

Is the UN Geared to Cope with the Needs of the Post-Cold War World?

Analysing the record of the world body. Jean Kirkpatrick, American ambassador to the UN, said, "Many Bosnians, Croations, Africans and Cambodians see the UN as part of their problem, rather than as its solution."

Snags to Rule of Law

President Biswas said on Thursday 'Democracy becomes meaningless unless rule of law is established.' This truism expressed on the occasion of a seminar on 'Legal Aid, Rule of Law and Human Rights' and another related subject, is as good an observation as saying democracy is meaningless if equal opportunities for all and/or economic justice is not established — and many others on the same vein and almost equal validity. All of them will have truth in them still it would be truer to say that the establishment of democracy would warrant an all-round effective transaction into social reality of all of these together. Needless to say, the thing that does the worst robbing of democracy's meaning is making cliches of such observations as the President's. It very much depends on the President himself and the government, whose jobs it is more than anyone else's to establish the rule of law by putting, how much meaning they would want to put in to the presidential pontification.

The crime situation of the nation does not speak well of the rule of law records. Larceny and mugging, although pervading the whole of society, is petty violation of law compared to such things as political parties harbouring murderers and looters, not to speak of 'laws' cutting at the very roots of law as a preserve of society and its development — the indemnity and the vested property laws — just to name two, when exemplary models of breaking and bending law to transparently anti-social benefits of criminal coteries are set at the very highest quarters. It is foolish to ask the ordinary mortals to behave.

It still cannot be said that the first prerequisite for a rule of law has been met even as a matter of gesture. Who doesn't know it is the task of separating the executive from the judiciary that we are pointing our fingers at. And we very categorically want to underline the facts of how the judiciary, the judicial cadre, their place in the services and their image in the eyes of the society are continually being compromised. Ideally — why, in practice indeed, the situation should have been quite the opposite — every citizen inclusive of the chief executive, should have held the holiest among judicial officers in awesome respect. Without this the talk of establishment of the rule of law either by the legislatures or specially by the executive is a bundle of talks.

The neglect of the judiciary, to the point of holding it in contempt, is most pronounced in the depressing story of its development over the decades. The rates of accretion to the armed forces or the police, or for that matter to services — public or private — and above all in the population, have not been matched by the rate at which the judicial service has grown. Lakhs upon lakhs of law suits have been pending as a result and tens of thousands of people incarcerated without trial. The situation has encouraged the criminals and at the same time made people lose faith in institutionalized justice and protection of law and go for other means to settle scores or get redress of their grievances.

The importance of rule of law is something that doesn't elude any healthy comprehending mind. Strangely, that doesn't apply to people bent on sticking to power perpetually or hankering after the game with equal virulence. These propensities tend to enactment of laws that go against law and constitution and above all, society. It is of prime importance that the political machines turn society to be de-jinxed before one can expect a stride towards the establishment of the rule of law.

Legal aid, the other topic of the seminar, is another aspect of the question that has to be looked deep into and put to practical and all pervading use for the establishment of the rule of law — more than the rule of party of people.

Rabindra Sangeet's Elevated Role

The 12th National Rabindra Sangeet Sam-mayan concluded yesterday at Shilpakala Academy. This yearly meet of experts and competitors of Tagore's song has by now been recognised as an emerging Bangalee phenomenon. Indeed, art, literature and traditional customs are the ingredients of culture that becomes the hall-mark of a nation. The efforts that have gone into the holding of Rabindra Sangeet Sammayan over a decade now have been solely devoted to the task of bringing the much-needed integration in the Bangalee nationhood. On this count, this festival of Rabindra Sangeet has not been confined merely to entertainment but has done an admirable job by elevating the Bangalee psyche.

As a social living ingredient, Rabindra Sangeet has amply contributed to the attainment of this nationhood in 1952, 1966 and 1971. The appreciation of both beauty and courage mixed with universal humanism has come to us through his songs and writings. At the same time, the mental refinement could bring about a marriage between patriotism and the love of the world at the centre of which is man. Rabindranath's songs have left a sobering touch on society. But much more will have to be done if society seeks to be more humane and civilized.

