

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 light-weight 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 interpollations 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.

I 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

Interview with James P Grant

UN System's Moving Spirit

by Mahfuz Anam

programme in the US). Under this formula we are propagating that 20 per cent of all ODA (Official Development Assistance) and 20 per cent of national resources should be devoted to education, health and family planning. Isn't it all



James P Grant, Head of Unicef for 14 years: UN's oldest-young man bringing children's issues to the very centre of global debate on development.

new problems that the world faced — Somalia, Bosnia, Afghanistan etc. — there was an overall sense of positive momentum as far as the cause of children was concerned. Nineteen-ninety marked the watershed, according to him. It was the year in which the World Conference for Basic Education for All was held, followed by the ratification of the Convention on Children, and finally the Child Summit, which was held towards the end of the year. All this gave an altogether new direction for solving the problems of children. The issues of education, primary health care and basic needs, came into the centre stage of global debate. James P. Grant of Unicef had a lot to do with that development.

'How do you motivate the recalcitrant government to move faster on implementation of international principles and conventions? The answer is the direct approach,' Grant said. 'I try and get the head of state, or the head of the government, personally involved. It is made out to be his or her personal agenda. Social sectors are multi-ministerial affairs, and the best way to get them going is to involve the head of the government. Then, of course, we help the governments in the implementation process. Not only Unicef, but all UN agencies do that. Thirdly, we urge private sector to do things. Condition should be so created through private initiative that it becomes "bad politics" not to take action on children's issues. This is achieved by creating public opinion, which then forces governmental action.'

'For example, we are now pressing for a formula called 20-20 (taken, I suppose, from a very popular TV news pro-

gramme in the US). Under this formula we are propagating that 20 per cent of all ODA (Official Development Assistance) and 20 per cent of national resources should be devoted to education, health and family planning. Isn't it all

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,' he informed.

'To my question, as to what he thought some of the most urgent areas where Bangladesh should focus its attention, his answer was clear, and direct. 'Population reduction, and human resources development.' At the present rate of population growth, 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 Haq, 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.

'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 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.

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 disappeared. These were the years of flower power, the Beatles and Rolling Stones and student revolt.

Western society has never been quite the same since. For the British Tories it became

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.

When Cecil Parkinson, one of her closest ministers, had a child by secretary Sarah Keays he had to go, but Thatcher tended not to adopt a high moral tone during the affair.

John Major is by inclination more liberal than his predecessor, but finding the country beset by rising crime rates, increasing unruliness in schools, growing divorce fig-

ures, loosening family ties, and a growing incidence of business chicanery, he was driven by a powerful group of right-wing ministers to launch a campaign that aimed to restore common decency, good neighbourliness — and "family values."

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

mean "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 Calhoun 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.

Major has allowed the government to be led into a moral crusade. He should have known it could not practise what it preached. As critics have pointed out: he has made his bed and now he has to lie in it.

—GEMINI NEWS
DEREK INGRAM was until recently Editor of Gemini News Service.

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 of

fertile topsoil, these lands are quickly rendered unproductive.

One consequence would be an acute fuelwood shortage by the year 2000 in many parts of the region. FAO forecasts that as many as 46 million people may experience fuelwood scarcity in the Himalayas, 487 million in the Indo-Gangetic plain of South Asia and 239 million in South East Asia — or a total of 772 million people.

Then there is also the fact that wherever population density is high, the land-holdings

are small and the forest lands are extensively degraded. As in Bangladesh, India, Java and Bali islands of Indonesia, Nepal, Pakistan, the Philippines, Thailand and Sri Lanka, it has led to many adverse environmental impacts.

In countries where there is low population density, population concentration is found in localised spots where shifting cultivation has led to forest degradation.

The high ecological and social costs of land degradation have in recent years become a major concern of governments. These are the reasons behind the renewed focus by governments on a land use system like agroforestry.

Recently, FAO convened 50 concerned professionals, at

the FAO regional office here to gather ideas which will guide the future direction of agroforestry in the region.

'Agroforestry can be an appropriate land use for achieving sustainable development in an environment where deforestation and degradation of forest resources has reached an alarming level,' H Tsuchiya, FAO Deputy Regional Representative told the conference.

Two of the major constraints identified by the experts were the tenurial reforms on land and farmers rights to use the trees (tree tenure). For example, there have been no significant institutional reforms in most countries to modify tenurial laws and procedures in favour of those practising agroforestry.

—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.

For Bosnian brethren

Sir, The Daily Star of January 27 includes the news "World's failure to end plight of Bosnians upsets Muslims". The point is well taken and clearly depicts Muslim feelings at the outrageous and totally one-sided considerations — a grotesque departure from humane ethics — by the so-called western powers.

I, however, do have serious objections against the 51-member OIC who have only been appealing to the UN for more practical actions to end

the seize of Bosnia but not getting directly involved. My highest regards go to the two great lady Prime Ministers, Tansu Ciller of Turkey and Benazir Bhutto of Pakistan, who took a morale-boosting trip to Sarajevo on February 2. Bangladesh is one of the largest Muslim-populated states and it would certainly have been nice to see our Prime Minister Begum Khaleda Zia also taking such a trip. The nation would really be once again proud of her then. Syed Tasleem Hussain, Uttara, Dhaka

Well done voters

Sir, With the holding of successful, free and fair city corporation elections on January 30, the roots of democracy in our country have further grown stronger. Thanks to Justice Abdur Roaf, Chief Election Commissioner. Also thanks to Prime Minister Begum Khaleda Zia and Leader of the Opposition Sheikh Hasina. Today Bangladesh stands proudly in the community of world's democratic nations. Well done voters.

The election of the four city corporations has been a blessing in disguise. Stuck up with innumerable problems and difficulties and continuing deadlock in various local, national and international affairs, the city dwellers of Dhaka, Chittagong, Khulna and Rajshahi have come out rightly with their right of franchise. The January 30 election would

make the BNP realise the lapses, omissions and mistakes it committed since it took over the control of the government after the restoration of democracy in the country in February 1991. This would also make the AL aware that the people are always with the party which supports people's cause.

The people of our country are no longer interested in any impasse on any matter but all round development, smooth administration, maintenance of law and order, solution of national and international problems and above all checks and balances, accountability and transparency in every field top from the Jatiya Sangsad to the bottom Union Parishad level.

Today the people are only interested in the practical services of the BNP and AL. Let BNP and AL prove their worth from now for the next round — 1996 elections. Indeed elec-

tion victory or defeat always moves with the time and augurs well for democracy.

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Shade tree

Sir, This refers to the news item on shade tree cutting at tea gardens in your esteemed daily of January 23.

It has been very rightly reported that the miscreants come in big number and overpower the chowkidars and the allegation of the managers is also very much correct that the law enforcing agencies are not taking any step to curb the activities of the miscreants for mysterious reasons.

Shade trees are essential for survival and growth of the tea plants and these are grown at great cost and efforts. Tea gardens are also one of the very few places if not the only place where great contribution

is being made systematically towards preservation of natural environment. But ironically nobody seems to be eager enough to extend a real helping hand to the gardens for their protection.

The miscreants these days are found to be adopting new tactics of cutting and taking away shade trees. And inspite of protests from the garden authorities permission is also given for setting up new saw mills near the tea gardens although there is no source of timber around except the tea gardens and Government reserve forest.

The ministry in-charge of environment and forest and its departments and all concerned should come out with effective measures to curb down this crime instead of rendering only lip service.

S.H.M.
Sylhet