

Why Must We and How Can We Outlaw Political Hartals?

by Dr. Khandakar Quadrat-I Elahi

There is only one way open to us to eliminate this hydra-headed problem: To outlaw political hartals (PHs). This we can do by amending the Constitution: All kinds of PHs shall remain suspended and all connections of political parties (PPs) with hartals organized by other civil associations shall remain prohibited till the transfer of Power takes place through the system of Caretaker Government.

WHY MUST WE AND HOW CAN WE OUTLAW POLITICAL HARTALS (PHs)? This is the question we are going to investigate. To proceed with our investigation, we first must answer three questions, in very specific terms. **Why should we voluntarily choose to associate ourselves to a Nation? What is the fundamental purpose and function of a Nation? What is the fundamental mission of politics?**

Let us agree on this assumption: **We, humans, voluntarily choose to associate ourselves to a Nation with one basic motive — to protect and preserve our freedom and rights. We need to protect our freedom and rights to fulfill our dreams and aspirations in life.**

The fundamental purpose and function of a Nation is then: **Protection and Preservation of Human Freedom and Human Rights. And the mission of the social activities which we call 'Politics' is to achieve this fundamental purpose of the Nation.**

Hartal, a political means of Civil Disobedience, is thus intimately related to the fundamental mission of politics. Our PPs must justify their hartal activities, some way or other, by showing that their actions are aimed at protecting our freedom and rights. And we, the ordinary citizens, who want to object to PHs, must do so by showing that our freedom and rights are being violated and our interests are being jeopardized.

I shall not examine how PHs violate the freedom and rights of our ordinary citizens. Instead I shall make one simple but overriding assumption: **The vast majority of our people disapprove PHs, because PHs are violating their freedom and rights and damaging their interests.** This assumption provides the rationale we need to study the question posed above and find out an answer.

WHY MUST WE OUTLAW PHs? This is the first question we have to answer. The answer lies in proving unambiguously that PHs are causing some kind of MATERIAL DAMAGE to our

individual and national interests. To answer this question, we need to study the nature of costs and effects that PHs impose and produce on us.

The nature of costs that PHs impose upon us and the consequences we suffer can be studied from three different perspectives: (i) individual citizens, (ii) the economy, and (iii) the nation.

Costs to individual citizens: These costs are very easy to identify; they include personal hardships that individuals must suffer for obeying PHs against their wills. To understand how PHs affect our citizens individually, we have to classify them in different social strata.

The rural people, 80 per cent of our population, have little to be upset by PHs because their lives are not materially affected. Of the remaining 20 per cent — the urban dwellers — the low income self-employed people — rickshaw pullers, taxi drivers, petty traders and the like — are truly hard hit by PHs. Private businessmen and factory/industry owners are also affected by PHs; but, they can mitigate the effects in different ways.

The rest of the urban people are service holders, receiving salaries from public or private purses. These people are in fact beneficiaries of PHs: They receive their regular salaries and as bonus, enjoy unscheduled and unauthorized holidays. If their interests are not seriously affected, they have little to complain against PHs.

Costs and effects of PHs to individuals, therefore, depend upon their social status and position. The people who are hard hit by PHs have little power and means to protest. On the other hand, the people, having power to protest, are either incapacitated by PPs or have actually vested interests in PHs. PPs are in fact receiving active or tacit support to carry on their hartal activities.

Costs to the Economy: Potential production in factories and industries are lost because of hartals; the losses in individual production units sum to the

national loss. These are costs to the Economy, which are underlined both by our own intellectuals and the donor agencies.

These costs become very important to our politicians when they are in power. Once they are out of power, they hardly matter to them; they begin hartal programmes as usual.

The costs to the Economy are not as important as they are claimed to be, because their appeal to both the victims and perpetrators is insignificant. Individuals do not carry out their private business considering national interests; politicians simply do not care.

