

# PM's Proposal on Halting Hartals: Analysis and Suggestion

by Dr. Khandakar Q. Elahi

**Our quarter-century old political history testifies that our politicians have been using their banners, rather massively, instead of their brains to impress our public. And they will continue to do so until forced to stop. . . For halting hartals, then, this option of using banners (calling hartals) instead of brains, must be made unavailable to the politicians. And this can be done by only a law.**

All justice comes from God, who alone is its source; and if we knew how to receive it from that exalted fountain, we should need neither governments nor laws. —Jean-Jacques Rousseau.

In her meeting with the editors of national dailies and news agencies on the 15<sup>th</sup>, Prime Minister Sheikh Hasina made a commitment: "Her party, Awami League, would never call hartal, even if it returned to the opposition". She also justified the hartals which Awami League had executed during BNP rule, saying that they were necessary for establishing people's rights, and introducing the caretaker system.

PM's "no-hartal" proposal has been widely welcomed by the leaders of many business groups and non-political organizations. This is a "unilateral" and "unconditional" commitment by the Prime Minister of the country and the public expects all political parties, BNP in particular, to join her in making the "no-hartal" call a reality.

**BNP's Response:** Unlike in the past, BNP this time has come up with a reasoned response to PM's call. Other than this, BNP's reaction (Mr. Karim's 5 points and Professor B. Choudhury's 12 points, The Daily Star Prime and 20<sup>th</sup> November) reflects a political statement to square up a similar statement of its political adversary.

True, Begum Zia had retorted PM's call by threatening non-stop hartals: "It won't be for one, two or three days only. If necessary and if desired by people, non-stop hartal will be enforced to topple the government unless it stops killing and oppressing people" (The Daily Star 17 November).

But I would like to interpret M.M. Rezaul Karim's opinions expressed in his article, *How to Avoid Hartal? A Case Study and Remedy* (The Daily Star 19<sup>th</sup> Daily/Nov), as the BNP's official position. To avoid the risk of misrepresenting Mr. Karim's views, I quote them.

election manifesto, have been retracted, some like the Special Powers Act publicly and others like autonomy of radio and television in reality.

"Under these circumstances, as these words of the Prime Minister, which were not uttered even once during her party's 173 days of hartal and closure of the port, or even a written agreement to that effect provide sufficient guarantees to ensure that the Awami League will not flout the agreement, as they have done now in the parliament and resume their previous practice of calling hartals once they are in the opposition?"

BNP's official position to PM's call for "no-hartals" may thus be understood as this: BNP does not take PM's call for "no-hartals" seriously because the proposal is neither practical nor is AL trustworthy. Begum Zia gave the similar impression to the heads of the diplomatic missions and donor agencies when she met them in her official residence on the 17<sup>th</sup> November.

**Analyzing PM's Proposal:** It would be a misrepresentation of facts and truth to banish BNP's accusations against AL as baseless. PM's claim that all of AL's past activities were in public interests is much less than credible and credible. BNP is also absolutely correct to claim that JS boycotting is the tradition that AL has created. It's very difficult to see how AL can justify that boycotting the JS sessions and eventually resigning JS membership, were democratic moves and were necessary for establishing the caretaker system of government!

It's thus important to have a good look at PM's commitment. PM said: "My party will never call hartal...I am making this announcement unilaterally both as the Prime Minister and the President of Awami League...We do politics for the people and we have no hesitation in taking any decision for the people's welfare...We have established the truth that the people is the only source of power to change the government through ballot".

For a proper evaluation of PM's proposal, it needs to be clearly understood that her proposal, described here, applies only to a hypothetical situation: "Sometime in future, let's assume the next JS election, to make it visible, AL returns as the official opposition with the current PM as its leader. PM is promising that she would not call hartals then and asking BNP to promise the same now."

There are at least three very hard difficulties in PM's proposal. First, it is almost certain that AL would return as the official opposition in the next election (as assumed), but what is not at all certain is whether

she would lead her party. PM can certainly control AL politics, but she has no way to know how the almighty has decided her destiny.

Second, PM makes her proposal based on a very unpredictable condition: The condition is unpredictable, because it represents PM's personal assessment of BNP's political performance.

