

Why NATO's War against Yugoslavia is Unique?

by Harun ur Rashid

One may draw a conclusion that NATO's war was unique for several reasons and lays a precedent in international norms that no country can hide its brutal actions against its own nationals under the umbrella of "domestic jurisdiction and sovereignty." It is interesting to note that NATO's intervention in Kosovo was after all ratified by the Security Council of the UN.

NATO's war against Yugoslavia on Kosovo issue is unprecedented in many ways. Not only it is the NATO's first war against a sovereign European state during the last 50 years but also it departed from its original defensive role. It is a war, NATO leaders claimed, that had to be waged to protect the human rights of a group of an ethnic people within Yugoslavia because the UN was crippled by the threat of veto power on Kosovo issue by one or two permanent members of the Security Council.

It is unique because it was waged for the first time without committing ground troops. It was fought from 15,000 feet by air campaign. It was a human risk free war for NATO. It was a gamble NATO leaders took and they were criticised because they would not be able to achieve the objectives without ground troops. Even General Colin Powell, the hero of the 1990 Gulf War, was critical about the NATO's strategy. The media was loud in its criticism. At the end it proved otherwise. It succeeded in President Milošević's acceptance of NATO's core demands. NATO's troops entered Kosovo and Kosovo became an international protectorate.

It is unprecedented because NATO fought against a sovereign country, Yugoslavia, for pursuing a distasteful policy within its national frontiers in Kosovo. Kosovo is a part of Yugoslavia. Yugoslavia's leaders thought no third party could intervene in its domestic matter. Yugoslavia argued that NATO countries were in flagrant vio-

lation of Article 2(4) of the UN Charter which prohibits the threat or use of force against the territorial integrity or political independence unless it was approved by the Security Council under Chapter VII of the Charter for the maintenance of international peace and security (Articles 39 and 42 of the Charter).

Yugoslavia's above position could be viewed from another perspective. It could be argued that at the heart of the UN Charter is the implementation of its three core objectives for the people of the world, namely, security, development and human rights. The three purposes are equally important for the promotion of human dignity and worth of every human being. NATO was trying to take preventive actions what the European powers failed to do against the aggressive designs of Hitler in the 30s. Everyone knows the colossal human costs for this failure or appeasement in the 30s.

It is acknowledged that growth and development is not possible unless there is peace and security. Peace promotes tolerance with one another and protects human rights. It may be noted from the preamble of the Charter that it is a covenant agreed by "the Peoples of the United Nations" and not by the States or Governments. It implies that the people of the world have a stake in the implementation of the purposes of the Charter through harmonizing the actions of the nations in the attainment of the common ends.

It could be argued that NATO

was trying to prove that human rights are more important than sovereignty of a nation and forcing the sovereign power (Yugoslavia) to accept outside intervention to solve the problem in Kosovo. One may argue that it is a task well worth doing for equality of rights for human beings irrespective of its colour, gender, race, language or religion.

A question may be asked why did NATO wage a war against Yugoslavia without the approval of the UN?

I would argue that the answer lies in the deficiency of the decision-making procedures of the Security Council. No resolution can be adopted if one of the permanent members exercises its veto-power (negative vote). The co-operation between the victors of the second world war which underpinned the success of the UN collapsed during the cold war. In the post cold war situation, the veto power appears to be an impediment to achieve the collective will of the people of the world in a given situation.

NATO powers knew very well that if NATO's action on Kosovo issue was tabled before the Security Council, it would have been vetoed by one or more permanent members. Once the Security Council vetoed a resolution or a course of action, it became very difficult to go against it. What the NATO did was not to approach the Security Council at all. It claimed that the UN Charter and humanitarian laws provided them the right to intervene to stop ethnic cleansing in Kosovo. On that plea it intervened militarily

and continued for 72 days.

Some may question whether NATO was able to stop the ethnic cleansing of Kosovar-Albanians from Kosovo. It could be argued that ethnic cleansing had increased with the bombings of NATO and therefore failed to achieve its main purpose. On the other hand, there is an argument that if civilian international presence was agreed upon by NATO, the ethnic cleansing would not have been made on the larger scale as it had occurred.