Cost to the Nation: A Nation is a political entity; it is created by a common consent of the people it represents. Individuals unite under a Nation to protect and preserve their freedom and rights; the fundamental purpose and function of a Nation is the protection and preservation of human freedom and human rights; and the mission of 'Politics' is to achieve this fundamental objective of the Nation.

The cost that PHs are imposing upon our Nation must then be related to the violation of human freedom and human rights. We assume and we know that PHs are violating our freedom and rights. The question that we have to investigate is: **What is the MATERIAL DAMAGE that we really are concerned about?**

This is the MATERIAL DAMAGE of PHs: They have created a Pervert Culture in our society, a culture of MIGHT IS RIGHT. This culture is enticing and encouraging some of our citizens, deficient in human qualities and morally delinquent, to acquire resources and seize power, by hook or by crook, and materialize their evil designs. This pervert culture is creating a national situation, absolutely undesirable, untenable and dangerous: We are turning into a nation of uncivil and immoral people, a nation of lawlessness.

Let me explain. Humans are self-lovers, they only care for their own happiness. This is the

original constitution of human nature. But, alone they can neither protect them nor can achieve their horrendous needs and desires. This is truth behind the formation of human civilizations, which we today call nations.

Because of their nature, humans cannot live in a society without some kind of rules guiding and controlling their behaviours. All nations are, therefore, founded on civil laws, executed by civil authorities.

When laws of a Nation fail to protect its less powerful members from the domination and oppression of its more powerful members, the rule that determines the social consciousness and helps develop social forces is: **Might is Right.** To explain the implications and effects of this political situation, I quote Jean-Jacques Rousseau from his SOCIAL CONTRACT.

...once might is made right, cause and effect are reversed, and every force which overcomes another force inherits the right which belonged to the vanquished. As soon as man can disobey with impunity, his disobedience becomes legitimate; and as the strongest is always right, the only problem is how to become the strongest.

I will underline three points from the above quotation. First, cause and effect are reversed. When Right is Might, all actions, private, social and political, lead to individual and national welfare, the fundamental objective of the Nation. Might is Right simply means violence which breeds more violence. Second, all acts of the stronger are legitimized. Finally, all one needs to achieve one's goals is to get stronger.

PPs are the representatives of our sovereign authority. By misusing their power and authority, they have accorded legitimacy to all illegal and unjust activities, by individuals or groups. To understand this, we just have to look around and see what is happening in the country: Students, teachers, employ-



Promenade for the picketers, what for others...?

ees, officers, and business people are making and realizing unjust demands through their associations.

HOW CAN WE OUTLAW POLITICAL HARTALS? We have then a genuine reason to outlaw PHs. The only way we can do this is by amending the Constitution. But, amending the Constitution is absolutely dangerous. This is particularly true when we are dealing with our fundamental right.

Hartal is our fundamental human right; we must not forgo this Right under any circumstances. There is indeed a way to achieve both of our objectives: to protect our fundamental right to civil disobedience and outlaw PHs simultaneously. As our Bengali proverb says, 'The snake shall be killed but the stick shall not be broken.' Our politicians have insti-

tuted the system of Caretaker Government: Three months before the expiry of its tenure, the current elected government resigns and a Caretaker Government consisting non-political people is formed to conduct Parliamentary elections. When the elected government is sworn in, the Caretaker Government is released automatically.

Why have our PPs introduced this peculiar system? Certainly not for our national interests.

The reason is: the PPs in power cannot be trusted to hold fair elections. Whatever might be the reason, we have one expectation in lending our support behind this system: The government shall be changed every five years. **Absolutely, we do not expect and approve that new parliamentary elections will be called whenever opposition PPs think that government**

is inefficient and indulged in anti-people activities. Do we?

Now we have a similar problem, this time with the opposition PPs. If our PPs would exercise our fundamental right, the right to call hartal, wisely and morally, this situation would have never arisen. But the fact is on the contrary. Thus, the source and the cause of both of political problems — fair elections and PHs — are the same: our political parties. The remedy must, therefore, be similar. Here is my proposal:

All kinds of PHs shall remain suspended and all connections of PPs with hartals organized by other civil associations shall remain prohibited till the transfer of Power takes place through the system of Caretaker Government. This Law shall be considered valid if and only if the political gov-

ernments are changed by the system of Care-Taker Government and shall remain in force and effect until the system of Care-Taker Government abolished.