In offering her proposal, PM assumes that BNP would run the business of the government at least as efficiently, if not better, as she is doing now. She cannot commit that she would tolerate BNP under any circumstances. If she does that, then, she will be, in case BNP begins to behave weirdly, failing to perform the responsibility assigned to her as the leader of opposition. This would also mean the political death of AL.

Thus, PM's proposal is not "unconditional" as it is usually thought to be: PM's personal (or AL's more appropriately) evaluation of BNP's performance in the government is apparently attached to it.

The question now arises: What makes PM so sure that BNP would behave "desirably" in the future? She did not like the BNP government in the past. And our political history testifies that it would take a divine command to make AL and BNP agree on the principles of running the business of the government.

Third, PM makes her proposal on the assumption that the foundation of the system of caretaker government (CTG) is solid; that all subsequent political governments shall be elected by this system.

Is the foundation of CTG really so solid? Is CTG really firmly rooted in our political system?

We have two elections conducted by the CTG and our experience is not definitely encouraging. PM did not welcome the verdict of elections conducted under the first CTG; she accused BNP of a "civic conspiracy". Then President Biswas, under whom the second CTG worked, almost destroyed it by firing topmost army generals; and finally, Begum Zia did not accept the verdict of the elections conducted by it.

The foundation of CTG is indeed very shaky and it shall remain so unless our politicians remove the causes that make it shaky. A CTG can definitely guarantee a fair parliamentary election, but it can, in no way, guarantee how the elected politicians would per-

form their jobs. A parliament is elected by a CTG and then the members of the opposition boycott its sessions or resign its membership. (An elected member has certainly the right to resign the JS membership, but he or she has no right to seek a re-election, because the election was fair). What, then, is the meaning of fair elections? What, then, is the necessity and the rationale of CTG?

A democratic state is governed by its constitution which gives some of its members the right to exercise the power and authority of the state and rule the society. Thus, the politicians' right to rule the society is created by the constitutional laws. If they rule by the laws, they satisfy the demands of their electors and their right to rule is well preserved.

What are these laws? Laws are really nothing other than the conditions on which the civil society exists. Jean-Jacques Rousseau, The Social Contract. And these conditions are justice for all. Yes, justice is the condition on why a society builds its peaceful existence.

The politicians lose their right to rule when they run the business of the government unjustly. By violating the rules of justice, politicians create the right of every citizen to break laws.

It always seems to me ridiculous that some of our citizens will use the power of state in their personal benefits, while the rest of the society will tolerate it, because they are politicians. But I am not so sure that our citizens share my feeling; if they did then our condition would have been better.

We always blame the military for overthrowing the political governments. True, those military officers were power-hungry persons. But, never have we thought that our politicians created the right for them to violate the laws of their institution. The unjust rule by politicians is as illegitimate in democracy as that of a military junta.

"It takes time to institutionalize democracy", many people say. My bull head always questions: How long time and how much intelligence does one need to know the truth that the society is governed by laws and we must obey those laws for enjoying the opportunity and benefit of living in a peaceful society?

On the final analysis, PM's proposal appears to be more emotional than rational. It has thus little legal and political appeal and effect.

**Cost of Hartals and Benefits of Halting Them:** In spite of all its defects, PM's proposal reveals one truth that was not so obvious so long: People from all walks of life want hartals to be halted. With both Prime Minister Sheikh Hasina and Opposition leader Begum Zia publicly disapproving hartals, it is now the devout desire of the people of Bangladesh to halt them: Halting hartals is now a national goal.

In this assumption, all that is required is to find a measure that would be most rational and most fair to all our citizens. Before searching that measure, it is important to examine the costs that hartals impose on our society and the benefits that we can hope to reap up by halting them; because, one of the reasons why little progress has been made in reducing the incidents of hartals, in spite of the massive mass support, appears to be an inadequate appreciation of those costs and benefits.

Here, I wish to refer my article, *Why Must We and How Can We Outlaw Political Hartals?*, which The Star published on the 6<sup>th</sup> of December 1997. In that paper, I noted three types of costs that hartals impose on our society: cost to individuals, cost to the economy and cost to the nation. These costs are briefly summarized here.

The cost to individuals includes the incomes lost for being unable to do their business and the personal hardships, including the incidents of death, suffered. The cost to the economy is the loss of potential production in the factories and industries, and the services in the offices and stores etc. Finally, the cost to the nation is the material damage that the hartals inflict on the society. Because hartals are executed against the wills and wishes of the people, they violate citizens' rights and create a pervert culture in the society — the culture of "might is right".

