

The Nor'wester Season

The 'Kalboishakhi' or nor'wester season is already here without waiting for the calendar to green-signal its arrival. And in its usual manner it has already taken half a dozen lives and mowed down thousands of houses. Country boats have gone down and fishermen lost. Most of the devastation has occurred in various upazilas of Sirajganj. As it is, this is rather a low-profile entry for the cyclonic visitation which, one is sure, will spread to numerous other areas in no time. And if we are again unlucky another Demra or Beuta or Satura will be in the bill.

In fact, cyclonic storms such as 'Kalboishakhi' are only as fearsome as the devastations they wreak. When we look for ways to face up to late-in-the-day lashings we do search for ways to minimise the toll — of life and property and suffering — they exact. Japan coped with its earthquakes by not attempting to reduce their incidence but by going for earthquake housing — with RCC piles going deep into the earth and all the walls made of paper. There's a lesson for us. Our housing practices in the villages must be made to respond to the challenges posed by the nor'wester. There's no use prescribing pucca structures to replace the bamboo-and-thatch things for in that the doctor will be needed to deliver the medicine. It is sad to observe how little have our engineers and architects and housing experts worked on developing houses that cost as much as the average villager can afford and still stand a better chance in case of a Kalboishakhi. Of course, this is not unusual. In education and medicine, in administration and the judicial system, in industry and technology little have been done to adapt things to respond to native needs and challenges.

The corrugated iron sheet roof, tin-roof in common parlance, is the most popular roofing material in Bangladesh. One effective way to minimise threat to life during a raging Kalboishakhi is switch over to roofing by material other than C.I. sheet which, during the storm, flies like a sheet of paper and cuts all living things into ghastly death. The villagers know it full well and yet would not go back to the safe thatched roof mainly for expense's sake. The indigenous thing has to be repaired quite often and changed altogether for new in a matter of years. The 'tin' roof lasts an eternity. The reason is no cheap substitute for C.I. sheet is anywhere in sight.

There is a new threat to life from storms. Electricity nowadays is travelling to remote villages. It is being carried over miles and miles of transmission grid string over all kinds of poles. The new electric poles, running into thousands, are not always secured to ground the way they should. In case of a strong Kalboishakhi any number of them can and do fall. Even if people are not hit by such falling poles the grounded live wires pose a real threat to life. In this year's first two or three storms this has already been established as a danger. The R.E.B. must wake up to the danger of its poles erected to less than specified standards. And R.E.B. would be well-advised to change their specifications in the height of the new danger.

Early and dependable warning of cyclonic strikes can help reduce death on our rivers and lake-size natural reservoirs. Unappreciated by many, lives lost in the Bay are caused mostly by Kalboishakhi-type cyclones. Early warning can inhibit taking to the sea and voyaging out on the rivers and 'beels'. In the villages they have their own way of knowing a malignant wind build-up — but this is — developed empirically over centuries — short-notice stuff and is hardly helpful. Predicting a nasty formation through remote sensing by satellites can give people more than a day's notice. For early warning to effectively cut on nor'wester deaths, our meteorological establishment will have to be treated as a more important undertaking than at present done. The organisation must have access to the state-of-the-art gadgetry and know-how and that must be matched with efficiency.

Good follow-up service can also take away much of the sting of a nor'wester. We would do well to have a permanent 'disaster' cell with a command over a generous supply of relief materials and assistance funds to rush to affected areas — as well as medical help and doctors specially trained for such a job.

Warning from Maradona

The extraordinary career of Diego Maradona may be as good as over. A positive drug test in Italy has left the Argentine footballer facing the prospect of a two-year ban and an ungraceful exit off a stage he had electrified with sheer brilliance for nearly a decade. Indulgence in cocaine was not the only or main cause of his downfall, but merely the last nail into the proverbial coffin.

It defies logic as to why a man with the world at his feet should deliberately court disaster. But it is also a reminder that the glittering path of fame can so easily lead to the abyss of ignominy. Remember George Best? That young Irishman, possibly the most brilliant and magical footballer ever to grace a green turf, drank, smoked and partied his career away, even before he had revealed the full extent of his talents.

The annals of modern sport are littered with stories of young talents gone to waste. In Bangladesh, the story is a familiar one: youngmen from poor rural families come to the city with high hopes of making a career in sport, only to find the seedier side of urban life irresistible. It is not the pressure, of course, but lure of the unknown, that turns hope into despair.

