

## For the Sake of Students

The newly elected Vice Chancellor (VC) of the Jahangirnagar University Professor Amirul Islam seems to take the bull by the horn, when he talked about student politics, so soon after being appointed to his very important but sensitive post. In an exclusive interview given to this newspaper he said "student politics must be fair and creative". It was music to our ears when we heard the word 'creative' being used in the context of student politics. Yes, we fully endorse the new VC's position that student politics could easily be made into something creative. After all creativity is the very soul of youth, and as young men and women at their intellectual and moral best, our students could become the most creative force in this problem-ridden and resource-scarce country. In fact, along with patriotism and self-sacrifice, our university students have numerous examples of creative handling of political and social issues. Only that these activities have not been as widely reported as campus violence in general.

So the question is, what has turned our most 'creative force' into one that has moved so far away from the ideals and dreams that youth is supposed to represent? We hold the political process singularly responsible for the deterioration of our youth. The violence that is so prevalent among them, the divisiveness, the involvement with local hoodlums and protection racketeers, and extortion, etc. are all due to the use that have been of our students, especially those of the university level, by the political forces of the day. Of all the failures of the present government, nothing in our mind sticks out more than its failure to remove armed violence from the campuses across the country. The question that almost all ask themselves is, how can the government ensure law and order in the whole country, when it cannot do so within the confines of our universities? Could the real situation be, as some political observers suggest, that the violence on the campuses has been allowed to persist by the government, because of some perverted calculation of political gains? If so, then the government is surely guilty of a serious mistake. We are not yet convinced of that being the case, and that our leaders have reached such a level of moral and ethical bankruptcy. But we would like to warn the government that evidence is piling up on that score.

We could not agree more with Prof. Amirul Islam that political parties should take steps to 'eliminate terrorism from student politics.' This call is pertinent to all groups, both of the government and the opposition. Yet the point must be made that the initiative has to be taken by the ruling party. Given the tradition of our politics, it has always been the government which patronised violence among students. Opposition parties will not, and cannot be expected to make the first move in this matter. But, on the other hand, if the government does take the first step, then no Opposition party will be able to stay out of the process. This will happen out of sheer public pressure. The newly appointed Vice Chancellor of the Jahangirnagar University has raised some very pertinent points. They are all the more important because of the political crisis that we are now facing, and which will inevitably engulf the university students at some stage. Will our political parties and politicians give it some serious thought — for the sake of our students?

## When Price Hurts

The Bangladesh Bank, according to a report carried in this daily yesterday, reckons a steady rise in the consumer price index (CPI) for the country's industrial workers during the period from July to November last year. The pattern more or less continued till April this year.

In this case the workers have been selected for the sake of advantages they offer for any such calculations. The important message is that people from all walks of life have to buy the essentials from the same market the workers frequent. So not just the workers but others, particularly in middle and lower-middle classes, have to bear the brunt of this price escalation. The increased costs on different heads may not have recorded the same level of upward shots but prices of most consumer items, including housing and clothing, have registered an increase. It can be deducted from the present trend of price hike that the majority of the bottom half of our population are the hardest hit. They have to make do with the meagre and certainly limited income unlike their rich compatriots.

So far the estimate has taken into account only the period up to April this year and the trend is already disturbing enough. What about the period after April upto the present time? Clearly, prices of all the items of daily need have shot up to a new peak over this period. The economic crunch is felt by almost all the consumers except perhaps a lucky few who don't know how much money they have. Two things in our country, and just one in other countries, are responsible for this unstoppable price escalation. A fall in production is the basic factor for influencing such a price hike and the other is market manipulation in which task our businessmen are quite adept. Otherwise, what is the explanation for the rise in prices of items on which the government has effected a substantial duty cut?

Where the agricultural produces are concerned, it is the growers who are made to receive the smallest share of profits or sometimes even suffer losses. The middlemen and big businessmen thrive on their miseries. Record production of paddy last time brought no benefits to the farmers but now the price of rice has gone up abruptly to bring fortunes for the hoarders and dealers of rice. The same applies for other produces as well. It is therefore not entirely a question of less production but something deviously regulated by profit-mongers in the trade. Unless this unusual monopoly can be broken to bring in a healthy atmosphere in the country's trade and commerce, it will always remain a sellers' market causing immense pain and hardship to the fixed and low income groups.