The first two types of costs are widely understood and understood in our society, but the third type of cost — cost to the nation — is hardly heard of, perhaps because it is little understood. This is, however, the most fundamental, cost of hartals imposed on the society.

Although there is some discussion on the cost of hartals, there is little discussion about the benefits of halting them. Of course, the reduced costs of hartals are also the benefits of halting them. These are, however, short-term and fractional benefits of halting hartals, from the national perspective. The long-term, and the fundamental, benefit of halting hartals consists in removing the incentives that encourage calling hartals by the opposition parties. This, in turn, creates a political atmosphere for a qualitative change in politics in the country.

Politics is a power game in which all teams have only one goal — controlling the state machinery, the government. In a democratic political system, the target of all political parties is to impress the public, the sovereign authority that selects the team.

Politicians, in a democracy, have two means to impress the public — their brains and their banners. These two means together protect democracy and

they are supposed to work harmoniously to improve its health. However, they could very well be inconsistent. The common wisdom is that the more the politicians use their brains, the better is the health of democracy. In other words, the use of brains is positively correlated to the health of democracy, while the use of banners is correlated negatively.

The use of brain in politics is thus a fundamental requirement for the development of democracy. This point needs further elaboration. How could we hope to halt hartals if our conception of the cost of hartals is vague and our vision of the potential benefits of halting them is unclear?

The most important organ of an association is its executive — the leadership that determines goals and formulates strategies to achieve them. This is certainly so in political parties, because they are the most supreme associations that can be organized in a society.

The leadership that a political party chooses, is determined fundamentally by the strategies it adopts to achieve its goals. (Strategies of an organization are a function of the opportunities available to execute them). A political party that adopts the principle of achieving its goal by intellectual activities (exercise of rights according to laws), and of using other means only when absolutely necessary, is most likely to choose an enlightened leadership. The opposite is usually the outcome if a different principle is chosen.

Once upon a time, our student organizations used to provide leadership in the national stage: today they provide leadership in the streets. The reason is obvious: In those days, student leaders had to lead an intellectual warfare to create an issue; and only the students with brilliant minds and broad hearts could do that. Today, student leaders have no national issues; only issue they have is to help their parent organization capture the power. And our political parties have been demonstrating for a long time that they need youth muscle power, not their mind power. Students who can use their muscle most aptly and/or their minds immorally, are usually rewarded with the leadership responsibilities. Student organizations, which used to provide leadership in national crises, have now reduced into terrorist organizations.

To come to the point, let's create a scenario and try to visualize the moves that our different political actors would make: Assume that political hartals are prohibited by law. This puts the party(ies) in power in an advantageous position, they need not worry about the threat of civil disobedience. Contrarily, it puts the opposition parties in a disadvantageous position, because they lose their most dangerous weapon — hartal — to protest the government policies. Theoretically, then, the party or parties in power would welcome this legislation, while the parties in the opposition would oppose it.

Given the assumption that political hartals are outlawed, what would be the strategies of our opposition parties? First and foremost, being bereaved of the opportunity of showing

their political might and merits in the streets, they would recall all their resources to show them in the floor of the JS; being unable to storm the streets, our political parties would now storm the floor of the JS. And this, by all definitions, is democracy.

The first consequence of outlawing political hartals then is: Our opposition parties, which are used to show little interests in the activities of JS, would suddenly become very interested to make the JS effective. In other words, outlawing political hartals creates a political atmosphere that would help make the JS more effective.

Second, now both the government and opposition parties have an interest in encouraging their members to attend the JS sessions. The interest of the government derives from its fear of being outnumbered and outspoken in the JS. The interest of the opposition parties is fundamental: JS is the best forum for them to demonstrate their performance in order to improve the public opinion.

The second consequence is perhaps, then, a solution to quorum problem in the JS.

Third, debating in the JS is an intellectual activity. This means that the opposition parties, which are more used to using their banners than their brains, will find themselves in a position to culture intellectual politics.

The third consequence then appears to be a dramatic shift in the nature of politics in the country.

One can, perhaps, go on and record many more merits of halting hartals, but I wish to stop here and give my main point, which I repeat: *The long-term, and the fundamental, benefit of halting hartals consists in removing the incentives that encourage calling hartals by the opposition parties. This, in turn, creates a political atmosphere for a qualitative change in politics in the country.*

Our quarter-century old political history testifies that our politicians have been using their banners, rather massively, instead of their brains to impress our public. And they will continue to do so until forced to stop.

