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Seventh Sustainable Development Conference Troubled Times: Sustainable Development and Governance in the Age of Extremes

Concept note

“...good governance in the South Asian context has to go well beyond good politics or even the creation of a decent society. It must enable the state, the civil society, and the private sector to further broad-based economic growth and social development and increased human welfare.”

A 10-year-old document of the UNDP states: “The goal of governance initiatives should be to develop capacities that are needed to realize development that gives priority to the poor, advances women, sustains the environment and creates needed opportunities for employment and other livelihoods.” (UNDP 1994 Initiatives for Change).

We believe that while various issues of concern for South Asia remain, they have taken on urgency in view of the deteriorating indices and post 9/11 realities. Thus, while old policy documents continue to be as relevant today as they were a decade ago, it is critical to reassess strategies for good governance and sustainable development to arrive at ways of making them more meaningful.

How much progress has been achieved in South Asia vis-a-vis governance? Is government more transparent today than it was a decade ago? Have governments kept their promises to the marginalized, whether the poor, women or minorities? How can we avoid repeating the mistakes of the past? What would be the effective strategies to do so?

The seventh Sustainable Development Conference (SDC) of the Sustainable Development Policy Institute (SDPI) will provide a forum for sharing and exchanging dialogues on sustainable development and governance with practitioners and policy-makers. It will examine the interface and relations between various dimensions of sustainable development and governance. The speakers will discuss how problems and issues in South Asia can be dealt effectively at various levels based on prior experience of successful policy interventions.

The conference seeks to bring together theorists, researchers, creative thinkers, writers, activists, policy -makers, and academicians to debate the second phase of globalization- a world that is ever more interdependent.

Questions of governance and sustainable development will be tackled at several inter-related levels: in the contexts of purely the third world; in terms of the relationship with first world institutions; and, within and between the third world.

The conference will be multi and trans-disciplinary in order to open up new ways of arriving at effective strategies for overcoming the extremes that the South is facing presently.

Today we are a witness to deteriorating indices, increasing inequalities and disparities. These include disparities in incomes, shrinking sources of livelihood, increasing poverty, escalating conflicts, inter and intra-state violence, sham democracies and abuse of religion. In this context, issues of governance and sustainable development take on distinct significance. These issues are of particular importance to the South Asian region that has been affected by global developments and heightened conflicts.

The conference will question whether there is sound governance around development and whether this is ensuring just development? Whether there is more sharing of resources including natural, and institutional? Is there a strengthening of regional and international institutions? Or is it a world of extremes- a world that is extremely rich, but with unparalleled inequalities of income and access to resources with the marginalized becoming even more marginalized.

The conference will provide an opportunity to discuss the global economy, the new terms of trade, transfer of resources from the developing world to the first world and whether such moves are benefiting only the elite with the fruits of assistance not traveling to the common man. The discussions on governance and development will also address the new conditions emerging for labor, women, minorities and the marginal groups.

The conference will examine whether governments are integrating national strategies for sustainable development with national policies for poverty reduction; whether the industrialized countries are adopting consistent and sound policies towards the developing countries; and whether countries are ensuring transparent democratic institutions?

The seventh SDC will highlight the crosscutting linkages between such diverse themes and the increasingly complex demands upon the policy arena to respond to these issues quickly and effectively.

Some of the sub-themes to be discussed in various panels during the conference are given below:

Globalization

Global governance in the area of trade will take a quantum leap in 2005. The Agreement on Agriculture under the World Trade Organization (WTO) will be implemented in developing countries and the quota regime regulating international trade in textiles and clothing will disappear. This will give way to free trade in these two markets of major importance to developing countries. Trade and environment were formally linked for the first time at the WTO Doha Ministerial Meeting.

The conference will focus on the implications of the WTO system of trade and governance for sustainable development. Special attention will be given to the

impact on those commonly invisible in high level meetings on trade liberalizations: women, poor farmers, and unskilled workers. Governance issues of international financial institutions would be discussed with special focus on sustainable development in developing countries.

Livelihood

Feudal practices in rural Pakistan are depriving many of their right to livelihood. Landless tenants and small farmers are waiting for land reforms. They are further threatened by initiatives such as corporate farming.

The fishing community is suffering due to non-consultative and non-participatory projects such as RBOD (Right Bank Outfall Drainage) etc. Fishing rights are contracted out and the contractor decides when, how, and where to fish. Issues of unsustainable water management and unwise water extraction in Balochistan are creating a drought-like situation. Linkages between governance and livelihood security would be explored in the conference.

Migration and Urbanization

Inter and intra-state violence has led to displacement of people. Further, search for livelihood has led to rural-urban migration. Today urban centers are becoming more and more crowded, stretching available resources to the limit and challenging their governance.

It has resulted in the mushrooming of slums and big cities with lack of potable water and poor sewage system burdening the already burdened environment. Moreover, it has led to increasing unemployment, worsening of balance of payments, a strain on public finances and slowdown of labor-saving investments. How can development be sustained and cities be governed under the challenging circumstances will be discussed by the speakers in this conference.

Food and Water Security

South Asia boasts of one of the world's most extensive river networks. However, uneven distribution of rainfall has led to water scarcity and droughts in countries including Bangladesh, Pakistan (Balochistan region) and India (Rajasthan). Food security depends on irrigation of the agricultural land. Some 95% of the water resources are taken up by the agriculture sector, and a lot of it is wasted. Population pressure increases the demand for food and water.

How can states in the region achieve a balance and improve the governance in these areas are some of the queries to be examined in this Conference.

SDPI has compiled a report on Food Security Situation of Pakistan in collaboration with World Food Program in which the districts of Pakistan are ranked according to their food security. In this conference it will be discussed how improved governance can turn food insecure pockets of Pakistan into food secure areas.

Health and Environment

Health is considered not only an asset in human development, but also an engine of economic growth. Recent research is focused on exploring links between health and other fields such as environment, labor productivity and growth. The causal link between health and other sectors hence demands more integrated efforts to achieve global development goals.

The seventh SDC will try to unveil the links between good governance, and establishing and sustaining a strong health care system in South Asia. It will examine macroeconomic aspects of health (poverty, growth and income distribution), political economy of health, health and environment, child health, economic evaluation of health care programs and global aspects of health (including disparities across regions).

Environmental Regulatory Enforcement and Compliance

Environmental regulatory enforcement and compliance continue to be the main problems in controlling the rapid depletion and degradation of segments of environment (air, water, soil, forests, aquatic life, etc.) in South Asia. Do the existing governmental structures and patterns of governance for tackling national and regional environmental issues facilitate law enforcement and strengthen stakeholder participation by adequately providing opportunities to educate and access available information?

The seventh SDC will look at the manner in which governments cooperate and exercise power in natural resource management in their respective countries and in the South Asian region. The participants will share their experiences and will discuss national and South Asian regional environmental issues pertaining to all segments of environment.

