider the pressure of migration flows from or via these countries and the number of people awaiting return. The criteria state that, owing to the EU’s pending enlargement, accession countries will not be included. However, any other third country, with which the EU has either an

Association or Co-operation Agreement, can be considered. When signing a new re-admission agreement with a third country, the agreement should provide “added value” for Member States in bilateral negotiations. Thus, third countries adjacent to existing Member States would be considered if there is pressure on the EU’s frontiers from illegal migration flows. Finally, the criteria call for a geographical balance between the various regions of origin and the transit of illegal migration flows. The Council decided that China was one of four third countries that satisfied the criteria. The Commission must now submit a draft negotiating mandate to the Council for a new re-admission agreement. This mandate will include details about migration flows between China and the EU, and the number of persons awaiting return, whether they are Chinese nationals or merely entered the EU through China.

Presidency Declarations

Cambodia

The Presidency issued a Declaration, on 1st March, on the communal elections that took place in Cambodia. Following the elections on 3rd February, the National Electoral Committee issued the official results on 25th February. Echoing the conclusions of the EU’s Election Observer, Carlos Costa Neves (PPE-ED), the Declaration states that the elections “mark progress for democracy” but also “raise some concerns”. One welcome sign was the high voter turnout and the “civic behaviour” of Cambodians. Other positive signs that the Declaration notes include the “satisfactory technical and logistical preparation” and the “transparent voting process”. However, the pre-election period was tarnished by several incidents. Several candidates died a violent death, voter intimidation and uneven access to the State media cause concern. While the Cambodian authorities may be investigating these incidents, the EU “urges” Phnom Penh to use “all available means to resolve” them. Lastly, the Declaration offers continued EU assistance in election observation, particularly for the general elections, which are due in 2003. For details of a European Parliament Resolution and the views of the EU’s Chief Election Observer on the elections see *EurAsia Bulletin* Vol. 6 No 1&2 pp60&74.

Moluccas Peace Agreement

On 11th March, the Presidency adopted a Declaration on the peace agreement, signed in Malino, South Sulawesi, on 12th February. For two days, on 11th and 12th February, the Christian and Muslim communities of the Moluccas held talks, in Malino, South Sulawesi, to



negotiate a peace agreement to end intra-communal violence. Each side was composed of thirty five delegates. The talks were hosted by the Minister for People's Welfare, Jusuf Kalla, and resulted in an eleven point declaration signed by both sides. The Presidency Declaration "welcomes" both the formal peace talks and the resulting declaration. The EU also "welcomed" the role played by the government of Indonesia in mediating the process. The EU expects the declaration to be an important step in the restoration of law and order and in Christian-Muslim reconciliation. Recognising that one element of the conflict was the role played by outside agitators, the EU Declaration calls on the Indonesian government to "take the necessary measures against intruders", who seek to disrupt the peace process. The Declaration offers the assistance of the EU to Indonesia in the implementation of the agreement.

The eleven point declaration opens with a simple plea, to end all conflicts and disputes. Both parties agree to "abide by the due process of law enforcement". Several "separatist" movements are named and a national independent investigation team into their activities is to be established. These organisations include the Front Kedaulatan Maluku, Republik Maluku Selatan, Kristen Republik Maluku Selatan, Laskar Jihad and Laskar Kristus. The investigation team will also look into coercive conversions and human rights violations. The declaration "calls for" the voluntary return of refugee and the return of property. One of the reasons for the widespread violence was police and army inaction. With this in mind, the declaration asks that the military and police maintain "co-ordination and firmness" in both their function and mission. However, to execute their mission properly, they must be re-equipped and their facilities rebuilt.

Burma

On 27th March, the Presidency issued a Declaration on the planned visit of Tan Sri Razali Ismail to Burma. Mr Razali, a retired Malaysian diplomat, is the United Nations Secretary General's Special Envoy. The visit, which was planned for 19th March, was postponed by the Burmese authorities. The EU Declaration expressed concern at this development, particularly given the visit by the EU troika on 13-16th March. The Burmese junta had already postponed a visit scheduled for February. The Presidency Declaration insists that, unless Mr Razali's visit is reinstated immediately, preferably in April, then the "momentum and confidence" in the political process in Burma would be lost. The authorities should allow "further and faster progress" towards national reconciliation.

North Korea

The Spanish Presidency of the Council issued a Declaration, on 11th April, on the recent visit of Mr Lim Dong-won to Pyongyang. Mr Lim is the South Korean Special Presidential Envoy. The visit, on 3-5th April, made progress on several issues, such as meetings for separated families, an economic survey mission from North Korea and the seventh Ministerial Meeting. The EU Declaration welcomed these results, calling the agreements "encouraging". Implementing these agreements, the Declaration says, would be vital for the re-launch of the inter-Korean dialogue process. Mr Lim also received indications from Pyongyang that the DPRK would like to resume discussions with both the US and Japan.

In mid March, the Commission allocated €5.5m in humanitarian aid to be spent on drinking water and sewerage systems in North Korea. Subsequently, on 8th April, the Commission launched two calls for tenders for the supply of food aid. These were awarded to Dutch and German companies, on 23rd April, for a total approximate value of €1.6m. Mr Lim's visit followed the first ever trip by a North Korean minister to Belgium, on 6th March, since Belgium established diplomatic relations with North Korea, in January 2000. North Korea's External Trade Minister, Mr Ri Gwan Gun, met with the Minister of State for Foreign Affairs, Annemie Neyts. ■

THE EUROPEAN COUNCIL

by John Quigley

External Relations

Without precedent in recent times, the European Council, which met in Barcelona on 15^h-16th March, under the Spanish Presidency, did not adopt any statements or declarations on the situation in Asia. The fifteen heads of State and government did, however, find time to adopt a thirty page document referring to the European Union's economic and political situation, the future of Europe, Africa, EU-Mediterranean co-operation, the Balkans and the Middle East. However, it seems that the situation in Afghanistan, India's relations with Pakistan, Kashmir, Maoist terrorists in Nepal, China-Taiwan tensions, violence in Indonesia, the Sri Lankan peace process, Burma, etc, did not exercise EU's leaders minds. ■

Indonesia's Transition: Towards a Productive Democracy?

by John Quigley

The Executive Director of the Institute for Policy and Community Development Studies (IPCOS), Johan O. Menajang, spoke at a lunch meeting of the European Institute for Asian Studies (EIAS), on 5th March. Dr Klaus Schreiner, European Liaison Office, International NGO Forum on Indonesian Development (INFID), was the discussant. The meeting was chaired by EIAS Secretary General, David Fouquet.

