

Supreme Court Impasse

It is possible, and we hope that it is so, that the impasse created over the appointment of nine Supreme Court (SC) judges, will be over by the time this comment is published. Regardless of developments, the question remains as to how and why it happened in the first place? In governance, especially in democratic governance, there is the letter of the law, and the spirit of the law. At times, and in given situations, the spirit of the law is far more important than anything else. The latest impasse is the direct result of the failure of the Law Ministry to adhere to the norm and established practice of appointing judges for the Supreme Court.

Yes, the Constitutional provision requiring the President to consult the Chief Justice (CJ) before finalising the appointment of the Supreme Court Judges, no longer exists. It fell victim, along with many other democratic provisions of our 1972 Constitution, to the 4th Amendment. However, regardless of the change in the Constitution, the practice of consulting with the CJ remained and all governments — that of Zia, Sattar and Ershad — abided by it.

Naturally, therefore, the expectation was that a democratic government will not only adhere to the norm, but make the practice more transparent and accountable. This explains the rather severe reaction of the Supreme Court Bar Association, which passed a resolution rejecting this move. It asked the Chief Justice to refuse to administer oath, and raised the possibility of a boycott of the courts if any of those judges were to be accepted. The critical nature of the situation became obvious when the Chief Justice himself went public in a speech, which really triggered the Bar Association action.

We would like to clearly state that we hold the Law Ministry responsible for creating this crisis and embarrassing the government by putting it in an untenable and patently indefensible position. The lack of consultation, or rather the near absence of it, between the Judiciary and the Law Ministry, is the real source of all the problems. We fail to understand what the government stands to gain by flaunting this norm. Has the government been so humiliated due to some ego problem of some top players? We feel that, it is only through consultation that the best professionals can be identified. How can the ministry know better than the CJ himself as to whom to promote and whom to appoint?

We commend the SC Bar Association for taking the action that they did. They upheld the position of the courts and enhanced the prestige of the Chief Justice. The government also deserves credit by not taking the issue as a challenge against itself, but as a mistake that needed to be corrected. It was this maturity of action that led the government to be flexible, and take accommodative steps, that it is reportedly taking.

The main issue, however, remains to be that of independence of the judiciary. The current administration's control over the judges leads to the type of situations that we just faced. Why should a popular government be afraid of setting up a truly independent judiciary? In fact, such a judiciary, protected from the machinations of the power of the day, can become the best guarantor for the protection of our Constitution and the guardian of all civil liberties, democratic norms and individual human rights. The government appears to have an unfounded fear of an independent judiciary. Its foot dragging on related bills in the parliament is only raising public suspicion about the government's real intentions.

We hope that the government will learn from this experience and be the wiser from it. It should now lend its full support towards making judiciary fully independent and further strengthen its democratic credentials.

The Good Samaritans

The United Nations Joint Consultative Group on Policies, for the first time in its existence, moved out of its headquarters in New York or Rome and held a meeting in Dhaka on Sunday. The session was highlighted by four presentations made on the leading development issues of Bangladesh in the presence of all the five heads of the consultative groups. Finance Minister Saifur Rahman very correctly welcomed the departure by the JCGP in choosing Bangladesh as the first far-out venue for their on-spot meetings.

This shows that Bangladesh is high on the agenda of the JCGP. How much better would it have been if Bangladesh were not as badly stuck up with its development problems as to deserve such a distinction. At the same time one has reason to believe that Bangladesh hasn't done too badly either in its jousting with demons of underdevelopment and backwardness. With only a small but resolute push on the population, employment and literacy fronts, Bangladesh could be in the wagon now carrying China and India past their centuries-old miseries and on to ever new achievements. If those billion-strong population behemoths could raise themselves out of the poverty hole and almost as if by their own-bootstraps, it should be rather an easy job for lightweight Bangladesh to cover up the little stretch past our LDC status.

In this very crucial race to an all-round survival level we are being helped by very many United Nations agencies. They had a big hand in covering our population very greatly, if not upto saturation level, by tubewells. Now the spectacular success of the EPI has demonstrated very strikingly the value of their helping hand and Bangladesh's own receptive trait despite widespread lack of education. These successes could very well be very good pace-setters for our efforts on the literacy and population fronts. While in the latter we have been improving steadily but not at a desired pace, the former continues to be an obdurate case of inertia. The complexities of converting a partly preliterate and partly illiterate society into a wholly literate one are something lending only to exertions from within rather than interpolations from outside. This is only to say that help from outside in this area, rather than being held off, should be designed in a radically different manner not looking for its own pasture but bolstering the national initiative. A great thing they can do is to persuade our government to come out of its bureaucratic straitjacket in its overall approach towards the literacy drive.

The United Nations has for the umpteenth time shown how it cares for us. Our thanks for that would be meaningful if we show we also care for ourselves.