Energy Sector and Regulation

There is no doubt that the production, distribution and access to energy and power remain a vital concern for all citizens. What has been the role of the government and private sector in the governance of the energy sector? The participants will discuss the effects of privatization of energy sector (electricity and gas) on the price of this service and how effectively it can be regulated through the constituted regulated authorities.

Resource Rights and Governance Implications

Historically, rights to natural resources (forests, rangelands, fisheries- both marine and inland) were grounded in customary law and it was this law, coupled with traditional management practices that ensured natural resources were used in a sustained manner. Development and modernization have displaced customary law and practices and replaced them with statutory law. However, the growing economic and commercial utility associated with the resources has led to governance lapses, resource capture and ecological marginalization.

The conference will question such key concerns including environmental insecurity and conflict over resources and its consequences.

Media and Governance

Media influences the political processes and shapes public opinion. Thus, media has become central to politics and public life in contemporary democracy. Media can shape power and participation in society in negative ways, by obscuring motives and interests behind political decisions, or in a positive manner, by promoting the involvement of people in those decisions. In this respect, the media and governance equation becomes important.

Democracy implies participative governance and it is the media that informs people about various problems of society, which makes those wielding power (on their behalf) answerable to them. In such a scenario, the relationship between media and governance is laden with tensions.

Some of the questions that will be examined include how the media can play an effective role in promoting human rights? How can the media play a more constructive role in reducing ethnic, religious and other conflicts in South Asia? How can it highlight the issues of governance and sustainable development in an effective manner at the regional, national and local level?

Gender-based Violence

Although gender will remain a crosscutting theme in all panels at the seventh SDC, some of the panels will specifically address gender concerns. A few of the questions that will be explored are: What are the underlying issues in structural gender-based violence and how can they be addressed; is this violence a result of ineffective governance on the part of the intervening agencies; what is the role of patriarchy in crimes such as honor killings; what are the different levels of violence and what are the state interventions that can mitigate; what are the specific issues in women's security that need to be addressed? What should be the decisive factors for civil society actors working against violence against women - morality, right-based approach or both?

Conflict, Peace and Security

The Seventh SDC will focus on drawing upon linkages between governance, conflict and livelihood. Conflict has an internal dimension as well. Sectarian violence is ever-present and is by and large out of government control. How can the issue of livelihood and sustainable development be addressed? Is there a way forward by which even if this violence cannot be controlled in the short-term, youngsters on the streets are kept away from being recruited by the terrorist organizations? What role can civil society play or has been playing in encouraging peace initiatives? All this has a multiplier effect and needs to be addressed.

Trafficking

Human trafficking has been a major problem in the South Asian region particularly since the 1980s. Although the State has made commitments, and efforts are being undertaken by different governments to curb this menace, the rising graph of people trafficked in and outside these countries every year does not support these claims. Human trafficking, especially of women and children, has been rampant in this region and indicates a failure of the states involved for adoption/implementation of effective and stringent measures to address the issue. Recent developments in these countries, for example Pakistan's Ordinance on Human Trafficking (2002), are seen as positive steps forward. Are these government concerns genuine or are they simply another set of legislative measures to counter various pressures and appease regional and international partners, especially in the backdrop of 9/11? Or is it bad governance on the part of the bodies meant to intervene and curb such a menace? These are just some of the many queries that will be discussed concerning trafficking and the challenges of governance.

Literature and Development

The SDPI's SDC series is unique in the sense that not only does it invite scholars, researchers and academics, but also fiction writers to examine and explore how they view the alternative reality. Some of the questions that will be explored are: what is the current role of fiction writers in shaping Western perceptions about the East; what are the differences and similarities in Urdu and English fiction writing on turning points such as 1971, or the Karachi conflict; and how can the growing importance of the 'voice' of fiction writers play a role in highlighting issues of governance and sustainable development and getting us through the troubling times.

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Three Simple Steps to a Better Environment

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A clean and fresh environment is admired and desired by everyone but very few make an effort on their part to work towards that end. This realization hit me a few weeks ago when I started commuting between office and home via a means of transport which brings you closest to your environment - the motorbike. It was a terrible experience!

Before I ventured on this 'daily adventure,' I had enjoyed pretty good health. But one week of my motorbike commute, and I became afflicted with a plethora of ailments. I developed a severe flu, headache, sore throat and fever, and was unable to breathe well because of the forced inhalation of smoke and dirt daily.

The worst culprits were the vehicles that plied the route I ventured on every day, especially government and private buses. They release large amounts of smoke, a product of combustion, consisting of fine particles of carbon carried by hot gases and air. This carbon is very injurious when inhaled and can clog the lungs very easily. These harmful gases also damage the fertility of land and affect crops. They result in acid rain, which harms vegetation and falling rainwater, leading to contamination of water. Inhaling polluted air leads to irritability and short temper among the affectees. The plants and trees around us have lost their luster and freshness, and their lushness is only revealed when it rains.

One cannot but help sympathize with traffic policemen who inhale these harmful gases while performing their duties. One usually notices people and policemen wearing masks on their faces while passing thoroughfares like Murree Road, and other places. They resemble aliens rather than normal human beings.

We celebrate many international days; one of them is the Anti-Pollution Day. But we celebrate such days, including the Anti-Pollution Day, more as a ritual than anything else. Laws and regulations also exist for the protection of environment, but are rarely, implemented.

It is indeed an irony that as a nation we are consumed so much in our daily lives that we do not have time even to address the issue of clean air that affects us daily. I would like to make the following recommendations:

The traffic police should give a warning to any vehicle owner, whose vehicle emits limited smoke. The license and vehicle number should be noted. If the car is not fixed in a given number of days, the license of the driver or the registration of the car should be confiscated.

A vehicle emitting a lot of smoke should be instantly impounded by traffic police and not allowed to run on the road till the problem is fixed. The cost of the correction should be borne by the driver or the owner.

A separate division of the Traffic Police, dealing with vehicles such as the ones mentioned above should be created and equipped with devices to check car emissions.

The steps I have stated above would go a long way in closing one source of damage to our immediate environment. Maybe somebody is listening.

A Southern Agenda for Trade and Sustainable Development

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The Context

This article addresses trade environment links within a broader context of sustainable development. The substantive argument is that linking trade with the environment serves a purely Northern agenda and for it to have resonance in the South, it is important that the environment be linked with poverty and economic efficiency and gender equality.

Three issues are articulated from a Southern perspective:

- What are the most important concerns and most pressing priorities for the South, especially with regard to the Doha Mandate?
- What innovative options can be envisaged that would meet the South's and the region's trade and sustainable development concerns in the immediate and ongoing trade and environment negotiations?
- What would be the form and contents of a trade and sustainable development agenda that the South can own and advance as its own in the long run?

