Founder-Editor: Late S. M. Ali

Dhaka, Friday, November 18, 1994

The APEC Factor The rest of the world can have the hat fall off its head when trying to look at the cluster of trees towering on the global economic horizon. by the name of APEC. The Asia-Pacific Economic Cooperation forum is a potential economic power unto itself having an awe-inspiring share of 50 per cent of the world's population and GDP, and 41 per cent of the global trade. Within its fold are two most economically powerful countries in the world - the USA and Japan. China, the most populous as well as the fastest developing country on the global scene today, is in it together with the proven success stories — the East Asian tigers. All this is a recognition of the fact that the economic power centre is gradually moving away from Europe.

The APEC has made a good start, far better than the one critics had predicted prior to the summit at Bogor in Indonesia. They said it would only produce a lot of hot air and nothing else. Doubts were cast about the US-driven exercise in which developing countries could be scary about the developed countries' attempts to impose their agenda on them. Some countries within the fold, especially Indonesia, however, saw in it the prospect for engaging the USA fruitfully in the region. Malaysian Prime Minister Mahathir Mohamad did not want to be bound by a time-table on trade liberalisation. The results were not to be binding or mandatory because APEC was conceived to be a consultative body.

In terms of the accord reached at the Bogor summit, the developed countries bind themselves to achieving free and open trade and investment among their economies by 2010 and the developing countries by 2020 AD. After all, a target-oriented time-frame has been accepted although the investment part is dovetailed to trade, not to industrialisation as such. Of great import is the 3year target the APEC has set for itself to standardise products across the board by way of boosting regional trade and investment. Standardisation will pave the way for harmonisation and mutually guaranteed acceptance of merchandise. We can take a similar step in the SAARC region.

The APEC has pledged to remain 'open' to commerce with the rest of the world. At any rate, we hope, they realise that after the formation of the group their responsibility to forge an equitable global economic order has only increased.

Missing the Maulana

He was more of a political apostle than a politician in the conventional sense. Yes, Maulana Abdul Hamid Khan Bhasani led almost a saintly life and time and again gave expression to our national conscience. Today's Bangladesh misses him so much because there is none like him not even a pale shadow of that leader of the masses — around. The politician-sage may have erred in his reasoning at times but at no point did he do anything that was not out of his conviction. On this score, the Maulana rises head and shoulder above many of the political products of this soil.

A natural leader of the people, Bhasani could feel the pulse of the masses and never let them down for his personal gains. Uncompromising and dedicated to a cause, he faced up to the mightiest of autocrats with unflinching courage. He could not be won over because unlike today's politicians he was not in the least hungry for power. His was a politics of selfless dedication. He enforced a kind of self-discipline rare in politicians. It is because of this discipline, selfcontrol and dedication that the Maulana could draw a large following around him.

Some might have viewed him as a rabblerouser - which of course he was not. Even a leader of his conviction had to prove his might. But not in the way today's leaders hire bus and truck-loads of uninitiated and unconnected mass of people to their public meetings. There really lies the fundamental difference between leaders of his stature and the political minnows.

Well, the Maulana had his fallibility too. The people" on whom he relied most have not only failed him but also at times misled him. Apart from such minor faults, the popular leader made a mission of his life for the sake of the toiling masses. Yesterday the nation recalled him on his 18th anniversary of death. But a most befitting tribute would be paid to his memory if we can revive the ethics and ideals, he stood for, in poli-

Tribute to Martina

Martina Navratilova has been hailed as the greatest woman tennis player the world has seen. She may not be the most elegant player of her time, but still she enjoyed the support of a growing number of fans with every passing year. The Czech-born - now a US citizen - tennis talent virtually won everything that was on offer in the world tennis circuit. Nine times Wimbledon champion. Martina has not only made herself proud but also become a living evidence of human ability to stay at the top for long. Even in July last the old woman of the game reached the Wimbledon final only to lose to Conchita Martinez.

The girl who in her early career lost 21 of her 25 encounters with Chris Evert - her great rival - had the final reading 43 to 37 matches in her favour. Martina's waning into sunset therefore is not before she has comprehensively conquered the world. It is only fitting that Chicago declared February 12, 1992 as Martina Navratilova day in recognition of her unrivalled feat of winning the Virginia Slims title 12 times. Not surprisingly. Martina chose the same venue and tournament for her farewell game. Indeed, she has tried to reciprocate the feeling and honour shown to her by Chicago.