**A Suggestion:** For halting hartals, then, this option of using banners (calling hartals) instead of brains, must be made unavailable to the politicians. And this can be done by only a law. This is fairly obvious. The issue that needs discussion is: *What should be the nature and condition of that law?*

Hartal, an ultimate method of civil disobedience, is a fundamental democratic right and a fundamental means to protect democracy. Thus, any measure banning hartal must not be permanent. In other words, the nature of the law banning hartals must be temporary.

Now, the situation demanding a law banning hartals does not constitute a compelling reason; it is a compelling need. Let it be understood clearly: A law is founded on a compelling reason only if its appeal and application is universal in the society. How can prohibiting a fundamental democratic right constitute a compelling reason? But banning hartals is definitely a compelling necessity.

We have already one constitutional law created under a similar situation. The system of CTG was introduced for the compelling need of holding fair parliamentary elections, not for a compelling reason. Thus, the law introducing the CTG system is of temporary nature too. The sooner we can strike it out from our constitution, the better. For, only then, our politicians can claim proudly that they are fit to rule a democratic society. If we believe that CTG is a beauty spot in our national face and feat — not a black spot — then, there is little need to be concerned about anything, certainly not about hartals.

The system of CTG was introduced for the compelling need of holding fair parliamentary elections. And now we have a law to ban hartals for making this system effective. In other words, outlawing hartals has become necessary to make the parliament elected by a CTG productive and effective. The two laws are thus related and reinforcing. They together will work to shorten their lives. So here is my suggestion.

All political parties shall remain deprived of the right to call hartals till the system of CTG remains a constitutional law. This new law prohibiting political hartals shall be considered valid if and only if the political governments are changed by elections conducted by a CTG.

Such a legislation shall put no restriction on the civil disobedience, of any sort, organized by the non-political associations. Thus, if there ever a need arises for calling hartals, they would be organized by non-political groups. Is it not the history of our nation till 1990? But, then the question must be asked: *Why should we need hartals, unless our politicians make them imperative?* The nation is tired of hearing from our politicians that their party is more democratic than the others.

I submit this suggestion to Prime Minister Sheikh Hasina for her kind consideration. If she is looking for one good reason to enact this law, then I would say: To make the CTG system effective. She is, and must be, very proud for leading the movement that eventually forced the BNP government to introduce CTG system. Now she has the power to make the system work. *Will she prove to the nation that she really cares about the system she helped to legislate?*

Madam Prime Minister, as a nation we are now in a great danger. Before introducing the CTG system, we could tell the world that a few power-hungry citizens are obstructing fair elections, a basic requirement for the working of a democratic system. Now we have a system that can ensure fair parliamentary elections, but still the principles of democracy are not working. *Are we, then, going to prove to world that we, as a nation, are not fit to live in a democratic society?*

I am reading Mr. Karim's columns in The Daily Star for more than two years. I used to find his writings less convincing as partisan bias in his writings is fairly transparent. But this article is very different. Not only that he gives a reasoned response to PM's proposal, he begins and ends his article with a very passionate appeal: *Would it be too much to expect our political leaders, in the interest of peace, democracy and development, to sincerely adhere to and practice simple but effective modes of political behaviour?*

I am, therefore, submitting my suggestion also to Mr. Karim for his critical evaluation.

For, were the impulses of conscience clear, uniform and irresistibly obeyed, man would need no lawgiver. — Thomas Paine, America's godfather.

The author, a former teacher of the Bangladesh Agricultural University, now lives in Canada.

Public support of the death penalty.

Such a mood had forced politicians, who otherwise would support abolition, to maintain the death penalty, argued the actor Tim Robbins — who directed the film version of Prejean's book and who has lobbied for ending capital punishment in the United States. Many politicians had told him they did not want to support the death penalty, but the popularity of the measure had forced their hand, he said.

Prejean contended that the polls may have overstated the popularity of the death penalty as a punishment for heinous crimes. When people are offered the idea of life imprisonment without parole and restitution for victims as alternative penalties, two-thirds of respondents prefer those punishments to the death penalty, she said.

"Our people are not wedded to a whole public policy of legalized vengeance," Prejean said.