Mr Menajang opened his remarks by saying that IPCOS, which was founded in 1995, was a research institute with a focus on the democratic transition in Indonesia. IPCOS see the transition as an opportunity to develop a better political life and to increase public participation in political activities. The other focus of IPCOS is 'comprehensive human security', which encompasses elements such as the environment, conflict resolution and health issues. A recent seminar held in the Netherlands on "Good governance and the role of the Indonesian military in the transition to democracy" helped 14 military officers to learn about their new role in society with respect to good governance and the new political structures. It demonstrated that the military is prepared to listen but it raised a fundamental question – whether Indonesia is witnessing a fundamental structural change or if it is just a changing of the guard.

The Indonesian general election of 1999 was considered free and fair by the international community. One feature of that election was the fact that ballot papers were counted openly in polling stations before members of the public. While considered a success for local democracy, there were problems at regional level when the delay in tallying figures raised suspicions in some people. However, the election commission overseeing the process is independent with no role for the political parties, so the delay was merely one of lack of adequate training. Whereas the last President, Abdurrhaman Wahid, was replaced before the end of his term, in July 2001, the current President, Megawati Sukarnoputri, has also aroused some dissatisfaction. However, unless there is a huge crisis, Megawati will undoubtedly remain in office, Mr Menajang stated.

For the moment, all relevant political actors are looking towards the next general election, which is due in 2004. Ahead of the election, some constitutional issues, such as the direct election of the President, will have to be considered. Another vital issue is the possible division of the legislature into two chambers. The military would say that only federal states use a bicameral system, whereas several major Indonesian non-governmental organisations were pushing for the division. While predicting a change to a bicameral system, Mr Menajang did warn that the influence of the military is still crucial in Indonesian politics. The generals know that, if they ever try to take a greater role, then international support for Indonesia would dry up. The ability to change President signals a shift from a heavy-executive government towards a heavy-legislative government. Stronger power is also moving from central government towards local government, that is growing in authority especially with regard to public services.

If the democratic focus will increasingly be on the Parliament, then it is clear that those who sit there should be scrutinised more carefully. Parliament is dominated at all levels by people with a business background. This fact, coupled with the lack of democracy under President Suharto, means that many parliamentarians lack any democratic training. Unfortunately, many business people use the Parliament to maximise funding to ensure their own re-election or for their own business opportunities. Even at the local level, government is dominated by those from the construction sector, who try to manipulate the tendering process for government contracts in their favour. Democracy in Indonesia needs to bring a large measure of improvement in living conditions. Thus, politics and public services policy must show a clear relationship towards creating a good civic life.

Dr Klaus Schreiner, INFID, noted that, despite the welcome change towards a more democratic President, Mrs Megawati was not living up to the expectations of the public. Agreeing that only some major turmoil would remove her from office, nevertheless, she remains in office because she is of use to those who brought her to power. By 1998, the military had learned the lesson that they should not play a major part in political life. Even so, they had a significant role to play in convincing President Suharto to step down. Thus, Dr Schreiner speculated, that real power lies not with Parliament or with business leaders but, in actual fact, with the military. They are preparing for decentralisation by establishing regional command centres, such as the one in Aceh, which opened in February this year. The thirty provinces do not have too much power and whatever power they do possess was distributed to them to prevent the break-up of the



Indonesian state. The attempt to establish new provinces is less a desire to acquire political power and more a factor that the military wants to exploit their economic potential.

Responding to Mr Menajang's comments about the shift from a heavy-executive government, Dr Schrenier said that Indonesians may suffer from a mis-conception about the role of the Parliament. The Parliament is trying to be the government, assuming powers and competences that are not rightly theirs. Indonesia is living through a learning phase. The country is suffering from a lack of leadership with political actors either looking for personal enrichment or towards the 2004 general election. In reply, Mr Menajang agreed with the analysis of the position of military, calling for its political component to be clipped, especially at the local level. Only thirty percent of the military budget comes from the State, meaning that their activities are hard to regulate. Only once the government finances the entire military budget, can the State be said to exercise total democratic control over the armed forces.

Questions and Comments

Dick Gupwell, Treasurer, EIAS, said that one fear concerning the launch of the devolution process, over one year ago, was that there would not be enough qualified personnel to run local administrations. Was there a programme moving civil servants out of Jakarta and into local government? What was the position of the army on the possible direct election of the president in 2004 and was it likely that each of the big political parties would put forward their own candidate? Tom Roe, European Commission, noted that the decentralisation process brought the health, education and social services under provincial control. Given the tight economic constraints in Indonesia, how would it be possible to bring the military under civilian control?