I now end my essay quoting the great American President, Abraham Lincoln, from a speech that he delivered on January 27, 1838:

Let reverence for the laws be breathed by every American mother, to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primer, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in the halls of justice. And, in short, let it become Political Religion of the nation.

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CLIMATE CHANGE AND BANGLADESH

A Negotiating Strategy for the South

by Mohammad H Rashid

If Kyoto fails like that of Rio, the blame may squarely fall on the US which, of course, would be of little consolation for the countries which are likely to be amongst the worst victims of global climatic change like Bangladesh.

GROWING evidence suggests that the planet Earth is warming up. Scientists around the world are convinced more than ever before that the climate of the world is going to change due to the 'global warming' caused by the emission of greenhouse gases (GHGs) produced from burning of fossil fuels. Climatologists predict that under the assumption of 'business as usual' the average rate of increase of the global mean temperature during the next century will be 0.3°C. This increase is more rapid than has been seen during the last 10,000 years. This may cause dramatic change in the weather patterns, e.g., reduce the precipitation in the Sahel Region, rise in the sea levels by 30-60 cm by 2050 submerging large tracts of lands with low coastal zones. 'Partial melting of the ice-caps and consequent rise in the sea-levels could submerge parts of the coastal cities of New York to Bombay. Some island nations like the Maldives could disappear altogether,' says a recent issue of Time magazine.

For Bangladesh, global warming that has taken place over the last century and the impact of which is just beginning to be felt has, it is argued, already wrought enormous natural calamities. A one-metre rise in the sea-level is estimated, could displace 13 million people, inundating over 25000 sq. km. of land along with a large number of coastal islands, threatening the largest mangrove forest of the world;

Sunderbans with extinction, involving 83 cities and towns and the second biggest port of Bangladesh-Mongla, 800 km of roads, 28 km of Railways, 4200 km of coastal embankments and 7500 sq km of polder areas, causing 16 per cent loss in the production of rice and millions of dollars in lost shrimp production. The estimated cost of abatement of this rise in sea level would cost billions of dollars apart from incalculable human miseries and loss of biodiversity.

In addition, the greater melting of the Himalayan ice would aggravate flooding and may cause further changes in the Bay of Bengal; heaving up the sea causing higher incidence of tidal bore and cyclones. Thus, the cost of global warming and climate change from unabated GHGs would be catastrophic for Bangladesh, a problem which the country cannot underestimate without putting herself in great peril. Hence, Bangladesh must muster all the power at its disposal to take concerted efforts along with other developing nations of the South to work out an Agreement on Climate Change in Kyoto, that will provide for effective measures to cut down carbon dioxide emission significantly in a reasonable period of time.

Since the beginnings of the industrial revolution in the mid-18th century, the levels of carbon dioxide (CO₂) in the environment has gone up by about 30 per cent, nitrous oxide (N₂O) by 15 per cent and methane

(CH₄) by 100 per cent. This is likely to fast intensify as the pace of economic development around the world accelerates. Unless urgent steps are taken, 'green-house-gas concentrations will very likely triple in a hundred years, reaching levels higher than at any time in the last 50 million years', warned the US State Department. The production and consumption patterns of the rich industrialised North accounting for 20 per cent of the population produces over 80 per cent of the GHG emissions, of which again 22 per cent of these emissions, thus pro-active measures for containing these emission by the rich countries of the North in general and the US in particular are central to the issue of global warming and climate change.

In a few days from now, in December, 1997 the leaders of the world are going to assemble in Kyoto, Japan, 5 years after the Earth Summit, to review the issue of global warming and hopefully sign an agreement with binding commitments to reduce emissions to prevent

climatic change. At the Earth Summit in Rio in 1992, which witnessed the biggest international conference so far, attended by 178 member states, 108 represented at the level of heads of state government, signed amongst others.

