conventions to promote the

Dhaka, Thursday, December 10, 1992

Human Rights

Man was born free, but everywhere he is in chains, so said Jean Jacques Rousseau. More than 200 years later, the French philosopher might well have been tempted to repeat his words, had he been around to see, hear and feel the world at the twilight of the 20th century. Man has proliferated over the decades, and so has his tendency to put his fellow man in chains. Solemn pledges to defend human rights are made every year, at the United Nations in New York and capital cities all over the world; and every year, more horror stories about repression on political activists, religious or ethnic minorities, or indigenous peoples struggling to hold on to their traditional way of life against a tide of the dominant culture etc, crowd pages of newspapers everyday. Detention without trial, torture, deprivation of rights over tribal lands, attack on journalists are still far from exceptional events in the world at large.

This is the context in which 1992 Human Rights Day is being observed here, and elsewhere. It would be grossly unfair to suggest that things have not improved at all over the past 200 years. Indeed, in the last six years or so, a wave of People Power has swept over much of the world, overthrowing dictatorships, from the Philippines to Bangladesh to Central Europe, and established representative and accountable governments. Popular understanding of human rights issues has also increased vastly, leading to a general recognition that arbitrary governance and repression do have limits in the modern world. Yet, the more effective of the news, analysis and propaganda outlets have remained under government control and censorships. This is not only resulting in a lop-sided dissemination of information and formulation of public opinion, it is also running the risk of leaving a large section of the public effectively out of the enormous task of nation-building. This is particularly true of underdeveloped countries such as Bangladesh, where the private sector is not yet strong enough to undertake its own venture in the fields of electronic media, and where governments also do not seem keen on granting autonomy to state-owned media or allowing competition with them.

The question of human rights is of paramount importance for not only Bangladesh, but for South Asia as a whole. The days when one could deny human rights in the name of economic development are long gone. Nowadays, the two are considered positively inter-linked. Over the years, guarantees provided in the constitution regarding fundamental rights have proved to be inadequate. in the face of a lack of mass awareness, coupled with propensity of extra-political forces to capture power and deny rights of the people in order to retain it. It is now necessary to strengthen the judiciary by making it independent of the executive branch, expand mass education and cultivate a culture of tolerance in order to safeguard basic rights. Intolerance of opposing political views, of different religions etc have created an unhealthy situation in the country in which the state feels under little or no pressure to observe human rights or abide by its commitments under the Universal Declaration of Human Rights. The pressure to change things ought to come from below, from socio-political organisations, the teaching community, media etc, but the government, particularly an elected one, has an enormous responsibility to create the conditions under which popular awareness and administrative protection of rights could be achieved.

One Cheer for a Minister

Such vindications are very rare to come by. The other day Energy Minister Dr Mosharraf Hossain called systems loss in power straightaway theft. He went as far as to say that the ghost was inside the machine - it was the personnel of PDB and DESA who were largely responsible for the 360 crore taka theft

It takes a lot of guts to own up half as much or even a minuscule part of it. We are genuinely impressed and record our appreciation of his act of courage. We take particular pleasure in doing so as it was in these columns first said that every kilowatt-hour of energy lost in excess of what is physically lost through transmission — is theft and should be called as such. We very clearly pointed our fingers at the all-pervasive corruption, to the last rung down the ladder, inside the power management organisations. We felt specially gratified that there was no repetition of any credit claiming over any down-curve in the systems loss diagram and attributing the credit to the Prime Minister's wisdom. Rather this time the minister has felt that a national resistance movement was required to heal the energy sector of its unmanageable disease. He has thus gone to the heart of the problem. Let us hope the minister hasn't done only a wonderful exercise in rhetorics and that he speaks responsibly for the whole of his government. If this much is true, his address on Friday to an energy-debacle seminar should amount to mean that the government is ready to take on the array of power sector CBAs. How can the CBAs allow the government have its way and yet survive? The minister seems to be fully aware of this quandary. And finding no way out of this he has taken his case to a faceless 'people', an entity too much too generalised to be effectively helpful in this case.

What about the other side of the corruption coin — the consumer who thinks he or she gains by coming into some arrangement with the power personnel — which is obviously the case but only over a very short run? There can be no question of ever disciplining them without first reforming those that are supposed to catch them.

Euclid, it is said, told his pupil — the Pharaoh — there's no royal road to geometry. We can say as much to the government. It must set its mind to govern, which it is for it to do, or quit: which is a question of option and not duty like the former. The government's record of performance in the student-terrorism sector does not allow much room for optimism in the power one. We want to remind the Prime Minister one of her watchwords — the nation comes first. The government is finding it hard to put this into practice. But it must be able to pull it off if in order to avoid falling into the hole its main adversary slided into in the midseventies.