D'Elia said that, following the presentation of the petition to Annan, Hands Off Cain was planning a series of events to support the moratorium effort. Among them would be a march in Rome against capital punishment during Christmas and an appeal to Pope John Paul II to join the moratorium drive.

Neither the UN tribunals for Rwanda nor for the former Yugoslavia allow capital punishment.

Nevertheless, capital punishment remained politically popular in dozens of countries, including China — where more than 3,000 people were executed last year — the United States and much of the Muslim world.

Since 1990, more than 350 people have been executed in the United States, including 74 last year, and another 3,300 languished on death row. Recent polls in the United States suggested that three-quarters of the

countries abolished executions, he said.

This was not the only sign of a growing momentum in the abolitionist drive, he argued. In July, delegates at Rome voted overwhelmingly for the creation of an International Criminal Court which would be empowered to try suspects for genocide and crimes against humanity — but would impose a maximum penalty of life imprisonment.

Similarly, Jean-Paul Akayesu, a former mayor of the Rwandan town of Taba who was convicted by a UN tribunal on war crimes of genocide in the country's 1994 massacres, received a maximum sentence of life imprisonment, which he is currently appealing.

The real value of the (moratorium) resolution is that it can now be a weapons in the hands of abolitionists in the United States and other countries which continue to execute criminals, agreed William Schabas, law professor at the University of Montreal.

Just five years ago, noted Schabas, a majority of countries still included the death penalty in the justice systems. Now, however, the majority has swung the other way after 102

## The Pinochet Paradox: West's Delight in Chile's Plight?

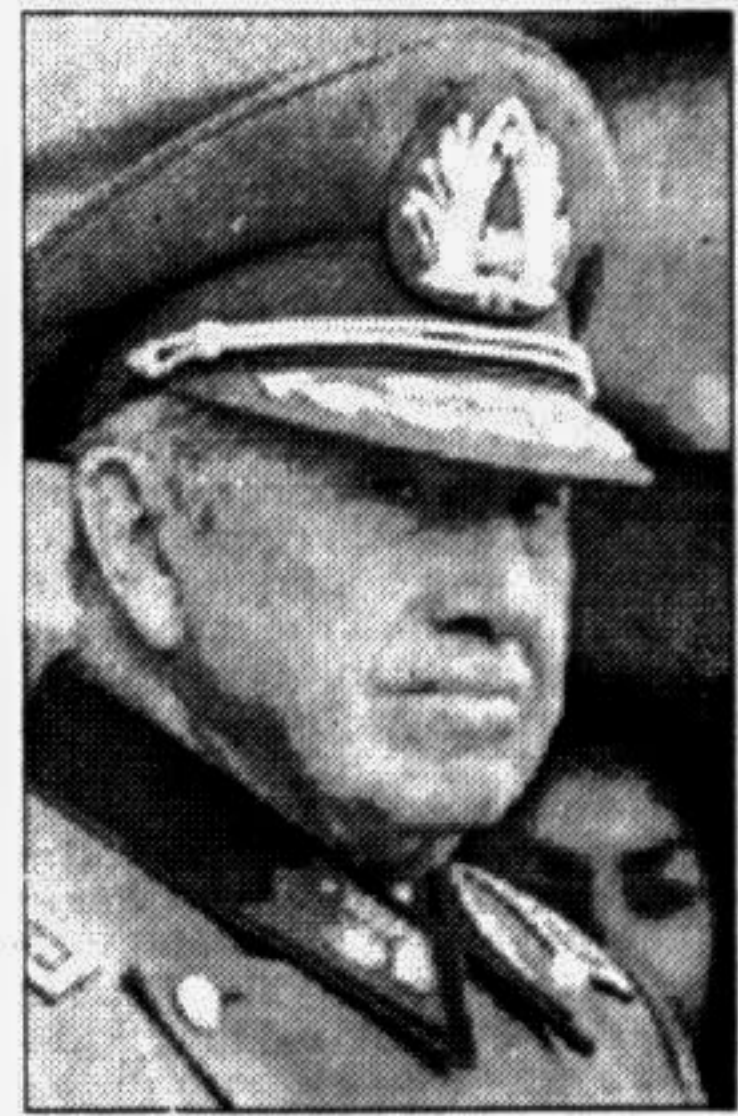
by Ekram Kabir

FORMER Chilean dictator-President Augusto Pinochet's arrest has polarised a country that seemed on the verge of coming to terms with its history. After retiring from the military, Pinochet became a senator for life in the Chilean government. The Spanish request for the extradition of arguably Chile's most disreputable leader has mobilised the country's rightist groups, and reportedly threatened to upset its present political equilibrium.