Dr Hans Kluth recalled the very short period of democracy enjoyed by Indonesia in the past, just after the Second World War, which was mainly due to the reluctance of the Dutch to cultivate a democratic tradition. How, therefore, did contemporary Indonesians accept democracy? Peter Taruyu Vau, Mission of the Republic of Indonesia, wondered what could be done to minimise the role of non-governmental organisations (NGO's) in influencing official policy. It should not be their function to usurp the role of civil servants. João Silva Maia, PPE Group, European Parliament, queried the situation for foreign investors in Indonesia. Much, he said, had been made of the role of companies owned by the military but were these publicly identified? Could a third country raise the interference of

the military in the economy at the WTO under its rules and complaints procedure.

H.E. Ambassador Sulaiman Abdulmanan, Embassy of the Republic of Indonesia, agreed that, if the military could be financed totally by the State, then it would not need to be involved in running companies. Since the launch of the reform movement in 1998, the military had adopted a new role in civil society, withdrawing from politics. However, they do retain a role in defending national integrity and unity. There had been criticisms of President Megawati and her style of government and suggestions that she should stand down as chairman of her party. However, this may be unduly unfair, as any sitting President would have to endure similar brickbats. Dr Willem van der Geest, Director, EIAS, raised the issue of the fight for the control of the Indonesian Bank Restructuring Agency (IBRA), the organisation that sells companies that have debt problems. How heavily involved at the local level would the military be? The introduction of *sharia* law in Aceh covered initially family issues but had it now been extended to cover criminal or judicial matters?

The Speaker in Reply

Mr Menajang, in reply, said that IPCOS had, in fact, conducted some research into how citizens viewed the delivery of public services under decentralisation. The survey examined the quality of the service, whether public opinion was heard in the bureaucracy and what complaints procedure was in operation. The survey found quite a high level of satisfaction with the delivery of services, indicating that there had been no breakdown in structures. The influence of the military is set to continue in the medium term. As long as their economic interests are not undermined they do not really care who is President. The method for the direct election of the President has not been decided but it could feature a second ballot, such as the French system, with all but the top three candidates being eliminated.

Politics in Indonesia, Mr Menajang said, is still a factor of the politics of identity. It is unlikely that Mrs Megawati will get blamed for the economic crisis but she will need to protect the right people if she is to safeguard her own position. One explanation for the growth of NGO's is the simple fact that it is hard to find a permanent job. Anyone can establish an NGO and try to find a munificent donor. A very limited number of NGO's actually worked through the autocratic regime of Suharto and some of them do not see any room for dialogue with any sort of government. Over the long term, investments in Indonesia will be profitable. However, currently, it is up to business leaders to decide that the high level of risk is necessary if the Indonesian



economy is to grow. The government does have compensation schemes during downturns in the economy.

The introduction of *sharia* law has provoked a volatile situation with no one exactly clear as to how far it will be implemented. The hasty introduction is a crisis for moderate Muslims because it will reduce the change to discuss how *sharia* law could be implemented in a modern context. The military is heavily involved in many sectors of the economy, partly because of the need to supplement the annual budget but also because of the conditions the International Monetary Fund (IMF) imposed on the State budget. The IMF never saw fit to discuss what level of financing might be necessary to ensure the security of the State.

Dr Schreiner thought that many of Indonesia's well educated young people were working in NGO's because the government does not have the resources to employ an adequate number of civil servants. The role of NGO's will continue but, the attitude of the government to them is worrying. Just as it took democracy a long time to establish itself in Europe, so too should the international community allow Indonesia some time. To subdue the military to civilian rule, the state needs to think in terms of the budgetary authority and the economy. While the government could try to limit the military's role, this has proved very difficult after September 11th, with the military pointing out the demand made upon it to fight terrorism. ■

The ASEAN – ASEM framework: Complements or duplicates?

by John Quigley

Dr Eric Teo, Council Secretary, Singapore Institute of International Affairs, addressed a lunch meeting of the European Institute for Asian Studies (EIAS), on 12th March, on “ASEAN, ASEAN plus three and ASEM – complements or duplicates?”. The meeting was chaired by Dr Willem van der Geest, Director, EIAS.

The political aspects of the Association of South-East Asian Nations (ASEAN) could be divided into two, Dr Teo said. The older members of ASEAN, who comprise

the original five member states – Indonesia, Malaysia, the Philippines, Singapore and Thailand – plus Brunei, are facing a new security rethink about where their concerns lie particularly after September 11th 2001. While there had always been tension between moderate and radical Islam, both the Philippines and Indonesia have witnessed the rise of political Islam. The tension will be compounded if the American intervention in Afghanistan does not stop. The existence of terrorist organisations across the region has brought about certain co-operation but also highlighted certain differences. Such factors must be considered, Dr Teo said, in the relationships of the ASEAN States.

The presence of US military advisers in the Philippines has created friction between some States. Some civil servants have indicated that it could be very dangerous, over the long term, for ASEAN, if these advisers are in place over several years. Thus, if the terrorists expand their network into Malaysia or Indonesia, will the USA follow? The second political aspect of ASEAN affects the newer northern members who possess a different set of problems. They tend not to have a Muslim problem but enjoy a difficult period of transition. The newer members, Vietnam, Burma, Laos and Cambodia, had certain aspirations about joining a wealthy organisation and sourcing much needed investment.

The onset of the Asian financial crisis was a big disappointment for these countries in their relationship with ASEAN. While being welcomed in on a political basis, the economic equation had not been comprehensively settled. Whether they will succeed or fail will depend on their ability to make the transition to a market based economy, improve their social structures, open up to globalisation and allow civil society to develop. Many would question whether this has led to a two-tier ASEAN. In fact, a two-tier ASEAN is clearly visible today, with a gulf in perception that is economic, political and social.