When we talk of drugs in sport in the Bangladesh context, we are obviously not talking about performance-enhancing medicines, such as anabolic steroid. The Ben Johnsons of this world are light years away from our sporting arena. Besides, such drugs as used by Johnson at Seoul in 1990 do not create a social problem, nor do they adversely affect the physical or moral state of the athlete. They strengthen already built-up muscles, provide greater energy, at worst give the user an unfair advantage. The Maradona affair serves to illustrate quite vividly that not even the mighty are immune to the devil of temptation.

What are we doing to keep our young hopes from frittering their talent away over a bottle? Are our sporting authorities aware of the psychological impact of overnight fame and fortune being thrust onto unprepared youngsters? This is a country of very limited sporting resources, but initiatives have to be taken soon to harness whatever is available, and guide it to a state of physical and mental discipline.

WELL before the Gulf fighting ended, diplomats and experts were already wrangling over how to resolve allied claims against Iraq for reparations and retribution. A dispute almost certain to arise within the coalition is whether those claims should be adjudicated by international or Islamic law.

The assumption in the West is that existing international law plus the legal framework of the Nuremberg and Tokyo tribunals, held after World War Two, will be applied. Both are based on principles derived from European customary and Christian rules of law and morality.

The Arab members of the US-led coalition — Saudi Arabia, Egypt, Syria, Kuwait and the other Gulf Sheikdoms — on the other hand, adhere in varying degrees to Islamic law, as does Iraq.

Islam is a personal law, grounded in the key concept of the unity of all Muslims, irrespective of their national origin or territorial affiliation. Western law, by contrast, is territorial — all who live within a certain territory are subject to the law of the land.

To underscore this difference in legal culture last year the Conference of Islamic States, a Riyadh-based organisation of 46 nations professing Islam, began negotiating a draft treaty to set up an Islamic International Court of Justice aimed at resolving disputes among its member states on the basis of Islamic law.

Model after the Interna-

Which Law will be Used for Gulf War Claims?

George N. Sfeir writes from San Francisco

The issue of war crimes trials and reparations following the Gulf war will bring to the fore a serious divergence of views within the US-led coalition. While the US is intent on using Western international law as the legal basis for adjudicating these issues, Islamic nations may press for applying principles of Islamic law.

tional Court at the Hague. Article One of the treaty designates the proposed court to become the "principal judicial organ" of the Conference, dedicated to upholding Islamic principles of law and morality.

Whether the Arab members of the coalition will demand that this new body become the arbiter of Gulf War claims remains to be seen. The United States would clearly prefer a claims tribunal made up of Arab judges applying conventional international law.

But the prospect of a forum composed of Islamic judges trying fellow Muslims on the basis of anything other than Islamic law would be offensive in the Middle East, especially in the wake of another Arab humiliation by the West.

Even more problematic for Islamic scholars is the fact that

international Western law is full of inconsistencies and contradictions when it comes to distinguishing between just and unjust war, or determining what constitutes the appropriate conduct of war. Islamic law is far more consistent.

Under Western international law, war has long been viewed as an instrument of national policy which is morally reprehensible but legally legitimate. (Only a year ago, Washington justified its invasion of Panama to bring down the Noriega regime in precisely these terms.)

Yet at the Nuremberg and Tokyo war crimes trials, the US sought to distinguish between aggressive and defensive war, and to brand aggressive war as a crime against world peace.

International legal concepts on the conduct of war are also

vague when it comes to determining where "military necessity" ends and aggressive warfare begins. As Telford Taylor, chief prosecutor at the Nuremberg trials, noted, the extent of force needed to achieve a War's stated aims is subject to "infinite circumstantial variations".

Critics of US policy in the Gulf conflict have questioned the coalition's conduct of the war on the grounds that it exceeded the mandate given by Security Council resolutions for the liberation of Kuwait.

From the point of view of Islamic law, there is only one just war and that is the "jihad". Its purpose is to expand or to safeguard the Islamic commonwealth, not to annihilate the enemy.

Since it is viewed as a means to a divine end, "unnecessary damage" in pro-

secuting it is unacceptable, according to Shaybani, the father of Islamic law and peace in Islam. Shaybani also advised Muslims commanders to consider negotiating with the enemy whenever possible as an alternative to fighting.