Four perceptions dominate the discussions concerning trade-environment linkages in South/South East Asia. First, trade-environment linkages formally recognized at the Doha ministerial meeting of the WTO are the reality we have to live and work with. Second, the environment tends to be viewed exclusively as a northern agenda. For the South, the environment cannot be divorced from its broader sustainable development context, which subsumes both intra-generational, as well as inter-generational justice. Third, the global South is amorphous. Negotiating priorities and approaches should, therefore, reflect regional perspectives, interests and differences. Fourth, the South should accept and deal with the reality of multinational corporations and, in general, the reality of the market.

Southern Unity: Post-Cancun Background

The momentum of WTO negotiations has stalled post the Cancun ministerial. Bolstered by China's joining their ranks, the increasing assertiveness of the South ground the Northern juggernaut to a halt. The Seattle ministerial had already demonstrated that the South had woken up after the Uruguay Round (UR), during which most Southern governments were caught napping, and realized that trade rules, as established in the UR, and the Northern agenda setting post-UR were not consistent with their sustainable development agendas.

As a consequence of this deadlock, the US continued to push its alternative track trade policy- that is to engage in bilateral and regional trade agreements. The European Union's negotiations with regional groups like the Mercusor suggest that it too might decide to aggressively pursue an alternative track. In bilateral and even regional agreements, Southern countries or groupings are more likely to get overwhelmed. Thus, the survival of multilateralism is clearly in the Southern interest.

However, while current EU and US trade policies may be cause for some concern, an element of posturing is also built into its recent moves. The WTO continues to be of great importance to both the EU and the US, since much of what was agreed to in the UR that is in their interest, such as the implementation of Trade Related Intellectual Property Rights (TRIPS), needs the agency of the WTO and its dispute settlement body. Thus, the US met resistance in the negotiations for the FTAA (Free Trade Association of the Americas) as it did at Cancun, given that the G-20 was represented there. This was followed by a flurry of US activity in early 2004 including sending letters to all the WTO country capitals and the US Trade Representative making a tour of many Southern nations perceived to be influential in trade negotiations. Quite clearly the message was that the Doha Round needed to be put back on track. The EU has made similar statements followed by concessions at the recently concluded talks at Geneva. Thus, multilateralism in trade negotiations suits both the North and the South. In our view there are likely to be setbacks, but, given this convergence of interests, multilateralism, eventually, will prevail.

While multilateralism remains on track, both the North and the South have to take additional steps to ensure it does not get derailed. The encouraging message is that while both poles will continue to defend their respective economic, social and environmental interests, there exist common grounds where, potentially, these interests converge. An overused but appropriate term is win-win. The challenge is to identify them and craft the right approaches for mutual gain.

Trade-Environment Linkages under the WTO

Martin Khor of the Third World Network notes that the WTO and its predecessor organization, GATT, has contributed to the global trade system through the provision of a framework of rules within which member countries conduct trade and other commercial relations among themselves. This has contributed to a measure of stability and predictability as contrasted to an alternative scenario in which arrangements are dominated by unilateral policies and bilateral arrangements.

It was in this spirit that the 2001 ministerial meeting of the WTO in Doha (2001) formally recognized the trade-environment linkage and brought it within the ambit of a rules-based framework. Doha fundamentally changed the rules of the game on trade and environment. The issue is no longer whether trade and environment are linked. This is now a given. The challenge is how best to address environmental problems within a rules-based multilateral trading system - a system which ensures that environmental regulations and restrictions stop short of becoming non-tariff barriers which limit market access.

The formal articulation of these links has subsumed arguments by the environmental and trade community questioning the rationale for such links. Similarly, the South can no longer advert to the stance that trade-related environmental measures are protectionist, anti-development, or that existing GATT/WTO regulations already address environmental concerns. Consumer pressure, expressed through the market, provides an additional lever for the Northern position.

The challenge for the South in this changed scenario is to craft a Southern agenda which can counterbalance, as well as benefit from asymmetries related to affluence, bargaining power, science, technology and institutional capacity. Fortunately, there exists considerable leeway for negotiation. The Doha mandate on trade and environment was left purposely vague because the issue is new to multilateral trade negotiations and its many implications and manifestations have not yet been fully explored. For this reason the mandate provides an opportunity for all parties to shape the agenda on future trade and environment issues.

Negotiating Principles for the South ***Persisting with Sustainable Development***

Clearly, the South needs to persist with its stance that the environment cannot be divorced from its broader context of sustainable development. The reasons for this are three-fold:

First, the South is concerned justifiably, and it is supported in this by Northern NGOs, that linking trade and environment in a rules-based regime, while ignoring broader equity and poverty concerns in the South, would weaken the scope for negotiations. Thus, it makes little sense to talk of reducing or preempting non-tariff barriers when tariffs (for instance, on agricultural products) continue to remain high and development assistance continues to decline.

Second, poverty and the environment are linked inextricably. These links are evident across the areas falling within the WTO negotiating agenda. For instance, compliance with environmental standards has implications for distribution. Specifically, small and medium enterprises (SMEs) have limited coping capacity and risk becoming marginalized as environmental standards multiply. However, within this broad category, there are dynamic sectors and evidence from research by Khalid Nadvi and Sajid Kazmi points to their remarkable capacity to respond to limited institutional and technical support. Similarly, biodiversity concerns, whether under TRIPS or related to market access - as in the shrimp turtle case cannot be separated from their livelihood implications. Nor can agricultural subsidies targeted at environmentally friendly practices.

Third, and illustrating the win-win premise, environmental compliance can lead to both environmental and economic benefits for the South. This has particular relevance for market access issues, where compliance is driven by Northern environmental concerns as articulated in environmental standards, whether of a regulatory or voluntary (market driven) nature. Economic benefits ensue from in-plant measures such as modernization, input and waste recycling as well as energy efficiency. However, separate research undertaken by the author/s points to built-in advantages for large firms (financial and information based) which position them favorably towards realizing such benefits, SMEs need special incentives (subsidies, technical support).

The point is that the North needs to address trade-environmental linkages within the holistic framework of sustainable development to ensure more equitable treatment for the South. In particular, poverty-environment linkages in the South create asymmetries both in terms of impacts, as well as realization of economic benefits.

There is a strong case for capacity building of poor and disempowered groups, who stand to lose within the framework of the formal environmental negotiations. They need to be adequately represented by the South in the negotiations (a challenge given the prevailing socio-political dynamics) and supported by the North through financial and technical assistance.

To sum up, one can pose the following question to understand the distinction between the interfaces of trade and the environment, and trade and sustainable development. What is it that sustainable development incorporates that the environment does not? The answer lies in exploring what the environmental movement has contributed to an improvement in the conception of social justice i.e. the focus on inter-generational justice.