The United Nations Framework Convention of Climate Change aimed to prevent global climatic change. In this Convention 35 industrial nations including the US agreed to cut down their greenhouse gas emissions back to 1990 levels by the year 2000. However, the convention contained statement of principles for voluntary reduction of GHG emissions with little concrete measures to ensure actual performance. Consequently, even after five years, very little have been achieved. Except a couple of countries in Europe, the overwhelming majority are unlikely to meet the target. What is more distressing is that most of the governments, except for rhetoric, demonstrated little by way of recognising urgency to deal with the issue. This, unfortunately, included US as well. This was perhaps not unexpected. Endeavours to achieve

broadbased consensus to a set of agreed principles and a comprehensive programme of actions, agenda 21, at the UNCED led to the weakening of the provisions of the convention particularly with respect to energy, stated Maurice Strong, the chief organiser of the Summit, at the Bio-diversity Conference in Manila organised by the ADB in 1994.

As the delegates from the UN member-nations are trying to work out an agreement in the preparatory, providing for a much stronger Climate Treaty, signals of the things to come are disturbing. While the European Union proposed to cut down CO₂ emissions by 15 per cent below the level of 1990 by 2010 as their position in Kyoto, Japan recently proposed that the rich nation of the North cut down their GHG emission by 5 per cent from 1990 levels within the next 15 years. On the other hand, it is reported that, President Clinton, in a high-profile conference recently announced his expected plan for stabilising greenhouse gases over five years, beginning in 2008, followed by a reduction, probably 5 per cent, over another five-year period, ending on 2017. The Daily Star, October 24, 1997. Early this month, it is reported, that the US in a high powered meeting on global warming, at the initiative of the White House, chaired actively by President Clinton and Vice President Al Gore, attended by political leaders, high official of US govt, leading members of the academia, corporations and labour movements, to articulate its position for the forthcoming negotiation on Climate Change in Kyoto, took certain stance on the issue which must cause serious concerns to the Southern nations particularly the island nations and countries with vulnerable geographic locations as Bangladesh, whose future survival may be at stake due to global warming.

While the meeting recognised, it is reported, the global responsibility and responsibility to the posterity, actual and potential dangers to humanity caused by global warming, talked about the need for greener technology and various incentives including the market based ones to cut emission, it tried to put across in ways, not too subtle, that global warming was a global issue and hence global responsibility. It, however, produced little in terms of specifics for Kyoto Agreement which probably the UN delegates were expecting. What was not so subtle was that the US was perhaps preparing grounds for its failure to fulfil its obligations under the Rio Convention, and more so for

its possible weak stance in Kyoto. What however is more disturbing, for the developing countries of the South, particularly the LDCs, is the message, that 'for the North to be able to do anything on Climate Change, the South would also have to do its Share', although no such requirement was stipulated in the '92 convention signed at Rio (perhaps in recognition of the fact that the developing countries had very little, if at all, to contribute to the GHG emissions and the consequent climatic change).

There were other ominous signs: In July '97 Senate members in overwhelming majority urged Clinton not to sign any agreement on climate change without any commitment from the poor countries and American industries opined that any global climate treaty did not make any sense for the US or for the world. While the American public, it is understood, believe that problem of global warming is real and urgent action is warranted and would like the government to enforce stricter regulations with regard to GHG emissions on the energy intensive industries and utilities and that an international agreement was necessary, they would be average to any rise in energy prices as a measure to cut down consumption of fossil fuels. Fortunately apart from the scientists some of the American business leaders also recognise that 'global climatic change is the single most important issue facing the world today' and are of the opinion that it is possible to manage economic growth along with reduction of GHGs and technological breakthrough are around the corner.