This again gives an insight into her character. She has been very frank and honest throughout her life. A great tennis star she never tried to hide her lesbian connection. Overwhelmed by the love of her fans, the steel-nerved Martina on court has taken a farewell unlike her. But that is how the end comes to most of the glories. The important thing is to accept it in all humility. Navratilova was never found wanting in this most essential spirit of sports personalities. Now she is poised to be a legend by her own rights.

Even in her falling form she had the ability to beat any of the top ten but she has wisely called it a day. At 38, she should not subject her body to the rigours of competitive tennis. Yet at such an age hers is an amazing fitness. Hats off to the super athlete and personality. .

Appointment of India's Chief Justice T one time, the Supreme Court, the highest The tribunal of law and justice, was staggering, Individual liberty lay buried under

It would be ideal if selection of chief justice of India could be on merit, without following the pedestrian mode of seniority. But the danger is that in the name of merit, independent judges might be superseded.

BETWEEN THE LINES

Kuldip Nayar writes from New Delhi

of 'commitment', the executive's alibi to supersede the thread from where Venkatachaliah has let it off. The judi-In the past few years, dectary will acquire still more spite the ignominy that Justice firmness if the practice of V Ramaswamy brought to the transferring judges is stopped Judiciary, the Supreme Court altogether. Mrs S G Bhat has has regained stability. "This is justifiably refused to be sworn a court of law" once again. The in as judge of the Gujarat High Court on the ground that she primacy of the Chief Justice of did not want to be moved from India has been re-established, making his concurrence, to her state. appointment or transfer of

the debris of the emergency.

And the judges with merit

were pushed over in the name

judges, mandatory. The major-

ity judgement by Justice P N

Bhagwati had reduced the con-

stitutional obligation of seeking

concurrence to mere consulta-

tion. Law Minister H R

Bharadwaj played havoc with

appointments and transfers till

the Bhagwati judgment held

the ground. (Bhagwati now says

that looking back, he felt he

the outgoing chief justice M N

Venkatachaliah to make ad

mirable appointments to the

bench of various high courts.

But his transfer of judges for

six to eight months is not un-

derstandable. Even when the

government took the obnox-

ious decision, it had made

clear that no judge with less

than one year in retirement

would be shifted. The glaring

case is that of the Jammu and

Kashmir High Court. The act-

ing chief justice was function-

ing well in the circumstances

and the judge appointed from

outside had only eight months

New chief justice A M Ah-

three-month old boy

with a bloated, yello-

madi should pick up the

A wish belly breathes un-

surgery and or drugs to ease

out the cause, because the

Jasim Al-Marzoki, chief resi-

dent at the Saddam Central

Teaching Hospital for

Children. "It's frustrating. We

know how to treat them, but

we can't help them. It's devas-

tating for a doctor to work in

hospital had krag's best facility

for children. It treated over

1,000 patients a day and had

another 400 beds available for

Philippines, Sri Lanka

Pakistan, India, Cuba and

Korea staffed the hospital. But

they have no returned because

of the UN-sponsored economic

staff, and its corridors are

even to cry, are fanned

stroked and nursed by caring

but helpless mothers, grand-

The hospital has a skeleton

Nurses from

embargo against Iraq.

mothers and aunts.

In pre-Gulf War days this

"This boy has bad jaundice.

her condition.

these conditions.

in-patient care.

The new judgment enabled

made a mistake).

upright among them,

In fact, the policy of transferring judges is a sad reflection on the integrity of judges. If they are made of such substance as can be influenced by local pressures, then why to appoint them in the first instance? When ministers in a state can be trusted to decide cases relating to contracts and business involving crores of rupees, surely the judges can be; they have at least a code of ethics. It should, however, be incumbent on the judges not to allow their relations to pursue legal practice from the premises where the judges

But what is most disconcerting is that the rules about the appointment of the Chief Justice of India have not yet been set in a solid mould. The elevation of Justice Ahmadi nearly created a problem. He and Justice Kuldip Singh were appointed to the Supreme Court at the same time. The letter, which R S Pathak, then the chief justice of India. wrote to the President recommending them for appointment, had Kuldip Singh's name above Ahmadi. Kuldip