The attempt to bridge this gap must examine the economic and social tensions at the heart of ASEAN. The 1997-98 Asian financial crisis obviously affected the markets but also became a social crisis. Many would argue that the crisis was aggravated by the World Bank or the International Monetary Fund (IMF) but it is clear that many States did not have social safety nets. Dr Teo noted that ASEAN had not yet seen the end of the social malaise. The crisis also had a political dimension. Some political movements have brought some States closer to democracy with, for example, Indonesia in full political transition. However, it is unclear where exactly political power rests in Indonesia. It will take several years for the political



system to re-organise itself, root out corruption and bring stability.

The member states of ASEAN must now attempt to redefine their socio-economic strategies. In the past, economic policy was focussed on the need to boost exports but States need to question whether their monetary or fiscal policies are sufficient in today's global economy. The *raison d'être* of State owned or government linked companies will have to be questioned. Unfortunately, the mirage of economic recovery in 2000-01 led many to suggest that reform was not needed. In general, the credibility and cohesion of ASEAN amongst some of its States has decreased. To survive, these issues will have to be addressed urgently.

"ASEAN plus three" (China, Japan and South Korea) might be a good opportunity to launch a revival of ASEAN and stimulate reform. States need "ASEAN plus three" to whip ASEAN into shape so that East Asia can have a bigger and more diversified market with good access to the growing Chinese economy. The three extra countries could also play a role in promoting competitiveness in the weaker States of ASEAN, who no longer attract foreign direct investment. This process of reform may hurt those States in the short term, but ASEAN must look towards the longer term benefits. "ASEAN plus three" may help the ASEAN States address the challenge China will pose in the 21st century. The concept of an ASEAN-China free trade agreement has been floated, which would be useful in helping other States keep up with China.

However, "ASEAN plus three" is not without its own problems, Dr Teo said. The Sino-Japanese *rapprochement* has surmounted some problems but is still not complete. Perhaps, Dr Teo suggested, in the medium term of 5-10 years, relations will be more cordial. If the relationship does not deepen, then it is unlikely that East Asia will ever truly prosper. The growth of civil society in both China and South Korea means that, unless the Japanese government apologises soon for its actions during World War 2, then a *rapprochement* may be much more difficult, not least with groups demanding compensation. Equally, China should accept that there will always be right wing elements in Japanese society. One important building-block process, which has been running for several years, is youth and cultural exchange programmes.

The situation between Taiwan and China is also a factor in the "ASEAN plus three" relationship. Tensions across the Taiwan Strait have simmered down considerably, Dr Teo said, which is a sign that Chinese society is beginning to mature and is prepared to wait over the longer term for re-unification. Taiwan, however, is

concerned about the rate of departure of many of its industries to the mainland and the choice of many students to go to Chinese universities. South Korea is similarly beset by some problems with the waning political authority of President Kim Dae Jung. The relationship of the two Koreas was complicated by President Bush's "axis of evil" speech but, thankfully, he has toned down the rhetoric. Basically, Dr Teo suggested, if China and Japan can reach a political *détente*, then the opportunity would open up for the "ASEAN plus three" States to collaborate on economic progress with a web of free trade areas, which could create the world's largest free trade zone.

The Asia-Europe Meeting (ASEM) process does bring tangible benefits to the European Union. A prosperous East Asia would deliver greater business opportunities for EU companies. A richer and more stable East Asia would contribute to a more stable global society, particularly when developing countries challenge the globalisation process. ASEM can also offer a more balanced partnership between the EU, East Asia and the United States. ASEM will be able to encourage co-operation and the political *rapprochement* that the "ASEAN plus three" process needs. Within the ASEM dynamic, the European Union could be a vehicle for discretely promoting change. Despite the controversy surrounding some ASEAN member states, ASEM could ultimately encompass all the ASEAN States. This would significantly help the political, economic and social development of the poorer ASEAN States and assist their stability.

Questions and Comments

Agnes Hsiao Meilan, Peoples First Party, Taiwan, noted Dr Teo's comments on Asia's economic model but asked what type of investments could he foresee that the EU could bring to Asia. What kind of role could the EU play in providing a balance to the American influence in Taiwan with the current leadership? David Cronin, *European Voice*, queried why the EU should not continue to raise human rights concerns, when it is a central element of EU trade co-operation agreements and when the Council of Ministers routinely criticise China's record. H.E. Ambassador Thongphachanh Sonnasinh, Embassy of Laos, recalled that the founding member states of ASEAN came together to counter the perceived communist threat. It would be wrong, therefore, to suggest that the newer member states joined expecting only economic benefits. They too are concerned about security in the region. What role could "ASEAN plus three" play in promoting the entry of all ASEAN States into ASEM?



Dick Gupwell, Treasurer, EIAS, believed that the human rights question was a matter of style over substance. Whereas Asians in East Asia were, perhaps, too oblique, the EU tended to be very direct when debating human rights. The Secretary General of ASEAN, Rudolf Severino, had stated that the development of the ASEAN Free Trade Area was on track, but, would ASEAN's future lie with AFTA, leading later to common customs and external tariffs, or with individual free trade agreements between ASEAN member states. What was to be made of the EU's suggestion that countries outside South-East Asia could be welcome to join ASEM? Dr Paul Lim, Senior Research Fellow, EIAS, said that political transition in South-East Asia brought with it a certain sense of instability. Was there a role for civil society in promoting stability?

Jean-Pierre Reymond, Mission of Switzerland, wondered how relevant it would be for Muslims in East Asia whether the US intervened in Iraq or would they be more concerned with domestic change and conflict. Wolfgang Pape, European Commission, noted that ASEAN was not a block to individual member states reinforcing their relationships with China. If this was true, what was the level of solidarity within ASEAN?