N the words of Professor Harold Laski, "Rights ... are those conditions of social life without which no man can seek, in general, to be himself at his best."

in other words, certain rights are essential for the growth of every human being. In fact, the observance of such rights is indicative of a society's real progress and development. In a sense, basic human rights are even more fundamental than any other aspiration of man. As U Thant observed: "For what purpose is international peace and security to be maintained if not to preserve the rights to life, liberty and the pursuit of happiness? What is the use of economic development if it does not . . . 'promote better standards of life in larger freedom'?"

Human rights are essential for the development of individuals, nations and the world as a whole. These are necessary not for any particular person but for each and every human being. In other words, all human beings are entitled to same rights without any discrimination. But an individual can exercise a right only when others, who are entitled to the same right, perform some duties. If I have got the right to life, I shall have the obligation and duty not to take the life of others. In fact, all human rights derive their existence from the reciprocal exercise of responsibilities. Obviously, rights are a pre-requisite for the growth of responsible citizenship which, in turn, is a pre-requisite for national cohesion achieved through proper participation of all sections of people in nation-building. Again, since we live in an increasingly interdependent world, the development in a nation is invariably linked to the peace and progress of the entire mankind. Now it is on the global perspective of the issue we focus our attention.

Evolution of the Concept

The idea of the dignity and worth of human beings is at the heart of most of the major changes in human civilization. Today we live in a world which has had undergone a series of economic, social and political revolutions - as a result of which it has emerged from the colonial era and witnessed the birth of the modern nationstate. In the 20th century, it has been asserted at the inter-

Human Rights in Global Perspective

UN Declaration Carries Moral and Political Authority

by Dr. Nurul Momen

national level that every human being in every society is entitled as a matter of legal right to have his or her dignity and freedoms respected and his or her basic needs satisfied. In this sense, the international recognition, promotion and protection of human rights is a

Yet the origin of the concept may be traced from the earliest times. Citizens of certain Greek city-states enjoyed such rights as isogoria or equal freedom of speech and isonomia or equality before law. In the Hellenistic period which followed the destruction of the city-states, people saw these rights not rooted in civil law, but in a higher law: natural law. Natural law embodied those elementary principles of justice that any rational mind could discern without any kind of divine revelation.

product of our times.

On the question there seemed to be also a general consensus far wider than that of Western civilization. That consensus, in fact, emerges from all the major religions despite differences in their understanding of reality and of human destiny. Buddhism has as its highest moral tenet the "respect for all sentient beings." The entire corpus of ethics of the Chinese tradition holds, among other things, that government should be "humane-hearted" and that "filial picty" is one of the highest human virtues. Every call to prayer, from the minaret of a mosque, begins with an invocation of Allah who is al-rahman al-rahim. Whose nature is too compassionate and who commands men to be compassionate also. The Holy Quran, in fact, goes further and elucidates the rights and duties of the different sections of the community and of people in

In the medieval world, however, in most societies the idea of human rights virtually remained suppressed largely because of the doctrine of divine right that supported abso-

different walks of life.

lute monarchy. The Magna Carta of 1215, by which the King John of England conceded certain demands of the nobility and the clergy sowing thereby the seed of a future movement for human rights. was perhaps the only notable development in the period.

in modern times, in the 17th century English political philosopher John Locke made some important contributions to the theories of natural rights. He argued in detail that men have a natural right to life, liberty and property. The Bill of Rights enacted by the English Parliament in 1689 in the wake of the "Glorious Revolution" was designed to translate these natural rights into positive rights. Locke's theories and the example of the English Bill of Rights had a great influence throughout the Western world. Consequently, in 1776 the American Declaration of Independence proclaimed: "We hold these truths to be self-evident: that all men are created equal: that they are endowed by their Creator with certain unalienable rights: that among these are life, liberty and the pursuit of happiness." Inspired in so many ways by the English and the American Revolution the French Revolution adopted the language of rights and asserted that "the purpose of all political associations is the conservation of the natural and inalienable rights of man: these rights are liberty, property. security and resistance to oppression."

Despite these developments, both natural law and natural rights were distinctly unfashionable in the years between the restoration of the old order in Europe in 1815 and the rise of totalitarian regimes in the 1930s. Nevertheless, the movement for human rights gained ground owing to the dissemination of the ideas of socialism and democracy, diplomatic ef-

forts to protect the rights of altens abroad, humanitarian interventions for the protection of minorities, the formation of the Red Cross and a growing recognition of the rights of peoples to self-determination which led to the creation of the League of Nations mandate system after the World War I.