The Rabindra Sangeet Sammayan Parishad, however, has been inching ahead in its promotional task of Rabindranath's songs. The fact that more people now devote themselves to this particular variety of songs and the excellence or the roll of honour is shared more by participants from the four corners of the country than by those from the centre is a testimony to its validity. If this credential gains ground, the songs will have performed their job in much the same way all well-meaning people — irrespective of their fields of activity — desire. It is a happy tidings that the songs are proving increasingly relevant to the struggle for the national identity of the Bangalee. At this point, the songs of Rabindranath act as a touch-stone for our mental elevation.

Evidently, we need more than ever before his songs for our conscientizing. Both instant and eternal appeals of his songs have a lifting experience on all who care to go to undergo it. But more important is the total life he has lived and promoted through his songs and writings. The higher stage of cultural elevation he has envisioned is what can lift us from the mundane to a spiritual plane. If the Rabindra Sangeet Sammayan just seeks to do this, we will feel proud of the achievement.

THE end of the cold war has not led to the end of political instability, tension and conflict in the world. In fact, the historic changes since 1989 have profoundly destabilized the previously existing order without replacing it with any recognizable system. President Bush talked about a new world order but it was a mere rhetoric. There are too many trouble spots around the world to support the existence of any order. The Gulf war, the bloody and tragic war in the Balkans, the continuing tension and friction in Cambodia, South Africa, the running battle between Iraq and the US and the UN and the Arab-Israeli problem and many other pockets of conflict are vivid evidences of the new and unstable era that we are living in today. South Asia is in a state of turmoil following the surge of violence set off by the destruction of the historic Babri mosque.

A close look at the world scene would reveal a distinctive feature of the new era. Long suppressed or dormant nationalist aspirations are coming to the surface all over the world. The most common cause for friction and conflict in the world today is the drive for self-determination and, in many cases, independence, on the part of linguistic, ethnic, religious and racial minorities. The struggle of the Kashmiri Muslims and the Sikhs of India, the Tamils of Sri Lanka, the Kurds in Iraq, Turkey and Iran are some of the well known cases of nationalist aspirations for independence. Many people believe that the final shape of the former Soviet Union has not yet emerged. There are many minorities in these republics including the Russian Federation who are agitating for autonomy and independence.

Some of the familiar landmarks on the global political scene are gone or much less visible. NATO is still there but no one seems to know for sure its purpose. After all, the Warsaw pact, which provided the rationale for NATO, is dead. The rivalry between the two superpowers which led to the formation of these military alliances is no longer there though the underlying distrust may not have fully disappeared. The two blocks maintained a precarious balance of terror. The non-aligned movement,

largely a product of the cold war, was a significant factor in ensuring that its members could stay away from the alliances and thereby retain, at least in some measure, their independence. At the Jakarta summit the NAM leaders talked boldly about its new role especially in championing the economic interests of the third world countries but I believe the movement has not yet found its proper role and function in the altered world situation.

It is against this background that one has to view the new responsibilities being thrust on the United Nations. The situation in Bosnia-Herzegovina illustrates the dilemma of the world body. Here is a classic case of naked aggression being committed by a powerful neighbour against a small nation and the world is watching helplessly. In fact this is not a simple case of territorial aggression; it is a clear case of genocide. What else can describe the so-called 'cleansing' operation of the Serbians? The western press and many of its leaders are most generous in expressing their horror at the atrocities being perpetrated.

However, their actions do not match their words. One does not like to attribute religious bias against the western leaders but can one really avoid the thought? Would the French, the Germans and the other neighbours of this small nation have remained passive if Bosnians were not Muslims? Twenty thousand Muslim women, according to a well-documented report, have been raped in one of the most barbaric episodes of history but the great powers of Europe did not find the matter important enough to shake off the lethargy. Do we still hear echoes of the Crusades? The enlightened leaders of Europe and America have not only failed the test of secularism but in the process they have also made the UN an object of hatred in Bosnia.

The UN, it seems to impartial observers, is not there to protect the weak against the

aggression of the strong but to make it easy for the Serbian murderers and rapists to carry on their work without any obstruction from anybody. Of course, one knows that the UN is but an instrument of the great powers. It is the great powers, who through their control of the Security Council and even more important, their control over the purse strings of the UN, direct the operations in the way that they desire. They could move against Iraq in force but in a case much nearer home and hundred times more deserving, they set an example of ineffectiveness and futility for the world body. Small wonder that the people of Bosnia do not view the UN soldiers as their friends.