However, in the exclusive focus on inter-generational justice, it left out intra-generational justice that sustainable development reintroduced. To attain sustainable development, or more specifically to eradicate poverty, poor countries need resources. Trade must serve this end via the agency of measures within the WTO, such as Special and Differential Treatment (SDT) and market access, and also by ensuring that trade is not immiserizing.

Prospects for Women Textile and Clothing Workers in the Post-quota Era

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Gender Dimension in Global Trade in Textiles and Clothing: Important but Ignored

In January 2005, the Agreement on Textiles and Clothing (ATC) under the World Trade Organization (WTO) will be fully implemented and will give way to more liberalized global trade in textiles and clothing.

Since the 1950s, industrialized countries like the US and various European countries have placed some form of quantitative restrictions on the import of textiles and clothing. They wanted to protect domestic industries facing damage from increasing imports particularly from developing countries. The Multi-Fibre Arrangement (MFA), enforced in 1974, established the most far-reaching limits. It allowed industrialized countries to apply quotas unilaterally on textiles and clothing imports, complemented by high tariffs, and other non-tariff barriers to trade.

Liberalization of trade in textiles and clothing was an important issue for many developing countries, including Pakistan. The ATC was agreed upon at the Marrakesh ministerial meeting of the WTO in 1994. It has taken over from the MFA. The agreement advocates a successive expansion of imports under the existing quotas in a ten-year period until January 2005.

A lot has been said about the economic implications of the ATC for Pakistan. Some observers expect the Pakistani textile industry to do well as a global supplier in cotton yarns and fabrics due to its cheap labor supply, access to local raw cotton guaranteeing a natural backward linkage in the textile chain, and favorable business climate. Others, however, emphasize under-investment in technology and the lack of product diversification as factors detracting from competitiveness. In that, the effects of the ATC on workers in the industry, those who are most vulnerable to the ups and downs of the international market have mostly been neglected.

What is completely ignored is the distinct gender dimension of the textiles and clothing production. The textile and clothing sector absorbs a disproportionate share of female employment, particularly in Asia. Women account for more than two thirds of the global labor force in the sector, and employment in textiles and clothing accounts for almost one fifth of the total world female labor force in manufacturing.

Pakistan is no exception. The textile and clothing sector is the largest employer of female workers in Pakistani manufacturing. An estimated 30 percent of the sector's workforce (approx. 2.3 million workers) is female as compared to a national average of 15 percent. This is lower than in other South and Southeast Asian countries. However, in the context of the social seclusion of women, which negatively affects female labor market participation, the strong representation of women in the textile and clothing industry makes the phase out of the quota regime a gender equality issue - potentially impinging on one of the few sectors that provides paid employment to women in Pakistan.

Although the overall employment of female workers in the Pakistani textile and clothing industry is about 30 percent, relative female employment in stitching units is considerably higher, up to 75 percent of the total workforce in the units where SDPI conducted its research. Whereas, commonly workers are regular employees of the respective companies, the majority of workers in these stitching units are employed via sub-contractors and paid on a piece rate.

Women Workers: Victims of ATC Expiry

The Pakistani textiles and clothing industry mostly prepares for the post-quota era by machinery upgrades, many of them labor-saving. Planned or implemented capacity increases thus do not necessarily add to the workforce. The female dominated stitching units are not the primary targets for machinery upgrades.

This might bear the following implications for the gender composition of the workforce:

In the short-run, the current preparations to more liberalized trade in textiles and clothing may increase relative female employment in the industry in Pakistan. This is because the workforce in the units affected by labor-saving investments is predominantly male.

The long-term effects of the full implementation of the ATC for the gender composition of the workforce are less clear. They depend on the structure of the industry after the abolition of the quota regime, and thus on the competitive position of the Pakistani textile and clothing industry in the post-quota era. It is probable that Pakistan will not be competitive in made-ups, such as bed wear, and garments, but specialize in cotton yarn and cloth. Since the clothing industry has not been the focus of technology upgrading, improvement of workers' skills, and quality improvements.

This scenario would lead to large absolute employment losses, as it is the clothing industry that is considerably more labor-intensive than earlier stages of textile processing. Due to the concentration of women workers in this sub-sector, it would also imply a significant decrease in relative female employment. Indirectly, this might destroy the respective women workers' hopes for economic and overall empowerment, and uplifting of their families.

Apart from the gender composition of the workforce, the regime change will impact working conditions. Increased competition in global trade in textiles and clothing will lead to downward pressure on prices and increased demand for shorter lead times and better quality. Increased cost competition for the Pakistani textile and clothing industry might lead to an increase in precarious forms of employment, in particular, piece rate payments in stitching. Since these provide more flexibility to the employer and reduce overhead costs. For the worker, such contracts imply an increase in health and safety risks as well as a decrease in fringe benefits, e.g. health insurance. Again, due to the concentration of female workers in stitching this can be assumed to affect female rather than male workers.

Special Mitigation Strategies for Women Workers Needed

The inclusion of a gender perspective in the analysis of labor market implications suggests that special mitigation strategies are needed for women workers in the sector. Some examples include the following:

- Female rather than male workers may bear the consequences of a potential deterioration of working conditions due to their concentration in units where piece rates and other types of precarious contracts are possible and common. Thus, more stress on labor standards to protect workers from harmful consequences of trade intensification is necessary. For the industry, it might have welcome side-effects to help ensure quality, and to counter non-trade barriers to trade related to poor labor standards.
- Displaced women workers have more difficulties in finding job alternatives than men due to their higher concentration in few sectors. Thus, to protect women workers from potential long-term job losses, policy reactions should include enhanced training opportunities for female workers. Besides, the industry's quality requirements that are likely to increase after the quota regime has been abolished will require a better educated workforce.
- To enhance female access to jobs, improvement of transport to work is necessary. Its provision may be the employer's responsibility or publicly subsidized. Given the expressed interest of managers in the textile and clothing industry to have greater access to female labor supply, the industry should take the lead here. This does not only hold true for employment in the textile and clothing industry but for all other types of industrial employment as well.

Together with the Friedrich-Ebert-Foundation (FES) Pakistan, SDPI organized a workshop for trade unionists and women workers organizations to develop strategies for mitigating harmful employment effects of the ATC's expiry.

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SDPI invites all people interested in sustainable development issues to join our organization and help support our activities (such as bridging the gap between the public, the scholarly and the policy makers).

SDPI provides its members with unique opportunities to understand, learn, network, advocate and build their capacity in the area of sustainable development and be part of collective activities that further common goals. We offer 3 types of memberships for Organizations, Individuals, Students and Senior Citizens.

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The Way Forward: Access and Dispensation of Justice

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For Pakistan, access to justice for the common man has remained an elusive goal. Similarly, dispensation of justice has also remained flawed, delayed and in some cases, non-existent. Some link this sorry state of affairs to lack of resources and capacity, others to the lack of political will of state.