The Speaker in Reply

Dr Teo said that Asia's economic model had been exported. However, in the 21st century, this should be balanced by domestic consumption. Unfortunately, Asia's policy of having low wages as a competitive measure had depressed domestic consumption. Civil servants will have to change their thinking about the benefits of low cost production for export. Indonesia, which has managed to maintain domestic demand, has an improving economy. The United States plays Japan and Korea quite effectively against one another over the issue of Taiwan. It would not be in America's interest if there was a Tokyo-Seoul or Tokyo-Beijing alliance. An economically stagnant Japan has proved a breeding ground for nationalist groups who might make some link to Taiwanese nationalists, a link that China would fear.

While the issue of human rights should never be off the agenda, the EU should be more subtle in its dealings with the Chinese. Being upfront and confrontational would not make the Chinese or the Burmese generals yield on human rights abuses. The Asia-Europe Foundation (ASEF) could be a more effective way to approach the issue rather than using the European media. Dr Teo said it was not his intention to be overtly critical of the new members of ASEAN and that they did have benefits to offer the organisation. Laos, for example, had enormous hydro-electric power potential. At some stage ASEAN will demand that all the

10 States should be permitted to join ASEM. However, with the major reservations of the EU towards one State (Burma), effectively Laos is being held hostage.

ASEAN would be loath to admit that a two-tier system is effectively in operation but, if ASEAN wants to move forward, then it will have to abandon the need for unanimity for every project. The ASEAN Free Trade Area, which was launched on January 1st, began with a whimper, Dr Teo said. According to business people, it is a complication of existing rules. The States of "ASEAN plus three" could have a web of individual agreements but for the foreseeable future this would not include agreement on a customs union. He welcomed the development of civil society and called for more of it. Social stability is necessary for any country to function properly but he cautioned against having civil society groups that advocate measures for their own advantage. South-East Asia has radical Muslims who want to use external factors to create a momentum for domestic conservative change. Moderate Muslims would rather focus on development issues. Radicals, in general, want to use any agenda to embarrass the government. In conclusion, Dr Teo noted that, inverting the "ASEAN plus three formula" would give "three States plus ASEAN", a development that might need serious consideration. ■

Prospects for Hong Kong's economic future

by John Quigley

On 16th April, Mr Christopher Jackson, Special Representative for Hong Kong to the European Union, addressed a lunch meeting of the European Institute for Asian Studies (EIAS) on "The economic future of Hong Kong". The meeting was chaired by David Fouquet, Secretary General, EIAS.

Mr Jackson said that Hong Kong was the fifteenth largest trading partner of the European Union with trade estimated annually at €32bn. The territory is a place where European businessmen can feel at home and Hong Kong's continued development is in the EU's commercial interest. With rising corruption in some commercial centres and high levels of poverty, the development of Hong Kong is a beacon for high standards. Half of the population lives in either public or publicly subsidised housing, taking them out of the



squatters camps and offering good schooling and health care.

Hong Kong today operates one of the largest container ports in the world. Its total annual trade makes Hong Kong the eighth largest trading entity in the world. Eighty-three percent own a mobile phone while 50% use the internet. After Hollywood and Bollywood, Hong Kong is the third largest exporter of films in the industry. The stock market capitalisation is the second largest in Asia and, in 2001, Hong Kong was Asia's most visited tourist destination. That year an estimated 13.7m tourists came to Hong Kong with an increase of 17% in the numbers of mainlanders. Hong Kong companies employ an estimated 5m people in southern China and offer a major source of investment and technical expertise. In economic terms, Hong Kong faced the brunt of the Asian financial crisis and today faces a threat from a liberalised China that has entered the WTO. Increasingly, multinational companies opt to establish bases in China rather than Hong Kong but this does not mean that Hong Kong is being overshadowed by Shanghai. Over three thousand multinational companies have their headquarters in the Special Administrative Region (SAR).

Hong Kong, Mr Jackson said, had two proven strengths. Hong Kong has a proven continuous ability to restructure its economy. According to a Washington-based think tank, which compiles an index of economic freedom, Hong Kong for eight years running has come out on top. The other strength is respect for the rule of law. This process has been developed over many years starting from a basis in English common law but which over time has become completely localised. The SAR has a strong anti-corruption policy based upon public calls for tough legislation. The right to freedom of speech is protected by the constitution, which ensures a free flow of information for international business. The pro-business philosophy of Hong Kong ensures that international companies are treated exactly the same as local firms.

The Hong Kong dollar is linked to the United States dollar, a link which means that the economy has to accept tight financial discipline. The economy has a good budgetary system with huge foreign currency reserves and a good banking system. In excess of 85% of the Gross Domestic Product, Mr Jackson said, comes from services. One of the consequences of running such a service oriented economy is that some lower-end service jobs have moved northwards into China. Increasingly, Hong Kong shoppers are crossing the border and are being slowly joined by those buying property in China for retirement.

While the restructuring that had taken place in the 1980's proved its worth, when the economy began expanding in the early 1990's, the first sign of the transformation of the economy came in October 1997, during the Asian financial crisis, when speculators wanted to end the HK\$-US\$ link. With arrangements in place for a smooth transition to China, capital had started to return and, regrettably, the economy began to get flabby. The 1997 crisis woke Hong Kong up. Gross domestic product fell 5% in 1998 but, by 2000 when GDP started to bounce back, Hong Kong was hit again as the US economy started to slow. Then, the SAR started to face increasing competition from mainland China.

The SAR government can tell business which sectors are flourishing and help businesses to restructure but most of the work must be done by commercial interests themselves. Thus, in the March budget this year, the Financial Secretary, Antony Leung, said that Hong Kong needs to develop high quality business and to invest in people. Leung identified four priorities for the SAR, including financial services, logistics, tourism and professional services. While a great deal has to be done to modernise the stock market, Hong Kong's freely convertible stable currency and openness, gives the economy an edge. It will allow the SAR to become the banker for both China and the entire region. Hong Kong's deep water port provides a major geographic advantage over Shanghai. The airport, which was built in 1998, handled over 2.1m tonnes of cargo in 2001. Improvements in the transport infrastructure, better customs facilities and better logistics are all in Hong Kong's favour.