When it comes to defining and penalising "war crimes" and violations of "human rights", international law becomes even murkier. For one thing, these violations have to be directly related to hostilities. For another, the concept of fundamental human rights is of such recent origin that it has yet to find its way uniformly into all legal systems.

Islamic law, by contrast, has worked out over the centuries a far more consistent view of the relations between the individual and the community. In a society where communal welfare must guide all human

conduct, the corporate usually takes precedence over the individual, who is viewed more as the bearer of duties than the subject of rights.

What puts Islamic legal culture at such variance with Western culture is the greater value it places on reconciling opposing claims in the interest of social solidarity and harmony over and above the merits of the case alone or the guilt or innocence of the individual.

The emphasis on the rule of law and fundamental individual rights that is associated with Western legal culture give way in Islamic legal culture to promoting and safeguarding the community of Muslims as a whole.

Throughout the Gulf crisis, the Bush administration has stressed the role of the UN Security Council and the international support this has given it for the use of force against Iraq. To many Muslim and Third World countries however, the legalistic ordering of international relations provided by the UN ignores the diverse political, legal and cultural systems in the world.

If these were given the acknowledgement they deserve at the international body, we might well have seen a more peaceful and equitable resolution of regional conflicts than has been the case so far.

— GEMINI NEWS.

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RP Softens Stand on Imelda's Return

Casiano Mayor writes from Manila

THE widow of former strongman Ferdinand Marcos, who had said she would like to return home to the Philippines which they ruled like a fiefdom for 20 years, is likely to make her wish come true five years after they fled in exile to Hawaii.

Over the past few weeks, President Corazon Aquino's government appeared to soften from its earlier stand not to allow Imelda Marcos to set foot on Philippine soil for fear that she would open a bag of mischiefs to destabilise her government.

Mrs. Aquino—widow of the late President Marcos' political arch rival, Senator Benigno S. Aquino, and who rise to power in a peaceful "People Power" revolt in 1986—has said that her government was not against the return of Mrs. Marcos "at the appropriate time."

"Signs point to a softening in the administrations stand regarding the return of Mrs. Imelda Marcos," said the mass circulated *Philippine Daily Inquirer* newspaper.

It noted that Mrs. Aquino, unlike in previous years, did not flatly rule out a homecoming for Mrs. Marcos despite

her qualifying statement that she be allowed to come home to face charges in court at an appropriate time.

While Mrs. Aquino did not deviate much from her position a year ago that the time wasn't ripe to allow the former First Lady to return home, legal undercurrents on her government's quest to recover the bank account of the Marcoses in Switzerland could put a screw on her to decide that the proper time has come.

Mrs. Aquino has rejected previous requests of Mrs. Marcos—whom her government suspected of helping finance demonstrations by Marcos loyalists in the past as well as some of the six failed putsches, two of which nearly toppled her from power—for fear that Imelda would use her wealth to destabilise her government.

The ghost of Mrs. Marcos' homecoming—an issue which the Philippine Supreme Court has buried in its 1989 verdict that she remained a security risk—rose from its grave early March when a government official said he would file criminal charges against Mrs. Marcos in a Philippine court.

David Castro, chairman of the Presidential Commission on Good Government (PCGG) tasked to recover the Marcoses' alleged ill-gotten wealth, added that he would recommend that the former First Lady be allowed to return to face trial "to eliminate any legal technicality" that might snag the government's effort to recover the Marcoses bank accounts in Switzerland.

Mr. Castro made his comments during a press conference in the wake of a ruling by the Swiss Federal Supreme Court that it would return to the Philippine government about US\$350 million the Marcoses had deposited in

Swiss banks on condition that a competent criminal court issues a legally binding verdict against them.

Mr. Castro said the Swiss Federal Supreme Court has given the Philippines up to December 21 to file charges against Mrs. Marcos. He hoped that Mrs. Aquino will decide to allow the former First Lady to return before that date because the Swiss court required that she be allowed to attend the trial.

"I don't think Malacanang (the presidential palace) will decide on the last day," Mr. Castro said in response to a query on how soon did he expect Mrs. Aquino to declare that Mrs. Marcos be allowed to come home.