Singh was from the bar, a direct recruit, and Ahmadi from the High Court. In the past, the practice had been to place a lawyer above the judge who

came from the ranks. Shiv Shankar was then the law minister. For reasons best known to him, he changed the order without informing Pathak and placed Ahmadi above. When Kuldip Singh, after taking the oath, came to know that Pathak had placed Ahmadi below, he voiced his

protest. The matter lost ur-

gency because Kuldip Singh

went to Karnataka to head the

one-man commission, ap-

pointed to look into the allega-

tions against R K Hegde, the

After the completion of the

state's former chief minister.

report, Kuldip Singh could not

raise the matter because he

was put on the nine-judge-

bench to reconsider the Bhag-

wati judgement on fudges and

to decide on the primacy of

the chief justice. Once he was

edly took up the matter with

chief justice Venkatachaliah

and even met prime minister

Narasimha Rao. But Venkat-

achaliah could not probably

overcome the implication that

through the case, he report-

Ahmadi had taken the oath before Kuldip Singh. The chief justice recommended the name of Ahmadi as his successor. Kuldip Singh could have petitioned to the President or even submitted his resignation. But he apparently thought of adverse effect his step would have on the Supreme Court and the judiciary on the whole. He gave up his right. This goes to his credit.

Both Ahmadi and Kuldip Singh have decided to put the

incident behind them, as it

should be. But to avoid such si-

tuations arising in the future.

the practice of giving prefer-

ence to a person brought from

the bar should be strictly fol-

lowed. Indeed, the precedent

was set during the days of

Jawaharlal Nehru. Justice Bedi

and Mehar Chand Mahajan, a

lawyer, were appointed judges

to the Supreme Court at the

same time. But Mahajan was

made the chief justice of India.

S M Sikri, appointed straight

from the bar, was placed above

others, who took the oath of

office with him, and subse-

quently appointed the chief

While on the subject of se-

niority, there is need to look at

justice of India.

joins the Court, not from the day he was appointed the high court judge. The result is that a high court judge, with a fewer years of service, becomes senior to a judge who has put in more years on the ground that he was brought to the Supreme Court earlier. This has given the executive some scope for meddling. The length of service in the high court or the position in the all-India hierarchy should be the

another anomaly. The seniority

of a high court judge, elevated

to the Supreme Court, is

counted from the day when he

It would be ideal if selection of chief justice of India could be on merit, without following the pedestrian mode of seniority. But the danger is that in the name of merit, independent judges might be superseded. No objective standard is possible. True, initiative, dynamism and speedy action are important traits in a judge. But who will decide that? Ultimately it will be a subjective decision. In such a situation, the executive may

basis for seniority in the

Supreme Court.

come to exert pressure. No doubt, the appointment of right type of judges will retrieve the judiciary, which is already up to its ankles in mud of arrears of case that has become a quagmire. The Supreme Court itself is behind by five years. It may be a cliche but it is true that justice delayed is justice denied. The

case initiated in one generation is judged in the subsequent generation. The Supreme Court should ensure that at least the cases of public importance are allowed to jump the queue. For instance, it should give its verdict quickly on those affected by the Sardar Sarovar project in Gujarat, which may take some irreversible step. The Supreme Court may

also itself to blame for the piling up of cases. The court tends to pass judgment upon the wisdom of parliament and state legislatures in their enactments, instead of confining itself to deciding whether they have the power to enact certain laws. The court is beginning to usurp the territory. which belongs to elected institutions, although what it says is relevant. For example, putting a limit of 50 per cent on reservations is a decision that upholds the spirit of democracy, the equality of opportunity. The Supreme Court also looks like abandoning timeproven precedents without sufficient cause and in doing so has changed its mind too lightly and too often.

Linked with the clearance of arrears is the prolonged litigation. The heavy fee which some Supreme Court lawyers charge may be a temptation for them to stretch a case unnecessarily. The top ones charge Rs 1 lakh per appearance in the Supreme Court and around 4 lakhs in a high court. Nowhere in the world have the fees gone so haywire as in India. The bar could have done something but it is difficult for it to have unanimity on this point. The Supreme Court should lay down some norms to make the leading lawyers available to the middle class, if not the poor.