UN Efforts

Born as it was against this background and out of the ashes of the World War II, which witnessed appalling atrocities of Nazi Germany, the United Nations has been naturally interested in human rights right from its inception. As set forth in Article 1 of the Charter, one of the main objectives of the World Body is to promote respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. Article 55 gives the UN, as an organization, obligations for the purpose. By another provision (Article 56) the member-states pledge themselves to take "joint and separate action" in co-operation with the organization to the same ends. Thus largescale violation of human rights may not be considered as matters essentially within the domestic jurisdiction of any

The Charter neither defines what exactly are the human rights and fundamental freedom; nor does it empower the UN specifically to secure their observance. How, then, does the UN seek to tackle the issue? By proclaiming declarations, passing resolutions. adopting draft conventions, and supplying information and assistance, it tries to create a climate of world opinion highly conductve to the observance of the protection of human rights. In particular, a government that has ratified a covenant will find a pressure to abide by its terms. Moreover, the recognition of the human rights in the

Charter itself is bound to have some impact on the human civilization. For instance, the concept of the right of self-determination, which is a basic political right enshrined in the document, has doubtless stimulated the demand for liberation of the colonial areas. During its initial years the

UN concentrated on defining human rights and fundamental freedoms and establishing international norms or standards. Thus the Commission on Human Rights was soon able to prepare the draft of a declaration covering civil, political, economic, social and cultural rights. The declaration, which came to be known as the Universal Declaration of Human Rights, was adopted by the General Assembly on December 10, 1948, with 48 votes in favour, none against and 8 abstentions. While proclaiming the same, the Assembly called upon the member-states to recognize and respect the rights and freedoms stated in the docu-

Indeed, the Declaration which, in the words of Mrs Eleanor Roosevelt, the first Chairperson of the Commission, comprised the basic principles to serve as a common standard for all nations, is a milestone in the history of human civilization. Although not binding as a treaty, "it has acquired a political and moral authority which is unequalled by any other international instrument with the exception of the Charter itself." Its principles not only have been influencing national legislation but also tend to become part of the common law of nations. Many of them have been amplified in international conventions concluded under the auspices of the UN or its specialized agencies such as the ILO. Among over 50 human rights instruments of this sort mention may be made of the Genocide Convention and the Convention Against Torture and Other Cruel, Inhuman or Degrading Punishment and

political rights of women, to abolish forced labour and to eliminate all forms of racial discrimination. One very recent convention relates to the rights of the child. Some of these instruments have already been widely ratified. The nations of Western Europe have even set up an international machinery, including a court, for the enforcement of these human rights. Regional human rights

structures also operate in Americas and Africa. As early as in 1959 the OAS created the Inter-American Commission on Human Rights and more recently the OAU established a similar body which can review complaints both from state - parties and other sources. OAS member-states may also invoke advisory jurisdiction of Inter-American Court on Human Rights.

After the adoption of the

Universal Declaration of Hu-

man Rights by the General-

Assembly, the Commission went ahead to state the obligations contained in it in the form of international treaties. In 1966 the General Assembly adopted the text of three documents prepared by the Commission - The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights. The first Covenant includes provisions recognizing the right to work, to social security, to adequate standards of living and to hea-Ith and education, and freedom from hunger. The second provides for the right to life, liberty, security as well as privacy of the person. By the same Covenant, the right to a fair trial is guaranteed, slavery prohibited and freedom of religion, expression ad association recognized. The Optional Protocol contains provision for the setting up of a Human Rights Committee which might receive and consider communications from individuals claiming to be victims of violation of a state-party of any of the rights set forth in the second Convent. While the first two covenants have already come into force, the last one is still awaiting ratification by the majority of the member-states of the UN.

To be concluded tomorrow The writer is Professor, Department of International Relations, Dhaka University

Winner Rawlings — the Street-wise Politician

Kabral Blay-Amihere writes from Accra

T IS schoolmates at Achimota College in Accra ▲ and fellow soldiers never imagined Jerry John Rawlings would ever take to politics, let alone rule Ghana. One classmate remembers him as the naughty boy who played pranks on girls by catching lizards and showing off.

His colleagues in the Ghana Air Force, which he joined in 1969, remember him as a crack pilot who could "play God with any aircraft".

His contemporaries at Adabraka, a suburb of the Ghanaian capital, Accra, remember him as the half-caste who played cowboys on the strects.