He said the government will file criminal and forfeiture cases against Mrs. Marcos once the president made her decision.

The Philippine government

believes the Marcoses have stashed away at least US\$5 billion in hidden accounts of fictitious firms or foundations or those of their cronies during their 20-year rule. It hopes that the recovery of the US\$350 million deposited in their name could lead to the recovery of their other hidden accounts.

While the PCGG was preparing the charges to be filed against Mrs. Marcos in a Philippine court, her Manila lawyer Antonio coronel said he will advise her when they meet in New York in March to apply for passport at the Philippine consulate there.

If the consulate in New York would reject the request, Mr. Coronel said, he would request Foreign Secretary Raul Manglapus to issue a passport for Mrs. Marcos here in Manila and go to the Supreme Court if

the Foreign Secretary would further reject it.

Mr. Coronel, a prominent Manila defence lawyer, told the *Philippine Daily Globe* newspaper he believed the Supreme Court will overturn its previous ruling because the military, which testified in previous hearings that Mrs. Marcos had remained a security risk, publicly admitted this time that she was no longer a threat.

Military chief Lieutenant General Rodolfo Biazon has told reporters that Mrs. Marcos' return to the Philippines may trigger a new wave of anti-government street protests but that she no longer posed an immediate threat to the country's security.

Mrs. Aquino, who said she has asked her political advisers to study the situation, has not given any hint when she would announce her decision. But whatever her decision would be the political and legal climate seem to favour the return of Mrs. Marcos within the year.

—Depthnews Asia

To the Editor...

Letters for publication in these columns should be addressed to the Editor and legibly written or typed with double space. For reasons of space, short letters are preferred, and all are subject to editing and cuts. Pseudonyms are accepted. However, all communications must bear the writer's real name, signature and address.

Garbage collection

Sir, It is known to all of us that there is a particular time for collecting garbages from each area. But it is generally seen that the trucks which are involved in performing this daily duty, are often found to be grossly irregular with their timings. So, nowadays, it is a very common sight to see a garbage truck emitting odour and spilling garbage all over, at any time of the day.

They are found to be stationed at vital city points, right in broad daylight, or whenever they wish to although we know that they should complete this job very early in the morning.

The same goes for sweeping of the roads by the Municipality sweepers. It seems they take great pleasure in throwing a smoke of dust at the office going people or other pedestrians, whereas this work had to be done a long time ago, i.e. early in the morning.

Will, the authorities please take note, and relieve us of this difficulty?

Abdul Qudus Rayer Bazar, Dhaka.

Price hike

Sir, There seems to be a sudden hike in the price of essentials in the city. Even a few days back the prices of fruits, vegetables, etc. were not so high. With no reason to justify, the prices have shown an up-ward trend.

A watermelon which

cost about Tk. 25/- a week ago now costs something between Tk. 35 and 40. This jump is certainly uncalled for, and just causing a lot of miseries to the general people.

The class of people most affected are those who belong to the limited income group. Often they have to follow a tight budget, and thus if the price is beyond their means, they have to forgo many things so much of demand in the family.

We would request the authorities concerned to please look into the matter and take prompt action. Otherwise the miseries of the people will find no end.

Tahmina Abedin Mohakhall, Dhaka.

Apples and grapes

Sir, Grapes and apples, are two fruits which are abundant in the markets, even with the footpath vendors, of the metropolis. Every other man or a boy sitting in the wayside, is seen to be selling these two fruits. This is not to speak of the market shops, they are full of them, easily visible from afar, arranged neatly in a pyramidal shape, just like any other fruits.

The strangest part is that both these fruits are not produced locally, therefore they are imported items. Logically speaking if it is an item brought in such a bulk, it's market price should be easy and steady throughout

the year. But though these are available right from January to December, sadly enough their prices fluctuate from season to season.

The apples which were selling at about Taka 40 to 50 a kg. only a few months back are selling at Taka 80 to 100 per kg now. Grapes generally sell at Taka 120 per kg.

This situation is quite baffling for us. For if there is such a good supply of these, then how come their prices keep going up!

Another point which I would like to stress here is that, the saying that "Grapes are sour", often becomes true. For strangely enough, among the similar looking grapes we buy, some turn out to be sour or absolutely tasteless.

We would be very happy, if the authorities concerned look into the matter and try to end this price variation as well as qualitative differences.