**H**UMAN rights education is an essential instrument towards achieving the objectives of the Universal Declaration of Human Rights of 10 December 1948. In its preamble the Declaration explicitly recognises that "every individual and every organ of society keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms". In addition, the Declaration in article 26 deals with the right of everyone to education to "be directed to the strengthening of respect for human rights and fundamental freedoms" and provides that education shall promote understanding, tolerance and friendship among all nations, racial or religious groups.

The Bar Council's human rights education programme is directed towards a critically important target group in this educational effort. It aims at contributing to educate young lawyers, newly enrolled as advocates as well as non-lawyers, members of law-enforcing agencies and human rights activists. It identifies human rights as a separate course in the existing legal education programme.

The programme's ambitious goals include the creation of awareness among people as to their human rights, the sharing of knowledge on human rights for education purposes, the assistance to people in acquiring knowledge on human rights in order to prevent violations thereof, sensitizing members of law-enforcing agencies on human rights aspects in their daily work and developing the respect for the rights of others. These are universal values which apply equally to situations around the world, whether in Bangladesh or in the Netherlands or anywhere else.

### Universality

Human rights in the modern sense can be traced back to the Age of Enlightenment

# Human Rights Education and Lawyers: Partners in Pursuit of Universal Values

by Hanricus Gajentaan

when the idea took form that each individual, because of his or her humanity, has certain inalienable rights. Later, the concept of individual rights found its way into the American Bill of Rights of 1776 and into the Constitution of the United States of 1791 as well as into the famous French *Declaration des Droits de l'Homme et du Citoyen* of 1789.

Following these landmark achievements, codification of human rights took place by way of inclusion in constitutions such as that of the Netherlands in 1815. In those days human rights only affected the relationship between the government of a state and its subjects. The primary purpose of human rights was to guarantee the individual an area of personal freedom upon which the government might not encroach or might only do so under certain conditions. The scope of these human rights clauses was still very much limited by the idea of national sovereignty of states. National sovereignty was, and to a large extent still is, considered to be one of the foundations of international law. Codification of human rights was limited to national law of certain states and the implementation was not subject to outside supervision.

The rights of each individual were therefore dependent upon the fortuity of that person's nationality and the standards that the state where he or she lived had formulated for itself.

Broadly speaking, it was only after the Second World War that the international community explicitly, in the Charter of the United Nations, proclaimed human rights to be a matter of legitimate international

concern. Its members pledged themselves to take joint and separate action in cooperation with the United Nations organisation for the achievement of the purposes regarding universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

It was, however, the Universal Declaration of Human Rights of 1948 which proclaimed with full force and conviction the universality of human rights and fundamental freedoms as one of its basic principles. Article 1 states "All human beings are born free and equal in dignity and rights" and Article 2 says: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

In the wake of the Universal Declaration, the two International Covenants of 1966, one on Civil and Political Rights and the other on Economic, Social and Cultural Rights, both specifically referred in their preambles to the universal character of the rights contained therein: "that these rights derive from the peace in the world," and "that these rights derive from the inherent dignity of the human person."

This commitment to universality was reconfirmed at the first UN Conference on Human Rights in 1968: the Proclamation of Tehran reaffirmed that the Universal Declaration of Human Rights states a common understanding of the people of the world.

Concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community. It should be noted that the Proclamation was adopted by 85 states of which more than 60 were non-Western states.

This historical introduction on the universality of human rights aims to show that the present international human rights instruments did to emerge overnight, but that they are the result of a long and arduous process. While some of the basic principles which helped lay the foundation of the system originated in Europe and the United States, virtually the whole world community was involved in the elaboration and the transformation of these ideas into the network of human rights mechanisms we know today. As members of the United Nations we all together made a choice to build this system, and as members of the United Nations we have committed ourselves to uphold it, to effectively use it and to strengthen it. Thus, the concept of universality of human rights and fundamental freedoms are part of the *acquis* of international law, i.e. an accepted common standard.

### Under Fire?

In preparing for last year's Human Rights Conference, the concept of universality came nevertheless under fire by those who claimed that human rights are not universal but subject to historical, social and cultural particularities and therefore may vary according to local circumstances.

The critics of the universal concept base their reasoning on the premise that human

rights should be seen in the light of history, culture and religion of a specific country or region. Differences in backgrounds would justify differences in the implementation of human rights. In effect, they argue that human rights are not the same for everyone and can vary according to time and place.