Because of the unrest within the "Concertacion," the ruling centre-left coalition, President Eduardo Frei, leader of the Christian Democrats, has called for Pinochet's release. At the same time, his Socialist allies are ecstatic about the situation in the UK. This impending division within the "Concertacion" may fracture the ruling coalition. Until Pinochet was arrested, it seemed that Socialist Party leader Ricardo Lagos would be the coalition's candidate for the upcoming presidential elections. However, following Lagos' support for Pinochet's arrest, there was speculation that Christian Democrat Andres Zaldivar might seek support from conservatives to help him win next year's election.

In addition to this apparent political discord in Chile, there also seems to be some question as to whether the world will stand behind Frei's government. For, immediately following Pinochet's arrest, the head of the Chilean army, Gen. Ricardo Izurieta met with Defence Minister Jose Florencio Guzman. Izurieta later issued a statement in line with the stance taken by Frei's government, which made a half-hearted appeal for Pinochet's release under the cloak of diplomatic immunity. However, it is not clear that the military as a whole will follow marching orders from Frei. Gen. Hernan Ramirez broke an order issued by Izurieta forbidding military officers from making public statements. Ramirez told reporters immediately after Pinochet's arrest that the retired general had been "badly advised" on his trip to England.

Chilean President Eduardo Frei complained as saying Friday last that "the affair violates Chile's sovereignty, and endangers the country's fragile transition to democracy, which began when Pinochet stepped down in 1990." He also expressed his concern about the possibility of a threat to the country's stability. But it does now. A meeting between former intelligence and secret service agents and active-duty military officers, say western wire agencies, a potential threat to the current government, although it is still at an allegation level. However, if there is more to this claim than hot air, and if the House of Lords' tribunal doesn't release Pinochet, then jeopardy in Chile's internal stability is highly likely.



Augusto Pinochet

However, quite possibly the most sensational threat to the regime occurred last week when a Chilean newspaper published an account of an alleged meeting of Pinochet's former secret service and intelligence agents with active-duty military officers.

The president of the Chilean Communist Party and presidential pre-candidate, Gladys Marin, was quoted in *El Mercurio* on November 20 as saying that former secret service and intelligence agents from Direccion Inteligencia Nacional (DINA) and Comision Nacional de Inteligencia (CNI) had met with members of the military. The newspaper adds that Marin said these meetings were held "with the purpose of carrying out acts of terrorism, making them appear to be staged by the extreme-left." A letter sent to the Chilean Undersecretary of the Interior, Belisario Velasco, by Marin alleged that these individuals are the same people behind the death threats that have been made against various left-wing leaders since Pinochet's arrest.

Since late October, the police have extended protection to more than 20 Chilean politicians and Spanish citizens as a result of death threats. One of the people under police protection, painter Jose Balmes, reported multiple threatening incidents to authorities, and said that "warnings" he had received "come from elements of the former secret service" that

House of Lords' committee on judicial affairs, surprised all, by denying immunity to the former Chilean dictator, Augusto Pinochet, but it failed to come down with what would have been one of the, if not the most, unexpected ruling in decades: that a head of state can be held accountable for his actions after having gained and maintained himself in power unlawfully.

The House of Lords may have presented a unique opportunity to redefine the emphasis that the international community places on the importance of human rights. Inferentially, if not explicitly, the Lords chose to hold a world's former leader accountable to a standard of justice that supersedes national borders. As a result of their decision, this rare opportunity to judge a proven human rights violator was not clearly made victim of the celebration of an antique jurisprudence that has no relevance to today's realities.

As a bad rule of comity, democratically-elected heads of state should be granted immunity. But the effort to usurp power by force, however, must realise that under the terms of the new international order, they must be prepared to answer to the international community for their actions, no matter where they go — even if the laws of their own country temporarily have been suppressed or nullified. This is the case made by the United Nations when dealing with Saddam Hussein, the vengeful break-up regimes of Yugoslavia, and the genocide in Rwanda. Such is now the case in dealing with Pinochet, for the elemental denial of the rule of law and basic human rights was no less in the South American country under his rule than it was in any of the other pariah regimes.