On the other hand NATO could argue that ethnic cleansing was a part of a diabolical plan of the leadership of Yugoslavia and it would have continued in any case irrespective of NATO's military action. Although there was a huge loss of lives in Kosovo, NATO could argue that the refugees have returned to Kosovo with adequate security under the protection of NATO forces.

At the end, one may draw a conclusion that NATO's war was unique for several reasons and lays a precedent in international norms that no country can hide its brutal actions against its own nationals under the umbrella of "domestic jurisdiction and sovereignty." It is interesting to note that NATO's intervention in Kosovo was after all ratified by the Security Council of the UN. Or should we say that the Council was forced to approve the *fait accompli* for its own prestige and standing?

The author, a barrister, is former Bangladesh Ambassador to the UN, Geneva.



Peacekeeper in Kosovo: An Italian soldier stands in front of destroyed buildings in the outskirts of the south-western city of Pec, 14 June 1999.

Liberation and Beyond

by J N Dixit

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1972: Efforts at National Consolidation

Part-III

To go back a little in time Mujibur Rahman received me again with great warmth and affection on January 22, 1972 within a week of my assuming charge as India's first head of mission in Dhaka for a longer discussion. Apart from an exchange of courtesies he made two points of personal significance to my functioning in Dhaka. He said that as an official who actively contributed to the liberation of Bangladesh, I would have direct access to him as long as I served in importance and political significance of Indo-Bangladesh relations, he did not want procedural and administrative mechanisms. He said that he would issue directives on day-to-day matters of political importance I should be given direct access to all relevant Ministers and Secretaries to the government despite my comparatively junior status. Throughout my three years and four months in Dhaka he remained true to his promises in this regard.

I hosted the first Republic Day reception in free Bangladesh on January 26, 1972 at hotel Inter-continental. Normally Prime Ministers do not come to such functions but Mujib conveyed a message that as a special gesture he would attend the Republic Day reception with his wife. Dhaka was still being treated as a temporary, non-family station. The first time my wife was not with me. I sent her an urgent message to be present in Dhaka for this reception as the hostess. I told her that preparations for her permanent move to Dhaka could be made later. Vijaya Dixit arrived in Dhaka two days before the reception and took complete charge of all the arrangements. It was a glittering function in which all prominent citizens of Dhaka led by Sheikh Mujibur Rahman and his entire cabinet came. Representatives of the fledgling diplomatic corps and the Indian armed forces were also present.

It was decided by February 15 that the Indian armed forces would withdraw from Bangladesh on March 16-17. The dates for Mrs. Gandhi's visit to Dhaka were to be fixed between March 18 and 20. I was informed that the newly appointed High Commissioner, Subimal Dutta, would reach Dhaka in the first week of March. India decided to appoint a handpicked and unorthodox selected them to the Indian mission. I have already named the two colleagues who accompanied me when I opened the mission, SK Lambah and Arundhati Ghosh. The third officer to deal with political affairs, CS Das Gupta, was nominated a First Secretary (Political). Lt General BN Sarkar, Commander of the advance headquarters of the Indian army in Dhaka was appointed military adviser to the High Commission. Air commodore DJ King-Lee was appointed air adviser. King-Lee was commander of the air defence forces in the eastern theatre of war. Capt. BK Mukherjee and Commander Samant were appointed as naval advisers. Commander Samant was an appropriate choice. He was a submariner who had undertaken naval command operations in the Chittagong port during the war and had won a Mahavir Chakra.

Sukhomay Chakravarty selected a former student of his, Arjun Sengupta, to be the Economic Counsellor in the mission. India also opened its assistant high commission in Chittagong with a senior official in charge. A major problem was to find official and residential accommodation for the large Indian mission which was being opened in Dhaka. In his generosity Sheikh Mujibur Rahman offered me the Victorian Edifice of the High Court of Dhaka as accommodation for the offices. This I promptly refused. This was the building which had once served as residence and office of the Lt-Governor of East Bengal after Lord Curzon divided Bengal. Accepting this allotment of accommodation was patently inappropriate politically and in terms of public perceptions. Sheikh Mujibur Rahman ultimately told me that there were a number of buildings in the Dhanmandi area (it was then an upmarket area in Dhaka city; Gulshan and Banani suburbs came only later) which belonged to Biharis and Sindhis who had abandoned them and left for West Pakistan or Europe. He told me that I could select both official and residential accommodation from amongst these buildings and pay the rent to the Bangladesh government. Consequently, I chose four buildings on Road No 3 in Dhanmandi to accommodate offices of the High Commission. We also chose residences for the officers and staff of the mission from these buildings. India already owned a number of flats for the staff of the former Deputy High Commission of India in East Pakistan. This helped to accommodate a fair number of my colleagues. The former residence of the Deputy High Commissioner in East Pakistan was allotted to Lt General Sarkar. I rented a house on Road 13/3 in Dhanmandi which formerly belonged to a Sindhi architect. It was an unusual house because there was a Japanese rock garden inside the house between the drawing room and the dining room. I spent over three years in this unusual but picturesque residence.