Hong Kong's change in sovereignty did not change the formal economic structure. The SAR remains a separate customs territory being, after all, one of the founding members of the World Trade Organisation (WTO). Despite the "one-country two-systems", mainland companies are treated as foreign entities. The opening up of China's markets means that, while its importance is increasing to Hong Kong, the SAR is flexible enough to respond to growing demands and new challenges. The SAR government does help in some aspects, such as education, which is one of the fastest growing areas of public expenditure. To maintain an educated workforce, the government is enhancing basic and tertiary education with an added emphasis on vocational training. However, a growing economy means that Hong Kong will also have to attract workers from China and investors with capital.

The prospects, Mr Jackson said, for Hong Kong in the future are good. China believes that a more open economy is a healthy economy and is liberalising to a great extent. As the global economy recovers, Hong



Kong is poised to respond with GDP growth of 5% predicted for 2003. European businesses see tremendous opportunities in Hong Kong and also as a base for entry into China. In conclusion, Mr Jackson stated that the SAR government wanted to brand the city of Hong Kong. This would be "Hong Kong, Asia's world city".

Questions and Comments

The Director of EIAS, Dr Willem van der Geest, noted that the current deflationary period had been good for the Hong Kong economy but questioned whether there was room for further deflation. While the Asian Development Bank had produced a positive forecast, many observers believed that Hong Kong needed to be relatively cheaper. A booming SAR economy is welcome but, with a liberalised China, there may be too much competition in the market place. Lastly, Dr van der Geest queried the extent to which political leadership needs to be more unrestrained. Some commentators had indicated that it is not as free as some people would like. Sergio Balibrea Sancho, European Commission, recognised that, while Hong Kong remains a regional hub for the financial and tourist sectors, its longer-term economic success seems tied to China. Therefore, would the SAR be interested in negotiating a free trade agreement with China now?

Dr Paul Lim, Senior Research Fellow, EIAS, wondered if the link of the HK\$ to the US\$ was broken, whether a link should be made with the Euro. Aware of the dependence of Hong Kong on the service sector, he asked whether it would be in Hong Kong's interest to diversify. Despite having highly paid university staff, it appears that the general education level is low compared to other countries. Another questioner raised the issue of banking, recalling an American economist who described China's banking system as a "return to the economy of depression". If Hong Kong became the bank of China, is the government not worried that the SAR may become affected by these structural problems?

João Silva Maia, PPE Group, European Parliament, said that, whereas both Hong Kong and China were now members of the WTO, did the SAR government ever expect to be able to make a complaint against Chinese trading practices, particularly in light of the "one-country two-systems" special relationship?

The Speaker in Reply

Mr Jackson said the deflationary pressure would continue in Hong Kong but the government was content to allow the market to decide, rather than to try and force the process through devaluing the currency. Property prices

are coming down but investors realise that, in the centre, prices will always be at a premium. The economic rise of southern China will be a painful experience for Hong Kong but the economy has withstood similar competition in the past. In the coming days, the Chief Executive of Hong Kong, Tung Chee-Wha, will unveil a new ministerial system, which will allow him to ask ministers to reign, making the government more accountable. Hong Kong is slowly developing a political process but in a responsible way with a clear dialogue between the executive and the legislative. However, it would be wrong to suggest that the political system had impaired economic development.

The SAR is excited, Mr Jackson said, about links with mainland China. Both sides have WTO obligations and have a Close Economic Partnership (CEP) co-operation. There are, however, genuine problems with having a multitude of free trade agreements within the Hong Kong, China, Singapore, Indonesia and Malaysia region. Responding to the question on a possible Euro-HK\$ link, Mr Jackson indicated that the United States is the major market for Hong Kong finished goods. With a basket of currencies, Hong Kong would subject itself to endless arbitrage. A link with the Euro might be possible in the longer term if the Euro can prove its stability. The current US\$-HK\$ link has brought welcome stability and the government considers it a discipline worth taking.

While Hong Kong still has a manufacturing sector, the government has realised that it is cheaper to produce in China. He predicted that, once European Union textile quotas are abolished in 2005, then all remaining textile manufacturing would displace immediately to China. Education is tremendously important to Hong Kong and, while there has been an expansion in the tertiary sector, perhaps this growth has not been sufficient. Language is a problem, Mr Jackson admitted, with most of the population speaking Cantonese. The government is recruiting Mother tongue English speakers for schools.

Any company coming to Hong Kong and hoping to be listed on the Stock Exchange must meet stringent criteria. Investors have confidence in this system so Hong Kong could ill afford to lower its standards to attract even greater levels of investment. As long as Chinese companies, for example, meet these criteria, they will be admitted to the Stock Exchange. Mr Jackson did not see any problem with being a member of the WTO. Hong Kong would vigorously defend its commercial interests. Equally, despite being a big country, China's approach to the WTO has been encouraging and could be expected to live up to its commitments. ■



China's new security challenges

by John Quigley

Dr Greg Austin, Senior Visiting Research Fellow, European Institute for Asian Studies, delivered a lunch-time address, on 24th April, on "China's new security challenges in Taiwan and Central Asia". Dr Austin has previously worked with the International Crisis Group and has authored several books on Chinese and Asian politics. The meeting was chaired by EIAS Secretary General, David Fouquet.

Dr Austin began by stating that China's leaders view themselves as facing threats to both China's national integrity and its territorial sovereignty. Strategic policy makers in Beijing were beginning to view two such distinct separatist problems as containing a common thread that together make them a much higher order of threat. China's leaders see America, the leadership of George Bush, as intensifying its military strategic efforts to limit China's potential to exercise strategic power. A potentially permanent US military presence in Central Asia would only aggravate China's sense of vulnerability.