Who will suffer as a result? The poor Cambodians have been the victims of all kinds of misfortunes for the last twenty years. This is the costliest UN operation but the massive UN presence has never improved security nor the welfare of the long suffering people. Khmer Rouge threatens to derail the whole operation and the world body has not yet found an effective response. Narrow national interests, power play and callousness among the great powers as well as the neighbours about the plight of a poor nation have combined to make UNTAC (United Nations Transitional Authority in Cambodia) a classic example of how not to undertake an operation in a war-ravaged coun-

article? Regrettably one must conclude that the great powers in the Security Council are more concerned with their own national interests and that they apply the provisions of the Charter selectively when it suits the interests of the more powerful among them. It is a sad commentary on international morality.

There are lots of talks going on about the reform of the UN. Indeed reform has become essential not because the Charter is inadequate in terms of peace keeping powers but because the Security Council has ceased to be a representative body. The Charter tilted the balance of power in favour of the victorious allies.

Virtually the whole of Asia and Africa was under colonial rule and had no say in designing the decision-making procedures. Thus we have five permanent members with veto power and of these five, three are from Europe. It is undoubtedly Euro-centric in terms of its perceptions of world events and priorities. This can change only if a more balanced and democratic system of representation in the Council is introduced and the veto power is abolished.

The remnant of the second world war must be swept away and a truly new world order must be built by reforming the UN to reflect the hopes and aspirations of the great majority of members states instead of an instrument for a few big powers. It may sound too idealistic today but the events in the world are moving so fast that either the world body has to be reformed or it will become irrelevant to their needs.

In the Somali case, for example, the UN could intervene on humanitarian grounds despite the provisions of clause 7 of article 2 on domestic jurisdiction. The concept of sovereignty itself is under going subtle but significant change. The EEC is a best example of the changes taking place but other regional groups are also eroding the absolute-

ness of this concept. When the Americans intervened in Somalia on humanitarian grounds no one accused them of violating Somali sovereignty because saving human life was seen as more important than an abstract concept. We may have similar situations developing in Zaire and Angola where civil authority has virtually collapsed. In the case of Somalia, it would have been vastly preferable if it was a truly UN operation instead of an American one. But the UN is not yet geared for assuming this kind of responsibility.

The small states of the world have a vested interest in strengthening the UN including its capacity to intervene in favour of the weak against the strong. If such thoughts seem too radical today, it is only because we have been used to see the UN as an instrument of the great powers. The movement to make it truly represent the members must be launched now for we must not enter the twenty-first century with an ineffective and unbalanced organization to take care of the peace and security of mankind.

I was concerned to read in some western newspapers that certain powerful quarters in America and Europe are already thinking of giving permanent seats on the Security Council to Germany and Japan. The underlying idea is to perpetuate the current domination of a small group of rich and powerful countries on a permanent basis. These countries preach the virtues of democracy to the rest of the world but when it comes to the question of reforming the UN they seem to have their own agenda. In the economic field we have seen how the Group of 7, the club of the rich countries, takes basic decisions on world economic issues without even caring to consult the rest of the world.

Here is an issue on which the Non-Aligned Movement could make a significant contribution by spearheading a campaign to ensure that the reform of the UN does not further strengthen the grip of the Europeans and the Americans but makes a truly representative body. The small states of the world must unite not only to make it more responsive to their needs but also to prevent its use by a few powers in their own national interests.

ON THE RECORD

by Shah AMS Kibria

It also came as no surprise that the Somali people had erected no welcoming arches for Secretary General Ghali when he went there recently. The UN operation was half-hearted at best and inefficient. The mandate given by the General Assembly and the Security Council fell far short of the requirements. It was not a case of civil war; civil government had collapsed. It was an opportunity for the world body to act truly as the conscience of mankind as well as their common instrument. But the organization could not or did not move until the United States decided to move in on a mission of mercy.

The Cambodian peace process is facing a similar fate, again due to the failure of the Security Council to make full use of the powers given to it under the Charter. I happen to know this particular problem in some depth. The Khmer Rouge was pampered from the very beginning of the negotiating process. Despite its brutal record and its refusal of respect international commitments, no one is yet ready to

try. Jean Kirkpatrick, a former American ambassador to the UN, writing in the International Herald Tribune commented on the serious situation that exists today due to the indecision, vacillation and half-heartedness in the peace keeping operations of the organization. Analyzing the record of the world body she said, "Many Bosnians, Croations, Africans and Cambodians have begun to see the UN as part of their problem, rather than as its solution."