The Government of Pakistan has come up with a large body of commissions and committees on judicial reforms since 1956. They include the:

- Commission on Marriage and Family Laws 1956
- Law Reform Commission 1958 and the Law Reform Commission 1967
- High Powered Law Reform Committee 1974
- Law Committee for Recommending Measures for Speedy Disposal of Civil Litigation 1978
- Secretaries Committee Set Up by the President to examine the Recommendations of the Law Committee set up for Recommending Measures for Speedy Disposal of Civil Litigation 1979
- Committee to Formulate Concrete Proposals for Simplifying the Present Legal Procedure, Law of Evidence and other Allied Matters, and bringing these in Consonance with Islamic Injunctions 1980
- In 1981, the government set up a permanent Pakistan Law Commission (PLC). Other than recording and publishing judicial statistics and the Pakistan Law Digest (PLD), the PLC has not been very effective in changing the nature of dispensation of justice.

Only a few of the recommendations of the bodies enumerated above have been implemented. They include the ones related to the Family Laws Ordinance, establishment of the Federal Judicial Academy and Pakistan Law Commission, and separation of the executive from the judiciary.

However, other substantive recommendations have not been implemented despite their repeated articulation in various commission reports. Examples are the ones concerning day-to-day dispensation of justice such as the ones related to court facilities, buildings, salaries of the judges, changes in the process-serving, production of witnesses, improvements in criminal investigation and prosecution, implementation of rules and codes to cut down delays and prison reforms. (Yasin and Shah, 2004)

Voices from civil society have also come up with judicial reform ideas. One such recommendation called for the revamping of the judiciary through improvements in incentives, institutions, infrastructure and information. This analysis says judicial officials need to be motivated through better incentives, appointments through a national Federal Public Service Commission, better internal and external accountability and monitoring by a trial by jury system as well as the appointment of an external 'parliamentary protector of citizens' rights.'

Furthermore, the analysis calls for changing infrastructural facilities such as provision of professional court clerks, computation facilities, law interns, libraries and facilitating a better quality of decision-making through proper law education and training for judges that would require improvements in law colleges' curricula. (Banuri, 2004)

The Asian Development Bank (ADB) has funded extensive studies on judicial reforms in Pakistan. These studies have fed into the ongoing Access to Justice Program (AJP) funded by the ADB and implemented by the Government of Pakistan. The program was started in 1999 and is one of the most extensive programs on judicial reform undertaken in Pakistan. The predominant approach of the program is management-oriented. The research phase has been completed and the project is in its implementation phase. It still remains to be seen how successful this effort to overhaul the dispensation of justice is going to be. The key elements of the AJP are improving the management of the judiciary through:

- improved legal education and training
- better case and load management
- automation
- dissemination of information on legal procedures
- enabling access to citizens
- better library facilities
- an automated and uniform compilation of judicial statistics.
- setting up of process serving establishment
- introduction of case flow management software
- publishing of a bench book
- an efficient system of budgeting, accounts and personnel
- improvements in monitoring through regular visits to lower courts (as required by High Court Rules)
- increasing the remunerations for judges, particularly for district level judges
- citizens-court liaison
- ombudsman reforms
- better infrastructural facilities for litigants particularly women litigants
- encouraging the process of induction of more women judges

In this context, the innovative idea of case flow management is quite interesting. The proposed software could handle functions from case institution to case fixation, as well as compilation of the cause list till the judgment is announced. Such case flow management can improve case tracking to a large extent and also feed into a public inquiry system. (The Asian Development Bank, 2003 and 2001)

Insofar as the direction of legal reforms is concerned, a better management of the judicial system is a welcome step. However, the benefits of such an approach, if and when it is implemented, are likely to be limited. It may not be possible to fully ensure justice for the poor and the marginalized groups by better management of the judicial system alone, unless steps are taken to transform the local power structure (related to dispensation of justice), to a more just and equitable one.

A strong critique of AJP questions whether the program will only end up increasing Pakistan's indebtedness. The lack of reference to the state's role in ensuring constitutional rights of citizens of Pakistan is highlighted in the critique and so is the absence of an analysis of the exploitative and oppressive socio-economic systems that incubate poverty. It states that ADB's reports promote management-oriented apolitical reforms whereas 'the most constraints are found in the political culture,' because politics and political culture/ power are part and parcel of the structures under which justice is dispensed in Pakistan. Moreover, AJP's implementation through the Federal Ministry of Law, Justice and Human Rights as well as its monitoring raises concerns and skepticism about its ultimate efficacy. (Ercelawn and Nauman, 2004)

Some of the recommendations are:

- 1) Since the influential are able to buy or manipulate justice, the only long-term way to reform state institutions is to decrease inequality of financial, social and human development. Realization of social justice is closely linked to the dispensation of justice and it can be realized through ensuring a more equitable socio-economic distribution of wealth and assets through land-reforms, employment generation, education, economic growth and provision of opportunities to the poor and less influential sections of society.
- 2) Allocating more funds for human and physical infrastructure of judiciary as a percentage of annual government expenditures so that judicial reforms are not seen as a one off expenditure acquired through external loans.
- 3) Implementation of AJP recommendations.
- 4) Revamping of police prosecution services is critically important for criminal cases. There is also a need to set up a permanent district commission at each district headquarter to monitor the registration of FIRs, police harassment and hear citizens complaints. Such district commissions would take the required action and report to the respective High Courts on a regular basis.
- 5) The so-called 'honor' killings need to be discouraged through all possible means. The Qisas and Diyat Ordinance 1984, that makes murder a pardonable offence, needs to be amended, particularly in cases related to 'honor' killings so that the perpetrators of crime cannot be pardoned.
- 6) A system must be evolved to check the abuse of powers of the revenue department. There is also a need to make land revenue data accessible, reliable and secure. A good way to save people from being dependent on the local revenue officer (patwari) could be the automation of the land revenue record, provided the automated data could be protected with security.
- 7) Since a greater number of people approach the informal justice systems such as panchayat and jirga rather than the formal judiciary, the informal justice system needs to be reformed.