Children of Sanctions

easily in a hospital in the Iraqi capital as his young mother keeps a watchful, sad eye over foreign journalist to buy her emaciated three-month-old Hooked to a respirator on daughter, who weighed only three kg, a tin of special infant another bed is a three-year-old girl who is suffering from a formula. At 1,000 Iraqi dinars heart problem, but the hospital each, it is worth a third of a has no facilities for open heart doctor's pay. The girl needs 10

cans a month. Dhia Al-Obaidi, consultant pediatrician and hospital di-We can't do the tests to find rector, says the hospital used to get only three protein-calodrugs are not available," says rie deficiency cases every year before the war. Now, it gets that number in a week.

> The US-led multinational coalition bombed Iraq back into the Middle Ages in January 1991 in retaliation for Saddam Hussain's occupation of Kuwait the previous year. The crippling UN embargo that followed has hit young Iraqi mothers and children the

> Iraq has been lobbying hard in recent months to get the embargo gradually lifted. UN diplomat expect the embargo to go soon, but the crisis this month over Baghdad troop movements on the Kuwaiti border which triggered another panicky deployment of US troops may delay it.

Oil-rich Iraq invested heavempty. Children, many too sick ily in health, water and sewerage services in the 1970s. Despite the long and costly war with Iran in the 1980s it had one of the best health One mother asked a visiting services in the developing

Children have borne the brunt of the UN embargo against Iraq. Kalinga Seneviratne of Inter Press Service reports.

world. Water supply was good. and its children well-fed.

Most of the bridges and roads in Iraq have been repaired in the past two years, but health services and water supply are suffering from a shortage of vital drugs and lack of spare parts. And with inflation running at 24,000 percent a year, Iragis are unable to make ends meet. Families cannot buy enough food, and more children are going hungry. A 1993 study by the United Nations Children's Fund (UNICEF) in Kerabala governorate, south of Baghdad, found that nearly half the chil-

dren were undernourished. Malnutrition before the Gulf War was something that was nearly unknown in Iraq, because the nutrition status of children was always maintained," recalls Rafah Aziz, a pediatrician.

Ironically, what the United Nations takes away in the form of an embargo it gives back through organisations like

UNICEF spent US \$70 million in 1993 to help Iraq ease the toll the embargo was taking on Iraqi children. It is asking donor countries for US \$49.4 million for its Iraqi programme this year. But Iraq. perceived as a ruthless bully in many parts of the world, faces stiff competition from Rwanda

Some of very countries that bombed Iraq or supported the embargo are now contributing to UNICEF's Iraq fund: the United States, the European Union, Japan, Canada, Australia, Scandinavian coun-

Somalia and Bosnja.

The UN embargo allows food and medicines into Iraq if they are for humanitarian use. But Al-Obaidi says 80 per cent of Iraq's medicines have to be

Winter, the most enjoyable

OPINION

does not have foreign currency to pay for the medicines because it cannot export oil and its overseas funds remain frozen. fragis got 1,771 kcal or 70

imported, and the country

per cent of a person's daily energy requirements in July under the government's food rationing system introduced after the Gulf War. In October. the government was forced to cut rations to about half of daily requirement.

"The most vulnerable groups are children up to five years and pregnant mothers." Aziz says. Even if the UN embargo is lifted, he says it will take time for Iraq to regain its pre-war health status.

Contaminated drinking water has become a major hazard. Health officials who took 400 water samples in Basra in

southern Iraq found 90 percent of them to be infested with germs. Says Thomas Ekvall. UNICEF's chief in Baghdad: "This situation could have catastrophic effects on the well-being of the popula-The water system was dam-

aged by US bombing, but Ekvall says there is a shortage of spare parts and chemicals needed to run the water plants because of the embargo. UNICEF has been importing spare parts and chemicals for the water treatment facilities. but Ekvall says every import has to be approved by the UN sanctions committee which is cumbersome and slow.

Says Gautam Banerji of UNICEF in Baghdad: "It is an irony that we spent 70 million dollars in Iraq last year when in normal circumstances and with its financial and human resources, Iraq would have been more than capable of taking adequate care of the needs of its children,

is chosen by the majority. If

French ban on

garments is mandatory for girl students regardless of their religious identities.