This is a very harsh assessment but this need not have been the case. Chapter VII of the Charter, those who may care to consult it, is broad and flexible enough to cope with the situation that we are confronted with today. Article 42 explicitly authorizes the Security Council to "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security." Peace-loving people all over the world are entitled to ask: Is not Serbian aggression on Bosnia a fit case under this

Kenya Gets a Mixed Verdict on its Election

by Derek Ingram

The Commonwealth Observer Group, in its final report just published, calls Kenya's first multi-party elections "a giant step on the road to multi-party democracy." Yet it lists a wide range of malpractices such as vote-stuffing, bribery and disfranchisement that the opposition said might have deprived three million of the vote. The observers have diplomatically pulled their punches, but their findings are still quite harsh.



DANIEL ARAP MOI
President of Kenya

AS the new parliament opened in Nairobi following the first multi-party elections in Kenya the just-published final verdict of the Commonwealth Observer Group is proving as controversial as were the elections themselves.

The notion arose from the Group's brief interim report, immediately after polling, that it had returned a soft verdict on the conduct of the elections. This is not fully borne out now that the final report is published. The Group is careful not to say that the election was free and fair. At the same time it does pull its punches.

It concludes that "these were elections which proved difficult to evaluate in terms of freedom and fairness" and then says: "Despite the fact that the whole electoral process cannot be given an unqualified rating as free and fair... we believe that the results in many instances directly reflect, however imperfectly, the expression of the will of the people."

The reports ends by saying that the election "constitutes a giant step on the road to multi-party democracy."

The election result bears out that statement. Despite the widespread irregularities listed in the report, many of them intended to favour the ruling Kenya African National

Oginga Odinga — polled 3.3 million.

Union (KANU). President Daniel arap Moi lost 16 cabinet ministers, some of them his closest political allies. He won 1.9 million votes while the three opposition candidates for the presidency — Kenneth Matiba, Mwai Kibaki and

that the Kenya press was "the freest in the world." They comment sourly: "We hope that, with the advent of democracy, this statement will become a reality." After witnessing the media performance during the election they conclude "that journalists in Kenya are still unable to express their views as freely as would be expected in a society with a truly free press."

The 40-strong observer team from 24 countries is harsh on the performance of the Electoral Commission and particularly its chairman, Justice Zachary Chesoni, a former judge with a checkered business career, and some members who were said by the opposition not to be suitable persons to serve on the Commission. It was claimed they were associated with or taking orders from KANU.

The allegations were denied and the observers say, with caution and diplomacy, "we have not received information which would cast doubts on their denial."

publish as an appendix to the report an account of the circumstances in which Justice Chesoni was removed as Acting Justice of Appeal in 1984 because of business involvements and bankruptcy proceedings. But they do not publish several related legal documents and letters in their possession, although Telford Georges wanted them included in the report.

When Chesoni was reappointed in 1990 an application to commit him to prison was listed for hearing. The Judicial Service Commission said his conduct had been "inconsistent with the position, dignity and judicial integrity of a Justice of these Honourable Courts" and President Moi revoked the reappointment.

The Observer Group says the retention of Chesoni as Electoral Commission "could reasonably be interpreted by the opposition parties as an unmistakable signal that the Government would use its powers to secure and advantage for the ruling party."

However, the Group says that the performance and credibility of Chesoni and his Commission improved dramatically after the Commonwealth Secretary-General, Chief Emeka Anyaoku, visited Kenya in November and discussed the election preparations with Moi.

One of many problems in the way of a free election came in the nomination procedure. Several opposition candidates said they had been forcibly prevented from handing in their papers within the prescribed period. Some were reported kidnapped or had disappeared. A mere five hours in a single day was allocated for concluding nominations — whereas, say the observers, in many Commonwealth countries the nominations period normally ranged from four to seven days.

The report talks of many ways in which people were disenfranchised — the opposition believe they numbered three million — and suggests the constitutional requirement to review constituency boundaries had been avoided because of government failure to publish the 1989 census results.