However, if the developing countries, particularly the LDCs are to join in this global effort, the cost of development may be prohibitive for them and may seriously upset their developmental goals, unless the rich nations are ready to transfer green technology to the South, at a price they can afford, along with necessary assistance to adopt such technological change. However, without American support no agreement providing for significant reduction in emission is likely to succeed. On the one hand, to get an emission-cutting agreement through the Senate and to assuage the American public, and the chemical industries in particular, may not be easy, as it appears, without significant commitment from the developing nations, on the other hand such conditionalities, particularly on the LDCs, may put the whole programme in jeopardy. Unless President Clinton, in the

greater interest of the future of this planet, can rise up to the occasion and show the brinkmanship that he is capable of, tangible result may not be forthcoming from Kyoto. However, if Kyoto fails like that of Rio, the blame may squarely fall on the US which, of course, would be of little consolation for the countries which are likely to be amongst the worst victims of global climatic change like Bangladesh.

In the above scenario what strategy should the Developing Countries, including the LDCs, adopt is a matter of vital importance. It is, however, quite clear that the situation needs concerted and coherent strategy on the part of the South including intense mobilisation of global opinion. EU's role at this juncture would be very crucial.

Following the traditional logic, which is fact is recognised by the North, it would be quite legitimate for the South to argue that it is the industrialised North which has been responsible for polluting the environment for over a century, which in fact has precipitated the global warming and that the Southern countries had little to contribute to it. Hence the North should not only be wholly responsible for bringing down the CO₂ emissions to a sustainable level but should also compensate the South for the cost of keeping the emission low and the sacrifice it entails till that level is achieved. However, this would be a non-starter. For this is precisely the logic that the US is trying to refute. If, however, generosity is the virtue of the weak, the strategy for the South would be to turn the arguments of the North against them and fight them on their own platform. Besides, denying sharing of responsibility may not only be against national dignity but also may lack rationale. Furthermore, it may reinforce the common perception of the North that the South is trying to ride the environment bogey as a new ploy for begging, which must be dispelled. Therefore first, the developing countries should unambiguously state that they are as much keen to keep GHG emission down as their developed counterparts and suggest ways of doing so and secondly they should take some moral stand based on principles of equity to further their development interest.

The strategy for the South therefore could be to clearly state to the North that while they are quite willing to share the responsibility for upkeep of the environment, the responsibility must be commensurate with the rights. The South should categorically state that, if environment is indeed a global commons, then only maintaining environment becomes a global responsibility. In that case, every person irrespective of his nationality must have equal rights to the use of the 'global commons'. That is every citizen of the world will have equal proprietary rights to

the atmosphere. Therefore, those who pollute the environment most would be mostly responsible for its upkeep. Following the above principle, perhaps a simple and more acceptable alternative to the rich North can be proposed in line with the concept of 'Trading in Emission Rights' familiar to the environment management literature.