It was the tie that Mr Grant, the Unicef Chief, was wearing that attracted my attention. Printed in bright colours, it looked like an art work of a child. Yes, he said, this is a new weapon of our advocacy drive. He stepped back into the bedroom of his hotel suite, and came out with a collection of six ties which he showed me. They were all based on art work done by kids. Ties made from these designs are sold to raise funds for children's projects. We use every possible item to advocate for the rights and problems of children. Yes, the indefatigable crusader for the children's right was at it again. Preaching about children's rights even through what he wore. Next time you will probably be wearing a jacket with children's paintings all over it? There are limits, he assured me with a smile, of how far I will go. Those who know him, and work with him are not so sure.

James P. Grant, born in China in 1922, is the grand old man of the UN system. At 72, he is going ever so strong, with his relentless advocacy for the rights of children. From an obscure demand, on the fringe of the development debate, Grant has, single-handedly, brought the children's rights issue at the very centre of the global debate.

Combining child health, infant mortality, maternal health and child care, the focus on children now encompasses the core of the Human Resource Development challenge. Currently visiting Bangladesh in connection with the JCGP (Joint Consultative Group on Policies, a club of five UN agencies — UNDP, UNFPA, IFAD, WFP and UNICEF) to work out joint strategies on their respective agency programmes, Grant was his ever go-getting self. His colleagues lovingly complain, 'He is just unstoppable.'

How was his cause progressing? The natural optimist that he is, said that with all the

THE trouble with political slogans is that they nearly always backfire. They reduce pages of policies to three or four words and open up endless interpretations.

The bland new United States phrase "Partnerships for peace" to describe relations between NATO (the West's main military alliance) and the eastern European states is already causing difficulty. For British Prime Minister John Major the simple words "Back to basics" have produced a government crisis that he may find difficult surviving.

His long run to political accidents is now such that one cruel commentator has said that if John Major spotted a banana skin on the other side of the road he would cross over to slip on it.

Back to basics is, oddly enough, a by-product of the Treaty of Maastricht, the European Union agreement over which the British agonised for more than a year and to this day deeply splits the ruling Conservative Party.

A demoralised post-Maastricht Tory party found a crusade at its annual conference last October that Major decided should reunite them. It was based on the perceived need for a return to what were seen to be values that were destroyed in the 1960s.

The Tories hate the 1960s,

AGROFORESTRY is often called a 'wedlock for survival.' Highly regarded by most forestry experts, it seeks to keep lands productive and uneroded while preserving forests.

In the broadest sense, the term 'agroforestry' encompasses any land use which includes both forests and trees and farming — on the same piece of land.

In most of Asia, agroforestry in fact is a traditional practice. Only the term and the emphasis to better understand the many systems of agroforestry is new.

According to the Food and Agriculture Organisation (FAO), 'agroforestry as an ancient art and a modern science has great potential to improve the livelihoods of farmers in Asia and the Pacific.'

There are several reasons

Interview with James P Grant

UN System's Moving Spirit

by Mahfuz Anam

gramme in the US). Under this formula we are propagating that 20 per cent of all ODA (Official Development Assis-

tance) and 20 per cent of national resources should be devoted to education, health and family planning. Isn't it al-

ready the case? Not in most countries, he replied.

Is there any major obstacle he is facing, which is getting him bogged down? According to the Unicef boss, fund raising is becoming tougher. This is so especially because there are now more claimants to the shrinking foreign aid fund.

Russia, East Europe, the Central Asian Republics, and the disaster countries like Somalia, Bosnia and Afghanistan are also taking away a lot of money.

UN Peacekeeping is another new fund claimant. US alone paid extra 1 billion US dollars for peace keeping last year.

Given the considerable experience that you have as the head of Unicef, (for 14 years now) what would be some of your words of wisdom for us in the developing world?

According to the veteran international civil servant, and one of the architects of the UN system's development agenda, the answer is straight forward. 'A country needs three things to move forward: a) political will; b) public mobilization; and c) social and developmental agenda set in easily understandable and achievable terms.

Bangladesh's chances of meeting the basic needs of the total population was going to be impossible. But with population control, our chances appeared much better. Recently there was a Summit conference in New Delhi, of nine most populous countries with the highest illiteracy rates. They were Bangladesh, Brazil, China, Egypt, Indonesia, India, Mexico, Nigeria and Pakistan. In the conference, China, Indonesia and Mexico were identified as countries well on track to provide 80 per cent of their children with effective primary education by the year 2000.

Then there were India, Brazil and Egypt, identified as being able to get on track, if significant efforts were to be made. Then there was the third group of countries, namely Bangladesh and Nigeria, where a near miraculous effort was

necessary to put these two countries on track. Grant recalls that such a miraculous effort was made in Bangladesh when child immunisation rate went from 2 per cent to 70 per cent in five years. So a miracle can happen.