The sense of vulnerability has three elements, Dr Austin said. Firstly, the US presence in Central Asia, which had increased significantly since September 11th, 2001, was portrayed in China in geopolitical terms as encirclement. With the US preparing for a possible military confrontation over Taiwan, China might view the presence of US troops in Central Asia as a possible second front option for Washington. Lastly, the Americans' Central Asia presence might promote political reform and liberalisation of the neo-Communist States, which China would see as a threat to the political order in western Xinjiang.

Another thread in China's perceptions of its vulnerabilities is the potential of US military power to influence Beijing's management of the other separatist headache that is Tibet. The Beijing leadership was fearful of US Congressional interest in Tibetan affairs. China would view the sum of these separatist problems as a pattern of a progressive loss of control, by the centre, over public order in the country. Public disorder had been getting worse since the early 1990's, Dr Austin said. Between 1989 and 1994, there had been 21 major demonstrations where security forces had used weapon

fire to control crowds, a fact that went unreported in the West. These separatist problems highlight all the big questions of political reform that were repressed and deferred in 1989, such as political pluralism, democratisation and federalisation of the Chinese State structure.

Ever since the Communist Party came to power, Dr Austin said, China's leaders have been 'border sensitive'. Outside observers have been puzzled by the extravagant approach in the 1950's to the limits of 'historical China' and by China's belligerent approach to virtually all of its borders between 1962-69. Developments in Chinese thinking over the 1990's have marked a substantial shift from the 1970's or 1980's. Today, China is far more conscious and far more defensive of the different interpretations of its borders. These interpretations range from a definition as a geographic boundary, an economic or political opportunity, a domestic internal security threat, external State pressure or, lastly, where the remit of the State or sovereign begins and ends through the commitment of the people being ruled. The modern Chinese approach to its borders place greater emphasis on the third, fourth and fifth interpretations.

The change in thinking has been facilitated by the rise in China's ability to control its borders in a legal and technical sense but also in its growing sense of incapacity to control threats in the other four definitions. Dr Austin stated that, for the current Chinese leadership, the boundaries of their power now faces multiple and intensifying threats. These range between the legal threat of Taiwan to the movements in Tibet and Xinjiang. There probably does not have to be a big bite out of current territory before China's leaders will say enough is enough. Thus, Beijing might think that there does not need to be a formal declaration of independence by Taiwan or a successful secessionist revolt in Xinjiang before launching a robust military response to what they see as mounting political pressure in periphery areas. China is worried that continued resistance in one part of the territory may lead to new separatist movements springing up. Dr Austin said it was his very strong intuition that the leadership is increasingly pessimistic about its periphery.

Many of the key indicators for war in the Taiwan Strait are already in place. While China is not fully prepared for war, the risk of eventual military clashes and war has risen. The 1990's have witnessed an escalating contest of ideas between Beijing, Washington and Tokyo about the future balance of power in East Asia. Both China and the USA now see the resolution of Taiwan's status as reflecting seriously on their credibility as great powers. However, there are a number of huge constraints on China's resort to actual



combat operations against Taiwan. To prevent an escalation into war, international political attention will need to be kept on both the issues and the players.

In contrast to the military situation with Taiwan, the threat for Beijing in Tibet is the spiritual leader, the Dalai Lama, who vigorously cultivates international support for resistance to Beijing rule and preaches non-violence. While asking for autonomy, Beijing fears that he really wants independence. Sentiment in western countries in favour of Tibetan independence continues to grow. Thus, for China, the three separatist cases are becoming increasingly bound up with US global power, an expansion of US regional alliances and a re-orientation of US military strategy and troop deployments. President Bush's 2001 review of strategic policy declared that the most likely threat for major war in the future would be China.

US and allied governments in the western Pacific, especially Japan and Australia, reacted strongly to China's military intimidation of Taiwan. While their reactions were appropriate and would deter China from certain courses of action, there was little doubt that the response was seen in Beijing as an unacceptable intervention in a "domestic" problem. Since 1995, there has been a gradual escalation in military preparation by China and the US for some sort of military hostilities over Taiwan. Whereas China has deployed medium range missiles to its coastal areas, the US had sent 3000 missiles to Guam and rejuvenated an alliance with the Philippines. The forced landing of a US reconnaissance aircraft on Hainan Island, in April 2001, showed the intensity of US efforts for a Taiwan Strait contingency. Even before September 11th 2001, the ideological element to US foreign and security policy began to take centre stage. In the early months of the Administration, President Bush declared his intention to oppose Beijing's intimidation of Taiwan. Thus, the Director of the CIA, George Tenet, in February 2002, stated that China's co-operation in the war against terrorism changed none of the fundamentals of the long-term strategic competition between China and the US.

Chinese co-operation in fighting the Taleban could suggest that it viewed the arrival of US troops in Central Asia as a welcome development. However, the dominant thinking of the Chinese leadership would view this US presence as a strategy of encirclement. The US presence could use national and religious factors to give strategic pressure to China's western region. The pessimism that China's leaders feel toward the periphery cannot be fully appreciated without reference to the pessimism they feel about public order in China generally. The re-emergence of the Political and Legal Commission, with a mandate from Jiang Zemin to

"safeguard state security, promote the unity of the motherland and maintain social stability", is a very strong sign of just how serious Communist Party leaders view internal security threats. The next two or three years will probably be marked by a determined push from China to divide the USA from its allies and by the USA to shore up its alliances to increase pressure on China.