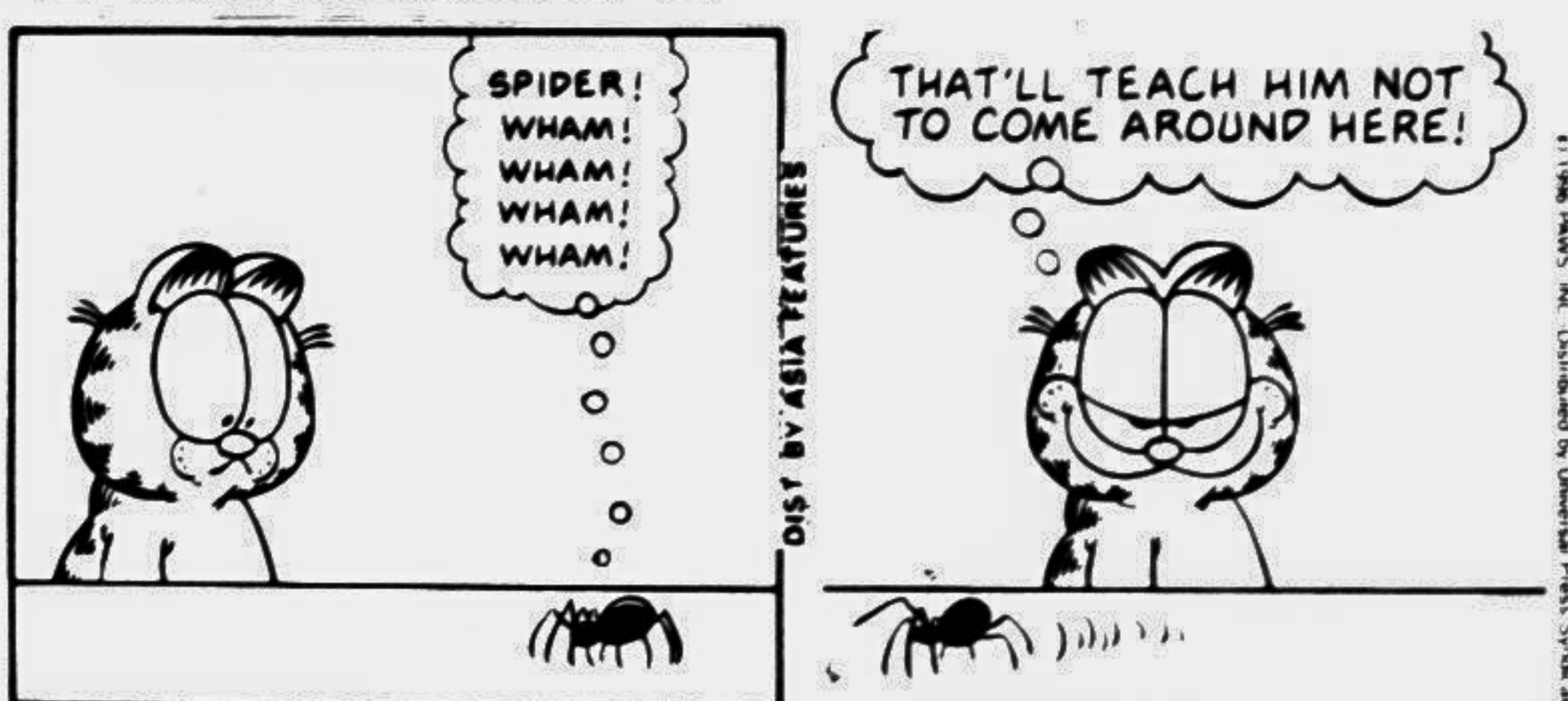
Specifically, based on maximum sustainable level of GHGs emission, let us say that of the level of 1990 to keep the accounting simple, per-capita quota for emission could be fixed. This would simply be total global emission divided by an agreed point of time, say 1990, and would be equal for every person irrespective of national boundaries. This would be the benchmark against which emission per capita for the various nations shall be assessed. Those who would emit more than this quota then could buy up the emission rights from those who emit less on the basis of, say, incremental cost of abatement of a unit of emission. There would be difficult problems of measuring, costing and monitoring of emissions and more so implementation and management of such an arrangement but they would not be unique.

Advantages of such a scheme are that first, it is based on market principles and a concept that the developed world is familiar with. Second, it is based on moral principles of equality of rights and obligations and is fair and equitable to both the North and the South and is not based on any arbitrary allocation. Third, instead of turning the Third World countries into beggars it places them on equal footing with those of the North giving them the same rights and responsibilities. And fourth, it provides the North (for inventing greener technology) scope to adjust its lifestyle, at a price, providing incentives for keeping emissions down on the one hand, and establishes a viable mechanism for transfer of much needed resources to the South to pursue development on the other, without severely upsetting their goals and without undermining the incentives to keep the emissions low. Moreover, this offers a continued solution to the problem till the desired level is reached and is sovereignty neutral.

It is important for both the South and the North to recognise that time is the essence of the resolution of the issue and any kind of hedging may be counterproductive. Although there are lot of uncertainties about the nature and possible outcome of the increase in GHG emissions, one thing is certain that it is not going to be benign for any North or South.

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