Obviously, no one will deny that the historical, cultural and religious backgrounds of countries are different. But, does this mean that the contents of certain individual rights differ as well? Or is this appeal to possible differences merely a pretext to deny that country's citizens their rights?

### Beyond Question

Recognition of the universal character of the body of human rights is not just a philosophical matter but has legal basis as well. As international custom (in accordance with article 38 of the State of the International Court of Justice) by way of its gradual and growing acceptance and evidence of general practice by the international community, the Universal Declaration constitutes binding law. This certainly holds true of the basic human rights: those rights which according to the International Covenant on Civil and Political Rights, may not be derogated from, even in times of emergency or war. These basic rights cannot be set aside by domestic law, as international law is of a higher order.

So where does this leave the 'particularities', given the fact that certain cultural differences do exist between the members of the world community? In our view, particularities can only come into play in the development of means for the implementation of the universal human rights. In this sense, taking these various backgrounds into account is not only admissible, but even desirable. Tailor-made approach will enhance the acceptance and effectiveness of these implementation strategies.

At the conclusion of the 1993 Vienna World Conference on Human Rights it was unequivocally stated that "the universal nature of these rights and freedoms is beyond question." It's unanimously adopted Programme of Action reaffirms the solemn commitment of all states to promote universal respect for, and observance and protection of all human rights and fundamental freedoms for all. So while the universal nature of these rights and freedoms is beyond question, the national and regional particularities may influence the means selected to further their realisation.

### Concern to All

Unfortunately, no part of the world is free from human rights abuses. Human rights violations anywhere are, and must continue to be, the concern of the whole international community regardless of where they occur. Concern about human rights violations anywhere are part and parcel of the concept of universality.

The life of a person living in a rural village in Bangladesh is as precious as that of someone living in a city in the Netherlands: the protection of that person's right to life, or his or her freedom of movement, of expression, or freedom of thought, conscience and religion is of truly universal value.

"Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of governments."

Procedures and fora for adjudication by themselves cannot prevent human rights violations. Horrifying violations of human rights in the former Yugoslavia and in Rwanda not only draw our attention to the fact no part of the world is free

of human rights abuses, but also to the fact that human rights violations anywhere are, and must be, the concern of the whole international community.

### Partners in Universality

As members of the United Nations the Netherlands and Bangladesh share a deep commitment to the respect for human rights and to their promotion and protection. We, are indeed partners in universality. It is enshrined in the constitution of our two countries. As the Minister of Foreign Affairs of Bangladesh reaffirmed at the Vienna Conference 'It is part of our culture and constitution.'

Bangladesh can be proud of a tradition of tolerance and harmony: it has egalitarian, but also individualistic traditions. For democratic development tolerance and respect for the opinion of others are essential. I recall how on December 7, 1990 the Acting President Mr Justice Shahabuddin Ahmed, put his belief in the democratic values of the people of Bangladesh into words: on that occasion he said: "Democratic rights are the rights of all citizens. Respect should be shown to all parties and their opinions. Democracy can last on the basis of tolerance, mutual respect, cooperation and fellow-feeling. Strong bonds of amity will have to be established discarding jealousy, hatred and discord."

These values reflect universal values which apply to any democratic country and they are as relevant today as they were in December, 1990.

As an expression of its commitment to the promotion of universal respect for human rights, their observance and protection, Bangladesh is party to several international human rights instruments such as the conventions on elimination of all forms of racial discrimination, on discrimination against women, and on the rights of the child. Together with the Universal Declaration of 1948, the two covenants on Economic, Social and Cultural Rights and on Civil and Political Rights adopted in 1966 constitute the International Bill of Human Rights. Accession to these covenants form, in our view, a natural sequence of the commitment of member state to the observance of human rights enshrined in the Universal Declaration. The Government of Bangladesh has indicated its willingness to gradually accede to these covenants. It would thus recognize that the ideal of free human beings enjoying civil and political freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his (or her) civil and political rights, as well as his (or her) economic, social and cultural rights."

### The Role of Lawyers:

#### Mission Possible'

Over the three-and-a-half years that I have been in Bangladesh I have become acquainted with many a person from the legal profession. I have appreciated their strong commitment to independent judgement and the rule of law. It is particularly encouraging to see that in recent years more and more women are successfully entering the traditionally male-dominated legal profession. The legal profession in Bangladesh has a special responsibility and a very important role to play in the promotion of democratic governance and respect for the human rights in Bangladesh. The launching of this human rights education programme is a welcome testimony of that mission of the lawyers of Bangladesh. I am confident that theirs will truly be a 'Mission Possible'.