R Adhikari Senpara Parbatta, Mirpur, Dhaka.

UN and moral development

Sir, Alarmed by the present world-wide severe and intolerable moral degradation, our at-"A Proposal to the United Nafor Peace" initiated by a well-Director of Bangladesh Insti-(IASTT). In this proposal sub-

Execution of this moral development proposal by the UN with a global approach will certainly help in developing moral awareness, humanity and social responsibility among the world population which will ultimately accelerate the

process of attaining durable peace and justice at all levels of population.

We, therefore, appeal to the UN and its all member states to implement this timely proposal for the greater interest and welfare of mankind. We. further, appeal to our Foreign Ministry to play the vital and pioneering role in favour of this proposal at the UN.

Nikhil Ranjan Das MA Examinee (Pol Sc) Jagannath University College Dhaka.

Power politics

Sir, Boycott of the Jatiya Sangsad, hartals, strikes, caretaker government, market economy, foreign investment, construction of roads and bridges and Jamuna bridge, alleviation of poverty, welfare of the people and 'daal bhat' slogan etc. etc all seem to be secondary things. The first and foremost thing really is our lust for power and wealth. Who would remain or come to power, who would become the Prime Minister - the tug of war continues unabated.

Government come and go one after another. But the people, the majority of them who live below poverty line, always stand hopelessly where they

Most of our people from birth to death always suffer. there is nobody to look into their grievances, listen to their difficulties and problems and solve their sufferings. Is it life? Is it the 'Universal Declaration of Human Rights' we follow in our country? Most of our people live in

extreme penury and subhuman condition. Their threes, agonies and pains are beyond description. This is the reality and this is the tragedy.

of ruination and destruction hovers like a dark cloud over our heads.

RAJUK's Nikunja

Sir, Thousands of applicants had deposited the security RAJUK's Nikunja plots num-

RAJUK could not or did not democracy.

happy and relieved. We thought from then on the politicians would adopt the norm and manners of parliamentary system and all problems of our country would be solved through the Parliament by the Members; we won't have to face any more hartals, breaking of cars, loss of work-

No More Hartal, Please

Munira Khan

think before imposing two-day,

three-day hartals what mis-

eries it brings to the common

people and what losses it in-

curs to the economy of the

country? Who bothers when

my uncle dies without getting

any treatment because of

transport? Who bothers if

someone cannot go to the bed-

side of his dying parents living

in another town because of this

hartal? Who bothers if any

small businessman loses con-

tract or business for not being

able to send bank guarantee as

the bank is virtually closed for

hartal? And who cares if the

buyers of our garments prefer

to buy from any other country

where shipments are not de-

I can never understand why

layed for strikes and hartals?

the political parties are quar-

reling with each other and

creating crisis for the nation?

If it is about election i.e.

selecting representatives of

people of different constitu-

encies, then certainly the

people themselves are capable

enough to vote properly to

express their choice. It should

be their (people's) own

responsibility for their own

benefit that they should see

that a deserving representative

season of Bangladesh is apgratory birds, flowers and galeties. Also coming with it is the season of political agitation, hartals, strikes and gheraos. Whatever good may emerge out of these activities for the politicians and activists, we the common citizens are diversely affected by these. Our children's examinations are knocking at the door. We have so many things to do in this period of year-ending. specially when Ramadan is beginning in the first week of February and, most important of all, as a free citizens of a democratic country the people have all the rights to move freely without having the fear of losing life and property. Here comes the world democratic right. Though democracy has so many definitions. most popular one to us is "a government of the people, for the people and by the people". Somebody was jokingly telling me that we should read 'off' (instead of 'of', 'far' not 'for' and 'bye' not 'by'). I think in Bangladesh it should be "a government for the politicians, of the politicians and by the politicians". In my opinion we are all captives in the hands of

As is apparent, here the politicians think themselves as the only patriots never caring to think that the people of this country have something to say about the modes of operating political movement they are practising for prevalence of democracy. As if free and fair election and the change of government are the only proof of democracy. It seems to me that the politicians have no time to consider that faith in each other and accountability to the people are the instruments for establishing effective