- 8) The conferring of the right to divorce to women in the nikahnama needs to be popularized to save the women who want divorce from the hassle of languishing in courts.
- 9) Judges need to monitor application of the relevant provisions of the Civil Procedure Code, Criminal Procedure Code and High Court Rules that cut delay such as affidavit of patwari's statement rather than wasting time on the appearance of these officials in court.
- 10) Judges can also separate the cases where the accused are present from the ones where they are absconding to cut delays.
- 11) Various laws such as Ehtaram-e-Ramzan (Sanctity of Ramzan) and price control laws amongst others need to be amended or repealed to stop them being used as leverages of police harassment.
- 12) The sardari (feudal) justice system, despite appearing swift and effective, is not desirable because it is capable of systematically discriminating against the women and poor. Such systems need to be phased out from the tribal areas.
- 13) Dispensation of justice and police performance needs to be an integral part of the human development indicators of the UNDP and other development institutions for on-going monitoring.
- 14) There is a great deal of inter-provincial variation in disputes and their resolution patterns. Loosely, patterns in rural Sindh and Balochistan are more similar to each other. This is an important finding for public policy as devolved institutional mechanisms for more effective service delivery continue to grow.
- 15) Some of the other relevant issues that need more research are the blooming population of under-trial prisoners, the deteriorating conditions of prisons, police brutality and issues of habeas corpus.

However, the key question is whether these recommendations can/will be implemented or not. Any discussion on these reforms should be carried out in the context of the following key trends in judicial reform approaches:

- 1) Since the modern judicial system is alien to our culture, so litigants and other stakeholders act to delay the proceedings and subvert the dispensation of justice to fill the gap between local tradition, politics and formal law. This view, as briefly discussed in the issues section, indirectly suggests that delay in the judicial process cannot be reduced through improvements in management structures only. Efficiency clashes with litigants' hidden preferences, therefore, it is difficult to achieve.
- 2) As discussed above in detail, ADB and others have come up with a management reforms approach based on improved incentives for the judiciary and efficient management systems. Though most of the reforms proposed by ADB are much needed to improve the physical, human and information infrastructure, the most obvious flaw lies in it being apolitical in nature.

- 3) There is another critical approach that flows out of SDPI's research that views the issues of access and dispensation of justice in context of the structural basis of power structures. Service delivery can never be improved and the poor can never be empowered until the power structure that impedes such service delivery is altered in favor of the poor.

The most obvious of such reforms include land and other asset redistribution and human and social capital formation required to undermine the power of the feudal system. In fact, to achieve the desired objective of diffusing power, the implementation of land reforms is critical and merely passing Acts is meaningless.

However, the importance of local culture and traditions in addressing the issues of law-and-order and the dispensation of justice cannot be ignored. Informal justice systems and other conceptual constructs such as socio-economic status, gender and, at least in an informal sense, quoms (caste), and beraderis (clan/tribes) have a strong bearing on the dispensation of justice. A holistic analysis of justice systems includes the role of inter-related factors like social institutions (caste/tribe), determinants of influence (land, wealth), factions (based both on local socio-political interests), social mobility (achieved through education and migration) and gender.

Rule of law is the pivot to the transformation from feudalism to capitalism. From this perspective, rule of law is not only a service but it is the lever through which capitalist transformation is achieved. One strong academic view is that unless the transition towards dynamic capitalism fully takes place in post-colonial countries like Pakistan, rule of law and dispensation of justice cannot be achieved by apolitical governance related reforms.

Female Child Trafficking in Swat: From Crime to Custom

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Trafficking in women and children is an international scourge and there are hundreds of networks of traffickers who are running and controlling this heinous business worldwide. "Globally, experts agree on estimates that in 2002, more than 700,000 women and children were victims of human trafficking networks worldwide." The practice is, unfortunately, prevalent in South Asia as well.

Child trafficking exists in all the four provinces of Pakistan but its nature and scope is different in NWFP. Female child trafficking is very prevalent as compared to male child trafficking. Female trafficking, including that of girls under the age of 18, is carried out under the cover of Walvar, a primitive custom of 'selling' brides for a price, in some areas of the NWFP.

A few decades ago, this custom was confined only to some districts and tribal areas of NWFP, but presently it is gradually encroaching upon mainstream settled districts, particularly Mardan, Swabi, Charsada and Nowshera.

The most alarming dimension of this trend is that Walvar is gradually turning into a business in the districts of Malakand and the Provincially Administered Tribal Areas (PATA). Moreover, the business is gradually turning into an acceptable custom in Mardan, Swabi, Nowshera and Charsada.

In January 2004, SDPI initiated its ILO funded Child Trafficking project, covering all of the four provinces of Pakistan, to gain a better understanding of the nature and magnitude of trafficking in children for different exploitative purposes, including the worst forms of child labor and sexual exploitation.

As Swat is the center of this business in NWFP, therefore, SDPI sent its pilot field research team to Swat. This article is based on the findings of that survey.

Basic Causes of Child Trafficking

Extreme poverty is the leading cause of girl child trafficking. Other major causes include illiteracy, particularly in the lowest socioeconomic strata in the district, unemployment, lack of sex and health education in curriculum, large size of the average family within the illiterate population, lack of access as well as proper family planning and contraception, lack of welfare for the poor, an extremely weak and anarchic judicial system in Malakand Division or PATA areas, lack of access to print and electronic media, lack of advocacy and awareness campaigns by both the NGOs and the government against such practices and the disinterest of police and other government agencies to watch and punish traffickers.

It is very important to note that presently, Malakand Division and PATA Areas are governed under PATA Regulations, and there are hardly any laws concerning human rights and good governance that are applicable to these areas. For example, the Pakistan Penal Code, the Juvenile Justice System Ordinance 2003, the Children

Employment Act 1991, the Labor Act 1995, the Industrial Relations Ordinance 2001, the Daily Wages Act 1968, the Mining Act, the Factories Act and the Compulsory Primary Education Act are not extended to Malakand Division. Only a segment of the Family Laws is in place. In other words, criminals who are involved in the trafficking business find a congenial legal environment to operate from and in.

Vulnerable Families and Ethnic Groups

The most vulnerable families are those who are the poorest, occupying the lowest social rung. Usually referred to as kummee kameen (out castes), they are people without property, who cannot make two ends meet due to the scarcity of work as well as rampant inflation. Among them, the local Gujars, Kohistanis and Kalamis are the vulnerable groups. There are many among them who genuinely believe that their daughters will lead a prosperous life. One particular social group, that of local dancers concentrated in a village near Mingora are also vulnerable to trafficking. They are in hundreds and also live in poverty.

Age of the Victims

Female victims do not belong to a particular age group. There is no law or custom in PATA areas fixing a minimum age limit for marriage and its enforcement. Thus, girls aged 11 and above get married, and are sent to the remote districts of NWFP and Punjab. The main consideration here is not the age of the bride or the bridegroom, but the booty, which is distributed among different shareholders.

Gangs of Traffickers and other Stakeholders

There are two types of gangs involved in the business i.e. locals who operate in the district of Swat and the ones who act as partners in Punjab. The Punjab gangs seldom cross provincial boundaries due to their ethnic background, linguistic constraints, and constraints of distance and costs of travel. Another limitation is that majority of the local gangs operate at village or city level with the assistance of other stakeholders who are helpful in legitimizing the business and providing religious and legal protection. Thus, Punjab gangs are totally dependent on local NWFP ones and have no other option but to operate indirectly through them.