Finally the Delhi Summit identified Pakistan, in the words of Mahbubul Huq, the former Pakistani Finance Minister and the main mover behind the UNDP Human Development Report, as the 'impossible' case. The Unicef chief, of course, refuses to take any case as 'impossible' and believes that Pakistan can also turn the corner and come on track.

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Bangladesh appears to have made considerable progress in many fields — population control, workable programme on primary education, non-governmental programmes like Grameen Bank and BRAC.

It is my feeling that Bangladesh is in a position to make a major breakthrough in its developmental agenda. But the question is, will it have the political stability to allow that developmental momentum to take off? Grant asks. A million dollar question. We sure wish we knew the answer.

Meanwhile, we in Bangladesh wish this oldest young man (seldom have I seen a man more energetic, committed and open to new ideas and innovation) all the luck in his global task which, in effect, are our own.

they preach; and another MP, Alan Duncan, who resigned as junior minister because of advantage he gained by selling a council house.

Then came the cruellest blow of all: Lord Calthorpe had to resign as shipping and aviation minister when his wife's suicide followed reports that the marriage was in difficulties.

Although such an avalanche of scandal is unusual, British prime ministers have had many similar experiences and they themselves have often been the subject of scandal. Lloyd George's love life was notorious; MacMillan's wife had a long affair with the flamboyant Scottish MP Bob Boothby. Examples are many.

In Britain today the politicians blame the tabloid press for exposing what years ago was often kept under wraps. Sometimes they have a point. This time the press can hardly be blamed for digging out examples of wrongs the government itself says need to be righted.

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DEREK INGRAM was until recently Editor of Gemini News Service.

MPs Wonder: Who's Sleeping in Who's Bed?

Derek Ingram writes from London

MPs at Westminster started the new year in a state of jitters, wondering what revelations about their personal lives are going to surface next. A Pandora's Box has been opened by the British government's adoption of a policy labelled "Back to basics." It has plunged the country into a moral heart-searching that threatens an already tottering government.



JOHN MAJOR: Egg on his face

the decade when the last vestiges of the Victorian Britain they so admired were swept away. People suddenly adopted a freer, more open way of life. Taboo words were freely spoken, literary censorship swept away. These were the years of flower power, the Beatles and Rolling Stones and student revolt.

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MAJOR: Egg on his face

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convenient to blame all these "evils" on the opposition Labour Party because it was in power from 1964 onwards. They try to forget that when it all started their own Harold MacMillan was prime minister of what was then a liberal Tory government.

The right-wing backlash to the 1960s came in the 1980s with the arrival of Margaret Thatcher, but she never practised half of what she preached. Her political instincts told her whenever possible to turn a blind eye to the personal misdemeanors of her colleagues.

With some justification, he argued that people were becoming less considerate of each other, uncaring, self-seeking. It was left, not unnaturally, for the opposition to point out that much of this was the product of a growing free-for-all materialism encouraged by the Thatcher policies of the 1980s.

The real problems were: could the government practise what it preached? Did this new puritanism involve a drive for personal morality? If so, what about the family values practised by the politicians themselves?

Opinions in the party differed widely. One MP, Anthony Steen, said back to basics

means "loving your neighbour, but it does not mean loving your neighbour's wife."

Major had plenty of warnings to take care. Several of his ministers had already been involved in marital escapades of one kind or another, two of them Chancellors of the Exchequer and one the chairman of the Party. Several others had been through the divorce courts. The royal family was beset by marriage break-ups.

Nonetheless, Major pressed on as ministers put their own various interpretations on the term Back to basics. Then the Pandora's Box opened. Out came Tim Yeo, forced to resign as environment minister after revealing that he had two illegitimate children; Steven Norris, transport minister separated from his wife and known for extra-marital affairs; David Ashby MP who admitted a "tempestuous" marriage and whose wife said politicians should live up to the standards

they preach; and another MP, Alan Duncan, who resigned as junior minister because of advantage he gained by selling a council house.

Then came the cruellest blow of all: Lord Calthorpe had to resign as shipping and aviation minister when his wife's suicide followed reports that the marriage was in difficulties.

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Asia Reaches End of Arable Land Frontier

Depthnews reports from Bangkok

The Asia-Pacific has 69 per cent of the world's agricultural population but only 28 per cent of its agricultural land.

Population pressure has a lot to do with forest destruction. As population pressure intensifies, people in lowland areas often migrate to nearby uplands and practise rainfed cropping.

Around two million hectares of forest are denuded annually in Asia and the Pacific. About 75 per cent of this deforested area is used for agriculture, resulting in many cases in spontaneous, unplanned settlements, with the destruction of forests and depletion of the thin mantle