The author is the Ambassador of the Netherlands in Bangladesh. The above are excerpts from the address he delivered on the launching of the Human Rights Education Programme of the Bangladesh Bar Council on July 16.

## Turning Tanks into Text-books

Donor countries and international lending institutions may give less aid and loans to developing countries that are on shopping sprees for arms, reports Ramon Isberto of Inter Press Service who visited Dhaka last month.

**P**OOR countries lavishing big bucks on arms and standing armies may find it harder to get aid in the years to come.

A recent United Nations report urged donor countries and agencies to slash or halt aid to countries that spend more on their armies than on such people-friendly budget items as education and health.

That may have sounded like a pacifist pipe dream just a few years ago. But these days, big donors are listening.

"Institutions like the World Bank and the International Monetary Fund (IMF) are seriously considering the idea," said Mahbub ul Haq, the chief author of the Human Development Report 1994 during a recent international workshop in Dhaka.

Such notions have become attractive for both financial and political reasons. As the queue of the world's aid recipients gets longer — the latest on the line are the autonomous Palestinian areas of the West Bank and Gaza, aid budgets have come under great strain.

Donors are reviewing their priorities and want to get more development punch out of each aid dollar.

And with the Cold War over, they have become less tolerant of governments seen to be "frittering away" aid on weapons, or using up high proportions of their domestic budgets on defence," said the annual report by the UN Development Programme (UNDP).

It's not just the IMF and the World Bank. Donor countries like Germany, Japan and the Netherlands have raised this issue, but have yet to develop a coherent policy.

The UNDP report urges



donors to weigh the recipient's military to social spending. As the ratio becomes greater than one, aid should be progressively reduced. "If a country spends more on its army than on its people, that should make donors stop and think."

By that measure, several countries have already crossed the line: Angola, Burma, Ethiopia, Mozambique, Pakistan, Somalia and Yemen. Many of these are both war-torn and dirt-poor, producing more human misery per capita than most countries.

In Asia, the pressure would be greatest on India and Pakistan which together spend nearly US\$20 billion on arms imports yearly, or about one-fifth of the world total.

Fuelled by continuing tensions between the two neighbouring countries keeps rising. India has for example just raised its military budget by a whooping 22 per cent.

Cash-strapped Pakistan will not raise its military budget which already gobble up nearly 30 per cent of the total government budget.

On a global scale, the Third

World's military spending has been rising even as industrialised countries cut back on arms. In 1987, for example, the developing world spent US\$ 34 billion — three-fourths of their scarce foreign exchange reserves — on arms imports.

In sub-Saharan Africa, the proportion of the regional gross domestic product spent on the military rose from 0.7 percent in 1960 to 3.0 percent in 1991.

Forced to undertake painful structural adjustments, these countries made deeper cuts in social spending than on the military.

The human costs of hefty arms spending by such impoverished countries are huge, says Mahbub ul Haq, a former Pakistani finance minister.

"Each gleaming jet could have provided the money to send one to two million children through primary school. Each battle tank could have financed the immunisation of two million children."

But some participants in the UNDP workshop said the 1994 report tends to "put the

blame on the rape victim, not on the rapist". Indian journalist Sunil Sethi said arms makers and traders in the industrialised world share the blame for Third World arms spending.

There was also general discomfort with the idea of adding yet another item to the list of non-economic conditionalities such as environmental protection, human rights and workers' rights that donor countries and agencies require borrowers to comply with.

Some donors agree. Interviewed in Manila, Australian Foreign Minister Gareth Evans said: "There is too much military spending going on around the world, but it's pretty hard to make some kind of Solomon's judgment about how much is too much for each country."

Ul Haq agrees arms makers and their governments have been aggressively selling their wares in developing countries — often in the worst trouble-spots like Afghanistan and Rwanda — to make up for falling sales in the industrialised world.

But he says the next phase of world disarmament must take place in the Third World.

Besides controls on the arms trade, he urges the phase-out of military aid programmes and the removal of foreign military bases. He also backs for the establishment of more forums for disarmament and the development of the United Nations' capabilities to mediate internal conflicts.

"It's not just disarmament, but also demilitarisation," he said. "Many of the large standing armies in the Third World don't fight foreign aggressors, but are used against their own people."

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themselves.