Local gangs operate everywhere in Swat. Usually their targets are poor and vulnerable families. They also arrange marriages within NWFP, but majority of their clients are from Punjab. Taking advantage of their ethnic familiarity, knowledge of local customs and traditions, and local influence, it is very easy for them to operate within a specific locality. They forge partnerships with officials in courts, the police as well as mosque clerics.

There are many other stakeholders who are directly or indirectly involved in this business. They include imams of mosques or the nikkah khawans, lawyers, munshis or assistants of lawyers in courts, custodians of some mazaars (shrines), staff at local police stations and some influential people of the area.

Mode of Operation

Local gangs usually consist of 3-5 members, including men and women. Male members of the gang obtain information about unmarried and pretty girls from the streets, hujras, mosques and working places and the women then visit the houses in search of fair skinned and beautiful women.

The women gang members are well dressed and wear gold jewellery to look rich and impress the poor and needy families. They enter the house like guests to get drinking water or to use toilets and then keep visiting time and again. Their usual way of motivating, convincing and finally baiting the family are by telling stories about the wealth of the bridegroom's family, who could also be 'a helping hand to them' and that their daughter would live like a 'queen'.

The male members of the gang eventually sit with the male members of the family in the hujra or the mosque and finalize the deal. The nikkah or marriage is arranged through a friendly imam or nikkah khawan who also gets a share in the booty. The deal is given a legal cover by hiring the services of a lawyer, so that the girl's family cannot bring the girl back if she is mistreated.

Distribution of Benefits

There are no fixed rates under Walvar but in a majority of cases, the price ranges from Rs. 1,00,000 to 1,50,000. However, not all this money goes to the family of the girl. They distribute it according to the role and influence of the stakeholder. For instance, out of an average amount of Rs 1,00,000, the share of the local middleman is Rs. 30,000, the Punjabi middleman Rs. 20,000, imam masjid Rs. 2,000 to 10,000 and the lawyer Rs. 8 to 10,000. In this way, the family of the bride receives approx. Rs 30,000. In other words, the local middle man gets 30 percent, the middle man from Punjab 20 percent, the imam masjid 2 to 10 percent, the lawyer 8 to 10 percent and the family of the bride around 30 percent. The reason for the high share of the local middleman is that besides all his efforts and manipulations, he is also responsible for lavishing expenses on the family of the girl before the finalization of the deal.

Recommendations for Eradication of Child Trafficking

- 1) This issue needs a thorough field research for months if not for years, focusing on all dimensions of girl trafficking including customs like Walvar.
- 2) Local and provincial gangs and other stakeholders involved directly or indirectly in trafficking need to be identified.
- 3) The existing legal system needs to be replaced with the laws in effect in the settled districts of NWFP.
- 4) Strict enforcement, rigorous imprisonment and fines should be imposed on all partners of this crime.
- 5) Marriages under the age of 18 years should be declared illegal.

- 6) There is a need to identify and interview the victims if possible. This will not only help in understanding the suffering they face, but also in getting first hand information about the routes, gangs, destinations, as well as the type of criminals involved.
- 7) Record and data of trafficking must be maintained at the district, provincial and national levels.
- 8) The government needs to launch a very comprehensive awareness campaign against Walvar through electronic and print media by organizing seminars, meetings, jirgas and distribution of literature at the local level.
- 9) Civil society organizations can play a pivotal role in organizing awareness campaigns and restricting the movement of the gangs.
- 10) However, the most important remedial measure is the eradication of poverty without which any policy or strategy would most likely fail.

Gender Sensitive Media: Views from Bangladesh and Nepal

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Gender sensitization has become the buzzword for the past few years with some awareness in this context having been created among individuals, civil society and organizations in the public and private sectors. Creating awareness about gender sensitization is indeed an uphill task as changing attitudes and practices can take decades.

Media plays an important role in bringing about change in society. The messages that are played and replayed through media go a long way in determining the mindsets of the reader, audience and viewer. This has seen the realization and implementation of gender-sensitizing projects in various sectors within Pakistan.

One such project initiated and funded by the United Nations Development Program (UNDP) was in partnership with the country's state-controlled television, i.e. the Pakistan Television or PTV. The Portrayal of Women in Media lasted for five years (two preparatory years and three years as a full-fledged project), ending in 2002. It aimed at sensitizing media professionals of the PTV and members of private media houses to end stereotype images on the screen.

During the life cycle of the project, numerous gender sensitization and capacity-building trainings were organized apart from funding the production of gender-sensitive television programs. The project also led to the establishment of gender committees at PTV centers that met periodically to discuss gender discrimination either at the level of the programs or at the organizational level. These committees had an informal structure and their meetings depended on the availability of the general manager of each PTV center. These committees, however, were not part of formal PTV policy.

One criticism of the project was that despite its existence for five years, one could simultaneously see gender discrimination or portrayal of stereotypical roles on television. However, it must be realized that in terms of magnitude, the project was only a drop in the ocean and it was too much to expect that it alone would have eliminated gender discrimination in an organization comprising 7000 employees who produced dozens of programs every week.

Moving towards the print media, attempts have been made to develop a sensitized code of ethics. The need is especially felt when the print media plays upon images and stories that not only portray and reinforce the stereotypes, but are also gender discriminatory. A particular case constantly reminds one of how the print media can play a negative role. A few years ago, a young woman was murdered brutally in Islamabad. Certain newspapers made it a point to assassinate the victim's character in a manner that justified the crime. As if that was not enough, some of the newspapers printed the picture of the slaughtered head. The portrayal and reporting of the case was not only gender-biased, it was also grotesque and insensitive.

A gender sensitive code of ethics for the print media was the subject of the regional conference held recently in Islamabad organized by Uks, a research, resource and publication center on women and media. Delegates from neighboring countries including Bangladesh, Nepal, Afghanistan and Sri Lanka had been invited to present a picture of their countries and share their views on how a gender-sensitized code of ethics could be created. What they discussed at the forum highlights that countries in the region face a situation similar to the one in Pakistan.

Views from Nepal

As has been the case in Pakistan, Nepal too has seen the increase of women working in both print and electronic media. However, where decision-making is concerned, women lag behind in positions of policy-making in Nepal, as revealed by Bandana Rana, Executive President of Sancharika Samuha, an NGO working alongside the Nepali media to promote mass awareness on gender issues. Only a few women have made it to the top positions while men continue to dominate the policy-making arena in media.

As far as the coverage of women related issues is concerned in Nepal, they are marked by sensationalism and stereotypical portrayals. However, observes Bandana Rana, with an increase in awareness regarding gender discrimination, along with increased protests from women's groups, some of the media's negative portrayal and representation of women has toned down, becoming more subtle in the last few years. "However, it is still rare that the media present women as contributors to the development process or as professionals in their own field," she informed the audience at the conference.