Violence had prevented many people from voting in the Rift Valley and neighbouring areas and there was widespread bribery by political parties, particularly KANU. Some observers saw significant amounts of money pass to party supporters. Identity cards were necessary for voter registration and in many cases these were not issued.

When polling opened, confusion reigned at most stations. Many opened hours late. Loss of daylight hours meant that when night fell many women left the queues without voting. Voting materials were late arriving and boycotts were staged by polling clerks because they had not been paid. Many officials had not been properly trained.

Ballot papers had to be stamped and there was only one stamp per polling station. Many ballot papers had the wrong party symbol against a candidate's name and some polling stations did not have separate entrances and exits, causing further confusion.

Lids did not fit on ballot boxes. The observers describe a Charlie Chaplin-like scene as officials struggled to close boxes. They say: "Often one end of the lid would pop up when the other end had been fitted. At one station... officials went to the curious length of boring holes in the lids in order to make them fit."

Ballot stuffing was often attempted. At one station a book of ballot papers had been filled in, ripped from the counter-foils and stuffed unfolded into a box. The Returning Officer ruled that the papers in that box should not be counted.

The most important lesson from the Commonwealth report comes in its emphasis on the difficulties to be overcome in a one-party state like Kenya in reforming the administrative machinery of the state and severing links in personnel and resources between the government and the ruling party.

In Kenya many civil servants continue to confuse loyalty to the government with loyalty to KANU. During campaigning, said the observers, officials were openly supportive of the government to the detriment of other parties.

After three decades of one-party rule it is a particular problem in many African countries. Commonwealth election observers in Zambia, Ghana and Seychelles have all cited the same difficulty.

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To the Editor...

Training in trade unionism

Sir, The recent visit of the ILO Chief to Bangladesh should lead to better coordination as a result of clearer understanding through exchange of views.

One area in which Bangladesh needs assistance appears to be training in trade unionism of the leaders of the factory workers who tend to display militant behaviour, egged on by nascent political aspirants in a changing political atmosphere. These self-centred leaders accord second priority to the image of the country, especially where foreign investment is concerned. The political opponents are in no mood to assist the government through positive stands.

A nasty question which may be posed is who are the worse enemies of the country in the long run? Industrial labour is not the exclusive invention of this poor country, which is not even industrialised. So why the

toddlers are allowed to make so much fuss? And why should trainees dictate to the nation? Firm action is needed to nip the evils of group bargaining. We have to keep in mind the local proverb to the effect that if you allow them to sit, they demand space for sleeping.

Alif Zabr
Dhaka

Open market economy

Sir, During the past one year or more the readers of daily newspapers often come across news of smuggling of various goods from neighbouring countries to Bangladesh.

Sugar is produced from sugarcane both in India and Bangladesh. If India can sell sugar at Tk 18-20 a kilogram in the open market why our sugar production cost is around Tk 28 a kilogram? The present day MS rod export price is hardly US dollar 270 a

ton from EEC countries and thus the landed cost of MS rods at Chittagong is hardly Tk 14000 a ton without duties and taxes. Locally produced MS rods from billets costs Tk 25,000 a ton or more. An open market economy in line with EEC among the SAARC countries is often preached. Thus uneconomic production in the country should be stopped forthwith. There is no fun to produce goods at a higher cost compared to world market price in the name of industrialisation! Let the authority really decide open market economy in line with competition and survival of the fittest at least in this case.

Sadiq Alee
Maghbaraz, Dhaka

Train stoppages at city railway stations

Sir, At the moment practically no inter-city train stops at Tejgaon, Banani and

Cantonment railway stations. This has been done for saving time and for the outgoing trains it also seems quite reasonable. But for the incoming trains, if there is a short stoppage at Cantonment, Banani and Tejgaon, this will reduce pressure on transports at Kamalapur, save lot of fuel and time which will be a saving net merely from the angle of passengers but also from national angle. Passengers of Uttara, Mirpur, Mohammadpur, Cantonment, Dhukhet, Kafur etc will be stranded at these stations. As a result practically half the train will be variant by the time it reaches Kamalapur.

If an inter-city train of reasonable capacity, with a considerable, likely to be a very considerable, saving in time to it? Saleh Ahmed Chowdhury
Dhaka Cantonment, Dhaka