Questions and Comments

Dr Willem van der Geest, Director, EIAS, noted the growth in the US military presence in Asia but questioned its duration. Is it likely, he asked, that the United States would be ready to engage in seven or eight countries simultaneously. Also, the separatist movement in Xinjiang seems largely peaceful but the Chinese State has been cracking down forcefully. Roberta Zavoretti, Director's Assistant, EIAS, queried the future development of the Shanghai Co-operation Organisation with regard to change in Central Asia and the role of the United States in the region. What are the prospects for change in China once the current leadership has been replaced by a new generation who have a focus less on the revolutionary past and more on China's economic potential? Dr Paul Lim, Senior Research Fellow, EIAS, noted that Austin's theory of international relations was predicated on the possibility of war with China. If the US takes military action over Taiwan or intervenes in Tibet, what role could the European Union play?

Jean-Pierre Reymond, Counsellor, Mission of Switzerland, asked whether the exchange of technology by the USA towards Taiwan actually constituted a grave threat to China's security. Another questioner wondered whether the US presence in Central Asia was encouraging Russia to pursue a relationship with Iran. Dick Gupwell, Treasurer, EIAS, said that, in the initial development of the European Union's Common Foreign and Security Policy, Asia, was largely excluded. Now, post-September 11th, the EU was taking a greater interest with substantial naval forces of some Member States in the region. Also, the International Security Assistance Force (ISAF) in Afghanistan was mostly made up of EU forces. Did this mean that the EU was beginning to take a more profound strategic interest in Asia.

David Fouquet, Secretary General, EIAS, raised the various arms modernisation and acquisition programmes of, *inter alia*, India and some of the member States of ASEAN. Even though Sino-Indian relations are improving, what effect would this have on China's perceptions of the security of its borders? João Silva Maia, PPE Group, European Parliament, stated that the Maoist rebellion in Nepal was the result of the total incapacity of the Kathmandu government to deal with the



issue of rural development. Is it the case that the Maoist rebels are being supported by China? If the security situation deteriorates any further, then India might be forced to move into Nepal, not least to protect its own neighbouring States.

The Speaker in Reply

Dr Austin, in reply, stated that, despite some reports of bombings, he was of the opinion that the rebel groups in Xinjiang did not contain armed factions. However, he would not foresee any successful separatist rebellion any time soon. While the separatist movement appears to be low scale, the Chinese response has been disproportionately large. It adds weight to the belief that the Beijing government appears determined to crush such movements lest they promote the break-up of China, such as happened to the old Soviet Union. In general terms, the US military presence is small in size. Beijing believes the deployment is largely symbolic but provides the US with a great potential. Indeed, the extension after the Gulf war of the US Central Command facility to include Central Asia, was largely under-reported in the press. There are signs that the US had been planning for an Afghanistan style emergency for a long time and it is the opinion of US commanders in the field that they are in Central Asia for the long haul.

The Shanghai Co-operation Organisation (SCO) grew out of negotiations on border relations between China and Russia and between China and some Central Asian States. This is rated as a Chinese success in an area where the United States did not have much of a role or influence. Post-September 11th, that analysis has changed and the remit of the SCO has evolved into security concerns. There are differing beliefs in China as to what should be done with the SCO. One line of thinking understands that little will be done that the "West" does not agree with.

China's new leadership are hard to pin down. The West expects them to be more cosmopolitan and less nationalistic. The only certain analysis of their thinking is that they do not want to return to the backwardness of the past. However, the sentiment of the Chinese public is becoming more nationalistic and this could increase over problems such as Taiwan and Tibet. It is clear that the US uses Taiwan as a pawn in a wider strategic game over the balance of power in the region. Any resolution of the Taiwan issue that would permit Taiwan's economic development would remove the rationale for the US-Japan alliance. A role for the European Union is hard to see in the event of a conflict on any of the separatist issues. Cynics might suggest that the EU has no broader horizon than the Balkans or the Middle East. On the other hand, China works closely

with Germany and France to prevent a wider EU-USA alliance from forming.

The growing arms race appears to be concentrated in North-East Asia and not necessarily in South-East Asia. While there has been a double-digit increase in both the US and Chinese defence budgets, it would be hard to call the increase an arms race. However, there is enough current defence procurement centred around Taiwan to be a cause for concern. The possible transfer of technology systems to Taiwan needs to be seen in a wider strategic scenario. China sees the withdrawal of the United States from the Anti-Ballistic Missile Treaty as a threat to world peace. Equally, the US development of the National Missile Defence (NMD) initiative is seen as a threat, perhaps wrongly, Dr Austin said. Rather than looking merely at issues of weapons development, observers should examine the wider strategic relationship. In the wider scenario, it is clear that NMD is unlikely to be ever extended to Taiwan.

Replying to the question on Russian interest in Iran after September 11th, Dr Austin said that Russia made a strategic choice to ally itself with President Bush. This, he believed, would define the US-Russia relationship for the next decade. In contrast, the US-Saudi Arabia relationship is probably dead. Current Russian thinking is actually much closer to American interests than anything coming out of Saudi Arabia, which is viewed in Washington as hostile. Russia-Iran does not have much of a future in strategic terms.

Dr Austin said that Javier Solana, the EU's High Representative for the Common Foreign and Security Policy (CFSP), did not have enough staff to develop a strategic Asia policy. However, the Commission was different. The EU has a strategic interest in Asia that needs to be properly addressed. India and China, in recent years, have made serious efforts to defuse tensions along their border but, to date, this had not been as successful as both sides hoped. India fears the development of nuclear and missile technology in China. While at the political level, China and India disagree over Tibet, it is fairly certain that India would never attack China. A concrete gesture for stability in the region would be for the United Nations to recognise the development of the Indian State and give New Delhi a permanent seat on the Security Council. While he could not express any certainty, Dr Austin said it was his intuition that China was not involved in supporting the Nepalese Maoists in any way. The Maoist ideological strand has gone from the Communist Party and China is now much more concerned with improving border security that exporting terrorism. ■

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