Today Jerry Rawlings is scoring a hat trick in Ghanaian politics by becoming the first leader in the country's short history to be sworn in three times as Head of State.

Rawlings was born in Accra 45 years ago to a Ghanaian mother, Mary Agbotui, and a Scottish father. He attended prestigious Achimota College, which the British established, enlisted as a flight cadet in the Ghana Air Force, trained at the Ghana Military Academy and completed his cadet training in January 1969. He won the top prize in airmanship — the

Speed Bird Trophy. Jerry Rawlings' first loves were flying, electrical gadgets, and fast cars. He married his classmate Nana Agyeman Konadu and they have four The military leader of Ghana, Flight-Lieut, Jerry Rawlings, has turned civilian leader and

won a multi-party election. The opposition called the poll fraudulent, but the Commonwealth observer group from eight countries declared it "free and fair, and free from fear." Rawlings has ruled Ghana longer than anyone else and is one of Africa's most charismatic figures. Gemini News Service profiles a survivor politician.



JERRY RAWLINGS Pilot who could play God with any aircraft

children.

He took to politics when he joined a group of soldiers calling themselves the Free Africa Club. The late 1970s saw an upsurge of corruption and a decline of the Ghanaian economy during the rule of the Supreme Military Council, which probably shook Rawlings' faith in the ruling

A soldier who worked under Rawlings in those days says : "He was an angry man who felt the senior officers had betrayed the army and the coun-

On May 1, 1979 Rawlings entered the mainstream of Ghana's politics when he led a group of non-commissioned officers in an abortive coup d'etat. He was arraigned in court and turned his own trial into a trial against the regime. He condemned the rise of corruption and growing injustice in the country and said his abortive coup aimed to launch an Ethiopian-style revolution.

The trial was still in its early stages when another group of soldiers under Major Boakye Djan, who has since fallen out with Rawlings, freed him. The Rawlings legend was born that day, June 4, 1979.

From his cell Rawlings rushed to the radio station announced the overthrow of the eight-and-half-year-old Supreme Military Council, and launched the June 4

Rawlings and his Armed Forces Revolutionary Council (AFRC) ruled for just three months, during which many Ghanaians were punished either for tax evasion or corruption. Eight top officers of the Ghana Armed Forces, including three former Heads of State, General Ignatius Acheampong, Akwasi Afrifa, and FWK Akuffo, were executed for alleged corruption and crimes against the state.

Rawlings handed over to a constitutionally-elected government, the Peoples National Party of Dr. Hilla Limann, on September 24, 1979, but 27 months later, on December 31, 1981, he overthrew it. He said the Limann regime was not up to the task and had undermined the gains of the June 4 Revolution.

In their first two years, Rawlings and his new government, the Provisional National Defence Council, preached socialism and attacked the West and institutions like the World Bank and International Monetary Fund (IMF) as the cause of Ghana's woes. But a

combination of factors drought and the deportation of thousands of Ghanaians from Nigeria in 1983 - forced Rawlings to make a U-turn. He sent his Finance Minister. Kwesi Botchwey, to the IMF in December 1983. Since then Ghana has become a faithful implementor of IMF economic packages and has won international acclaim for its perfor-

Rawlings, like President Kamuzu Banda of Malawi, was one of the leaders in Africa who, while accepting the economic liberalism of the West, rejected the ballot box and what he terms "alien Westminster democracy." For years Rawlings rejected party politics, claiming his main concern was the economy. He muzzled the press and said party politics would never come to Ghana. In 1990, bowing to national and international pressure, he agreed to

return to party politics. Rawlings is an astute politician. When the ban on party politics was lifted on May 18 he did not declare his intenwaited until a few days before the close of nomination for presidential candidates - a move that prevented his opponents entering any electoral alliance. He resigned from the Ghana

tion to run for office. He

Armed Forces to context the election and stood on the ticket of the National Democratic Congress, a party he is reported to have sponsored. He was backed by another party - the National Convention Party.

In winning the presidential elections he beat Professor Albert Adu Boahan, 61, of the New Patriotic Party; former Head of State Dr. Hilla Limann, of the People's National Convention; Kwabena Drako, 49, of the National Independence Party: and General E A Erskine of the Peoples Heritage Party.

Rawlings won 58.6 per cent of the total votes cast -3,937,783. He "re-assumes" office on January 7. Political observers say Rawlings, who is more comfortable with military governance, cannot succeed in a constitutional era, but he looks determined to adapt to the new situation. Says a cadre of the Revolution: "Rawlings is a survivor, he is street-wise and will make it everywhere and at anytime."