Tasmin Ahmed Gulshan, Dhaka.

Recycling of waste

Sir, Recycling wastes and making new items out of it has become an important trend in the West. Most waste products or product wastes are recycled and turned into something new, but of similar nature eg. paper wastes are turned into new and fresh type of paper, instead of some entirely new substance.

The most used materials in this process are glass, steel, and aluminium. They are recycled and turned into something similar to the waste ones but obviously useful now.

Well, this is a useful and a good process as it helps us to economise on our production. Instead of

throwing away certain things for good after use, if the same can be recycled to use again, what can be better than this? Particularly, in a tight economic situation which does not permit any wastage.

We being poor in so many ways, this recycling of waste would help us more than it does to the western economy. Entrepreneurs must see to the usefulness.

Shadat Hamid Kolabagan, Dhaka.

Trees

Sir, This has reference to the letter "Whither trees" published in your paper on March 25. The writer Manik Chowdhury has rightly stressed the trees along the city thoroughfares. The trees would not only provide the so much sought after shade but also release the much needed oxygen while sucking the harmful carbon-di-oxide exhausted as fame by the increasing number of automobiles. Now, imagine the substantial difference between an environment or more precisely a city atmosphere without trees and that with trees in a populous tropical region!

In this connection I fondly recall the sight of Shahbagh Avenue 20 years back. Row of lovely Krishnachuras in the middle of the wide boulevard adorning the passersby with flaming red summer bloom! Some trees were also in Motijheel then providing shade to squalling cars and serving vendors as well as people out on business over there. Whither trees won't they be back to our pleasure again?

A citizen.

OPINION

Whither RAJUK?

Letters appear regularly in the local press on RAJUK. All are complaints. I do not remember to have seen a single letter of appreciation since the DIT days. This organisation has served under several regimes — the constancy of its inconstancy is admirable.

The main cause is simple to identify: demand is more than supply (plots and other services dealing with applicants). It is not that the agency is overworked, and cannot respond to the daily pressure of work (letters, queries, reminders, complaints, etc). What is frustrating is that RAJUK does not have even the elementary courtesy of acknowledging letters; not to speak of responding to it.

This attitude of great silence is not understandable in a public office. Even registered letters do not elicit any acknowledgement. What is the great idea? If RAJUK cannot handle its normal and daily work-load, then necessary administrative reforms should be introduced so that it can provide its services without delay and complaint, and without any reminder whatsoever.

What is wrong with the decision-making process in RAJUK — why RAJUK cannot take quick decisions and communicate it to the applicants/allottees/selected parties? Here also we face the great wall of silence! Here are some examples:

In 1986 DIT/RAJUK invited applications for allotment of residential plots in Bahardara/Banani. I know of several cases wherein some applications had been selected and approved for allotment of plots. Till today (a) no allotment letter had been issued after selection; (b) no notice had been served giving the plot number, with demand notice for deposit of instalment; (c) no cancellation notice had been issued; (d) the initial deposit had not been returned;

(e) no alternative plot elsewhere had been offered after approval of an application. Silence all around.

Many applied with deposit in foreign currency. For the last four years, RAJUK is earning interest on such deposits, which is not passed on to the applicants (it is their money till the plots are handed over).

Legally how RAJUK can usurp such interest belonging to another party? The deposit is blocked, and the applicant cannot invest it elsewhere, as he is waiting and waiting (for years) after being informed that his application had been approved. All long-pending deposits should be returned immediately. Here we see the same problem: delay in decision-making. RAJUK does not say Yes or No. The question arises: how long a case should be kept pending (here it is how many years!)? If the decision is No, then communicate it, refund the deposit, and close the case.

The story above refers only to written communication by mail. As for personal visits to the office and seeing the officials concerned, the picture is no better — nothing happens.

How many pair of soles are to be worn out in such corridors of indifference? Some critics blame the regime, implying RAJUK senior officers cannot take decisions unless vetted by higher ups outside RAJUK. Is it bureaucracy, corruption or vested interests?

It is high time all pending cases are disposed off within the next three to six months, after the new government take office. RAJUK is a disgrace to the nation. RAJUK should call a press conference in the presence of the complainants, and answer questions from the floor. The new regime should completely reorganise RAJUK or close it.

A. Mawaz Dhaka.