The November 25 ruling may have issued an important signal to other dictators — past and present — that the international community will not allow them to act with impunity. To Slobodan Milosevic in Serbia, as well as Jorge Videla in Argentina etc., a *de jure* message has been sent out: one's transgressions will not earn one only a casual reproach in the world community. But neither will the world's dictators like present and future Pol Pots, and Slobodan Milosevics etc., that the international community will no longer tolerate such heinous sins against humanity.

Given its framework, the ruling by the British court, the

served under Pinochet. Before Pinochet was cleared by Britain's High Court on October 28, an anonymous caller allegedly told Socialist deputy Maria Antonieta Saa: "If General Augusto Pinochet is not released, you will be the first to die on Monday (November 2)." On October 29 two of Chile's leftist political parties accused opposition leaders of "seditious acts" in their efforts to obtain Pinochet's release. The leader of the Partido Socialista de Chile (PS), Ricardo Nunez, linked right-wingers to the wave of death-threats against leftists. In addition to the numerous death-threats, propaganda attributed to the far-right Fatherland and Freedom group has surfaced. This group was responsible for countless crimes during Salvador Allende's reign, and until last month, was thought to be inactive.

Now, this landmark debate may be a triumph for the new international order, and for that matter, global upholders of human rights. [Note: The US is surprisingly silent on the issue. While deftly avoiding it, State Department Spokesman James Rubin called the case a matter strictly "between Spain, the UK and Chile." Washington missed an opportunity to push for the prosecution of a man who ordered the deaths of a half-dozen Americans from 1973-1976.]

Britain's Law Lords also surprised the world by taking the moral high-ground and delegitimising a dictatorship. And by its actions, the British court is sending a strong message to the world's dictators like present and future Pol Pots, and Slobodan Milosevics etc., that the international community will no longer tolerate such heinous sins against humanity.

(Based on western electronic and print media.)

## Petition Calls for End to Death Penalty

Farhan Haq writes from New York

Just five years ago, a majority of countries still included the death penalty in the justice systems. Now, however, the majority has swung the other way after 102 countries abolished executions.

OPONENTS of the death penalty sent a petition to UN Secretary-General Kofi Annan recently, calling for a global moratorium on executions.

The petition, organised by the non-governmental organisation "Hands Off Cain", contained the names of more than 100,000 persons — including such prominent figures as Nobel Peace Prize winners Archbishop Desmond Tutu, the Dalai Lama, Oscar Arias and Rigoberta Menchu.

They called on the United Nations to negotiate a universal halt to executions in 1999.

"We, the undersigned, ask the United Nations General Assembly to lead the international community away from this intolerable anachronism, by establishing a universal moratorium on executions with a view to total abolition," the petition declared.

Sergio D'Elia, Hands Off Cain's secretary, said that while the petition already has more than 100,000 signatures, the organisation will present the entire list of signatures before the UN General Assembly before its 1999 session in September next year.

The petition's supporters doubted that the call for a moratorium by itself would prevent executions from being held in a string of countries

stretching from China to the United States. But they believed that the moratorium campaign — which already has led the United Nations to declare a universal halt to executions for the past two years — was shifting the tide of world opinion against capital punishment.

The time has come in the world, and there is mounting consciousness about it, that the death penalty has seen its day," argued Sister Helen Prejean, a US nun whose book *Dead Man Walking* made a case against capital punishment. "A majority of countries are lining up to abolish the death penalty."

What the petition can do, Prejean contended, is place moral pressure on countries which retain the death penalty to join the growing community of nations that rejected capital punishment.

The real value of the (moratorium) resolution is that it can now be a weapons in the hands of abolitionists in the United States and other countries which continue to execute criminals, agreed William Schabas, law professor at the University of Montreal.

Just five years ago, noted Schabas, a majority of countries still included the death penalty in the justice systems. Now, however, the majority has swung the other way after 102

public supported the death penalty.

Such a mood had forced politicians, who otherwise would support abolition, to maintain the death penalty, argued the actor Tim Robbins — who directed the film version of Prejean's book and who has lobbied for ending capital punishment in the United States. Many politicians had told him they did not want to support the death penalty, but the popularity of the measure had forced their hand, he said.

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