KABRAL BLAY-AMIHERE is the Publisher/Editor of The Independent in Accra.

Ershad and crimes

Sir, The US Senate Subcommittee headed by Sen John Kerry has revealed that Ershad had smuggled out Tk 2000 crore from Bangladesh with the help of BCCI. This money was donated by donor countries for disaster relief.

This investigation must have entailed time, hardwork and patience of those who did the job. Whilist the US Senate has undertaken this arduous job and completed their findings, one wonder what has the Bangladesh govt done so far about his looting and siphoning off this astronomical sum donated for relief to the stricken and poor people of Bangladesh by donor countries. What devilish fraud and hypocrisy has this man perpetrated when one remembers seeing his picture in BTV screen going round the flood stricken areas in speed boats or helicopter showing his concern and sympathy with the suffering people as if his heart was crying out for them and he was suffering too while he was smuggling out crores of taka donated for suc-

cour to these people and exploiting the name of religion to hoodwink the innocent God-fearing people. Our government should request the governments of other countries where he has transferred this huge funds illegally, to freeze the money and return the same to this country. This measure on the part of our government brooks no delay.

It is strange that this man has been convicted so far for owning illegally a couple of sporting fire arms when battle royals are raged in the universities and other educational institutions day in and day out between student supporters of two major political parties with much more sophisticated fire arms and also between two labour unions owing allegiance to two political parties. Are those weaponry legal, if not, where do they come from and why all the possessors of those arms are not prosecuted and rounded up, and punished. And what is the mystery behind the govt's inaction so far in taking serious steps for unravelling the truth behind President Ziaur Rahman's bru-

tal assassination. Some freedom fighters who claimed their innocence in the plot and its cruel execution were hanged by a closed door curt, their fundamental rights of appeal to a high court being denied. The democratically elected government should open fresh independent high powered judicial probe without any delay so that justice is doe and real culprits brought to book. Further, Ershad is being prosecuted for some other crimes but worst of all the crimes he committed was to overthrow a democratically elected government and suspend the constitution of the country for a period.

S M Uddin Dhanmondi, Dhaka

Tree planting in Dhaka city

Sir, On recent visits to Dhaka, I have noted the frantic activity to plant saplings here, there and everywhere as if somebody's life depended on it and perhaps, it does! As I

stood on the roads and mused on the wisdom of planting tree in October and November, I was forced to the unenviable conclusion that, perhaps, in the unintelligible reaches of the bureaucratic mind this must have been ordered to compensate for the equally illogical activity of digging up our streets just before the monsoons.

However, I recoiled in horror when I read in a Dhaka daily recently that 65,000 saplings had been planted in the Metropolis at a cost of Taka 71,00,000 according to DCC officials. This works out at Tk 110/- pr sapling.

As something of an expert in this field, having planted over 75,000 saplings in my Farm, this is fit for inclusion into the Guinness Book of Records because by the time the summer of 1993 ends in April/May next, there will be just a few stunted saplings left, which could then be put on display as the most 'expensive' plants in the world, I would like to make a few more obser-

vations: What species were

planted? Was there any consideration given as to the soil, climatic and pollution effects? 2) Trees grow deep roots,

both vertically and laterally.

How will they penetrate concrete footpaths, if at all? 3) What about regular watering? At least 20 saplings planted in Dhanmondi on Road

No 2 (opp City College) are already gone together with the bamboo protections (gabions).

4) Whoever supervised the planting deserves a medal for non-compliance with the basic tenets of afforestation. Not only were the saplings planted in little holes hastily dug wherever possible, but they are too close together and very often under big trees. They are also protected by bamboo gabions, which are very flimsy and much sought after as fuel by the slum dwellers. By the by, in Chittagong no gabion is considered profitable, unless it is counted and billed at least three times each.

Next year, around this time, there will surely be another 'drive' to re-plant these trees once again to replace this year's failure. If so, may I be

allowed to use the good offices of your newspaper to get in an early bid for the contract I will do the job much better (I have over 70,000 trees on show in my farm) at half the above cost.

S Sikander Ahmed M M Ali Road, Chittagong

Let's be honest

Sir, In speech, almost everyone utters words of principle and show keen concern for the welfare of the country. But in practice, people accept bribes, encourage anarchism and strive for undue benefits. There are only a few who are true patriots. Everybody is quite aware of the fact that without total honestly and sincerity towards our respective jobs and responsibilities, the country will never see prosperity and development. Can't we love our country from the core of our hearts? Let us all accept even a life full of hardship and poverty but not dishonesty and corruption.

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