Views from Bangladesh

Similarly, female journalists in Bangladesh are given soft beats such as culture or children's issues and hard beats such as politics and finance are given to the male colleagues. Women are encouraged to take up desk jobs in newspapers rather than fieldwork such as reporting. As reported by Munima Sultana, reporter and sub-editor, United News of Bangladesh, according to one study of students at a Mass Communication department, male students were found to be discouraging female students from taking up the profession. Further, not a single female student was found to be working as the university correspondent in any of the universities. The situation remains unchanged.

Sharing the Bangladesh experience, Munima Sultana observed that women become news in the Bangladesh media when they are raped, killed, kidnapped, tortured or are found to be involved in a criminal act. Very few stories portray them in a positive manner and in a language that is gender-sensitive. Even where their achievements are being reported, such as in sports, they are highlighted more from the point of view of sex appeal rather than being gender neutral. "In development news, women are highlighted only to show the success of development organizations as there is donor money involved," revealed Munima Sultana.

The Role of Press Councils

Nepal does have a press council. But the council mainly deals with general media issues and has not dealt with improving the portrayal of women in media. This is similar to press clubs in Pakistan that also mostly take up general issues and are dominated by male journalists. The Nepali press council recently updated the code of conduct for journalists. However, the updated version also refers only marginally to the issues of gender and sexuality. The Bangladesh Press Council has declared 22 codes of ethics. “But the codes are hardly followed or even known by journalists,” asserted Munima Sultana, adding, “journalists and media organizations rather practice self-censorship or style-sheets and code of conducts in publishing reports.” Further, in Bangladesh, only three to four codes pertain to gender issues, leaving out many areas of gender concern.

Bandana Rana's analysis is that building the ownership of the code of ethics is much more important than developing the code itself. “What is the point of having a code if the media does not pay heed to it and its regulation? Therefore, the process of producing the code in partnership with concerned stakeholders, particularly the press, may be more important than the code itself.” She supports the idea that the most effective code can be the one that the media create themselves rather than the ones imposed on the media.

On the other hand, Munima Sultana's concern is the need to take into account the changing media scenario and various forms of media that have come into existence, including the internet and interactive communication technologies that allow users access from different parts of the world. She raises the concern that globalization and the free market economy have made available all kinds of information to people of all ages, some of which can have negative impact on the users, especially on children and women.

These are but only a few concerns raised by voices from Nepal and Bangladesh. Pakistan and its neighbors face similar challenges in sensitizing the media, both at the level of representation of gender in media as well as at the organization level. Where the regional neighbors are collaborating in other areas and building partnerships, it would be worthwhile to sustain a partnership between like-minded individuals and organizations that are working towards promoting a media that is more gender sensitized.

Earth Day 2004

As part of advocacy efforts, the advocacy unit and six volunteers from SDPI organized speech contests in seven different schools in katchi abadis. This event was organized with reference to Earth Day in collaboration with the National Conservation Strategy (NCS) Unit, Ministry of Environment. This year's theme for Earth Day was "Water for Life".

Principals of these schools commended SDPI's efforts on Earth Day to raise awareness among their students regarding environment, importance of clean water and what could be done to keep our environment and water clean.

SDPI staff participated in their school functions and told the students about the importance of the day with special emphasis on water.

The winning students were awarded first, second, third and fourth prizes by SDPI. Badges with environmental message were distributed among the students. Through these speech contests, we reached out to more than 2,300 students and 50 teachers.

Report on the one-day Seminar on Wana Operations

Many people wondered and questioned why SDPI had organized a seminar on the Wana Operations in the tribal areas of Pakistan as they could not link sustainable development issues and military operations. We believe that in connection with the systems of governance and security, the legitimate or illegitimate use of violence impact development options and as well as the future roadmap for sustainable development. Therefore, for us, there are several important implications of the Wana operations. These range from human rights concerns, concerns for women's and children's rights, local governance arrangements, center-periphery relations, regional implications, and international pressures or constraints.

In her welcome address, Saba Gul Khattak, Executive Director, SDPI, asserted that we are not only concerned with the need to stop violence but wish to highlight the possibilities of non-violence, as the response to violence with violence does not solve the issue of violence. Perhaps this is because the relationship between violence and power is mutually destructive, i.e. violence destroys power and indicates its loss (Hannah Arendt, 1969). She, thus, concluded that we need to understand that if violence is about power, then it is here to stay with us until we redefine power and its exercise.

The one-day seminar was divided into three broad sessions that addressed the history and social economic development status of the area, human rights and media perceptions, and the political, military strategic considerations. Speakers included: Dr Waqar Ali Shah, Historian, Dr Sarfaraz Khan, Area Expert, Afrasiab Khattak, Human Rights Activist and Politician, Imtiaz Gul, Journalist, Aimal Khattak, Journalist, Air Commodore (retd) Sajjad Haider, and Gen. (retd) Asad Durrani. The speakers presented their accounts and concerns about the developments in the area and maintained that the current tensions will impact the future options and arrangements of state society relations. It was therefore important to debate the Wana operations and assess possible solutions that would lead to a peaceful resolution of the issues without further adversely impacting people's lives.

Some of the recommendations that came forth for reforms in tribal areas were:

- 1) Including extension of the devolution plan to the tribal areas.
- 2) Giving appeal rights to people of the areas.
- 3) Allowing all the political parties to function in the tribal areas so that its affairs could be streamlined.
- 4) Introducing a new law to replace the notorious FCR.
- 5) Restricting the powers of the political agents and making them answerable to the judiciary.
- 6) Holding of local bodies elections in tribal areas.

- 7) Constituting a separate council for Fata, like the Northern Areas Council.
- 8) It was argued that though the jirgas of the affected territories had proved ineffective in 'smoking out foreign terrorists' and the local elements sheltering them, they should be given more time to settle the issue internally.
- 9) It was repeated that though the primary responsibility of any government is to protect the lives of its citizens from all militant forces and terrorists, however, any action against such forces must be carried out within the ambit of humanitarian law.
- 10) Taking Parliament and the people into confidence about the on-going military operation in Wana.
- 11) Addressing the growing concerns about the casualties, military and civilian, suffered in the fighting and the hardships, including threats to life, caused to local residents, especially women and children.
- 12) A full disclosure of the facts about the deaths in Wana, about the operations that have left an estimated 30,000 people homeless and details about those arrested be made public. This was felt to be especially necessary given local claims that innocent civilians were being rounded up rather than foreign militants.
- 13) Permitting journalists to visit the area.
- 14) It was affirmed that one cannot bring modernity or development by force of arms.
- 15) Bringing schools, hospitals and economic development to these remote poor regions.

.....Ends.....