When the parliamentary form of government was accepted by the members of the parliament we all felt very ing days and export targets,

they do not like the present proaching along with its mi- loss of lives and property by ones they mustn't vote for them. Do the politicians think bomb blasts and firings. But what do we see now? The the people of our country are not fit and capable enough to politicians have no faith in choose their own represeneach other, and they don't care tatives and are unable to stop about people. As if people are unfairmeans in elections in there only to vote to send their their respective areas? If the representatives to the Parlia ment. The MPs are only to majority voters of any area draw emoluments having the want to vote somebody to advantage of being MPs and represent them can the remaining minority prevent it? I give speeches which is mainly don't think so, as it never hapto blame each other. In big public meetings, seldom we pened in Bangladesh nor in the then East Pakistan. Otherhear the politicians speak wise United Front could not about the problems of our country. They never tell us have won in 1954; Awami definitively the plans and pro-League could not do it in 1970 and BNP-Awami League could grammes they would be taking for combating the problems not get so many seats in 1990 people are facing in the field of Even when Mr H M Ershad education, health, population was jailed people in his conand employment etc. Do they stituency elected him and ever remember that as repreafter-wards his JP candidates in bye-elections. It proves that sentatives of people all the MPs whether they sit in the people of Bangladesh are catreasury bench or in the oppopable enough to choose their own representatives. sition, have common responsibilities to the citizen? That So why not repose confithey are being paid from the hardearned tax money of the poor citizens of a poor country and they are accountable to them? Do they ever care to

dence on our people and wait for the time again to choose? Why not abide by the normal practice of parliamentary democracy which is being practised by other countries who have parliamentary form of government. Certainly we can settle our own problems without any help from outside world. We are not infants anymore. We are 24 by years, and adult enough to understand our own good and, I believe, all of us love our country very So why not our politicians

set an example of harmony and discipline for our future politicians? Moreover opposition today may be the government tomorrow, and that is why, also the opposition has all the more responsibility of setting up good example for the next opposition so that they don't have to face the same problem and thereby establishing posttive politics, avoiding destruction and chaos of sorts. I don't suggest that there must not be any political agitation or movement but it should be positive. As someone said in a BTV drama, in Bengali, "Ebar annya kichhu bhabo - ebar annya kichhu koro", meaning "think something new, do something new", so let us say no more hartal and destruction, please. Let this winter be constructively gay.

headscarf

Sir, This is to respond to Mr O H Kabir's letter which was published in your esteemed daily on 7.11.94.

It is a known fact that in some schools in Dhaka wearing headscarves and fullsleeve

So, if the French authorities have violated articles 2 and 22 of the Universal Declaration of Human Rights by banning the headscarf then where we stand? Hence is it fare to question the decision of the French authorities when we ourselves do not discriminate?

tention has been attracted to tions on Moral Development Approach; A New World Order known educationist Dr Abu Obaidul Haque, Professor and tute for Advancement of Science and Technology Teaching mitted to the United Nations it is rightly advocated that the morality is the key to curb today's much talked about problems of AIDS, human rights violation, environment pollution, oppression on women, terrorism, drug abuses, etc.

> But how and when can we get rid of these curses? In the name of opulence on the one hand and want and poverty on

the other, the ominous threat

Wold our public leaders and bureaucrats lead us to felicity and bliss?

OH Kabir Dhaka-1203

money in June/July, 1992 for bering about 400 only (Amount of security money was as much as Taka 50,000/- for A-plots and Taka 40,000/- for B-plots respectively). When contacted recently a RAJUK official told they are yet to sort out the applications. In the prospectus it was mentioned that the security money would be included with the price of the plots whenever they are allotted, or refunded without any profit on it.

make the winners' list in two years and four months. It should have done the business in a much shorter period e.g. three months and have refunded the security money to those who were not to get the allotment. And the fortunate 400 could wait for the settlement of any problems RAJUK was facing with its project. But it has been holding up a great many people's fund and must be earning profits without any promise to distribute them to the applicants who are the real beneficiary of the fund in RA-JUK's hand. The wage earners could have earned about 50% with WEDB over the same period. RAJUK is showing sheer disregard to justice of any kind

I draw the kind attention of hon'ble Minister of Works to the matter.

Ms Lutfa Monipuripara, Dhaka-1215

to its clients.