High Commissioner Subimal Dutta reached Dhaka in the first week of March. I had known him only from a distance as he was Foreign Secretary in India. I joined service as a probationer. There was an amusing incident as he walked down from the aeroplane. Even in the humid and sweating Dhaka heat he was dressed in a dark lungi suit and a hat. He originally belonged to Chittagong and his features were very similar to those of a Tibetan or a Japanese. There was also a Japanese delegation on the same plane. Some of my colleagues who were in the receiving line to welcome Subimal Dutta kept asking me whether I was not making a mistake in moving forward to receive him. He could be a member of the Japanese delegation?

Before arriving in Dhaka he had sent me a somewhat disconcerting message in which he said that Dhaka was an important post and that he would decide after coming whether he should not get a more senior Deputy Chief of Mission. He of course graciously assured me that I could continue as political counsellor in the High Commission. This issue was sorted out within about four days of his arrival when he sent a telegram in his usual cryptic and understated style to the Foreign Secretary. I am recalling the text below from my memory:

"I have been here for a few days. Young Dixit seems to have managed the initial arrangements for establishing a mission well. He also seems to have established the necessary contacts with Bangladesh authorities. If feel that though young in service, he will do. He may be designated as Deputy High Commissioner."

As Mrs. Gandhi was to visit Dhaka within 12 days or so of Mr. Dutta's arrival preparations for it went into full swing. A number of Indian delegations started visiting Dhaka from March 8 onwards.

The first visit was of DP Dhar accompanied by a team of economic experts to work out the details of economic cooperation with Bangladesh, with special emphasis on immediate economic assistance. Apart from meeting Sheikh Mujibur Rahman and Tajuddin Ahmed, who had been appointed Finance Minister after Mujib designated himself as Prime Minister, Dhar had detailed discussion with members of the Bangladesh Planning Commission led by Rahman Sobhan, one of the foremost and thoughtful economists of Bangladesh, and elder brother of diplomat Farooq Sobhan. Mujib and Tajuddin Ahmed conveyed information about projects for which they needed immediate Indian assistance. They gave high priority to infrastructural projects and the restoration of communications network of Bangladesh. DP Dhar was told that Bangladesh would like to take immediate steps to resolve the problems connected with the sharing of waters of the Ganges river system below Farakka barrage. A tentative agreement was arrived at to establish a Joint Committee of Experts on the subject.

Bangladesh also desired assistance from India to facilitate the return of Bangladeshi officers of the former Pakistani Government in different parts of the world and particularly from Pakistan. Bangladeshi officials serving in West Pakistan during the liberation war were interned and kept more or less incommunicado by the Pakistani authorities throughout 1971.

When Bhutto came to power in January, 1972, he set them free and asked them to fend for themselves about going back to Bangladesh. He did not feel obliged to make arrangements to repatriate them. Most of the Bangladeshi officers travelled to



Mrs. Indira Gandhi receiving Sheikh Mujibur Rahman at the IAF air base, Palam, in the early morning of January 9, 1972.

Afghanistan and Iran across the Khyber and Bolan passes in trucks and buses going to these countries. India was asked to arrange for their return to Bangladesh transiting through Delhi. These arrangements were put in place by end-February, 1972. One heard of harrowing tales of these Bangladeshi colleagues being subjected to sporadic looting, extortion of money and exorbitant transportation charges for their passage through the tribal areas of north-western Pakistan. Suggestions conveyed to the Pakistani authorities at the time of the surrender in December 1971 that the Pakistan Government arrange for the repatriation of the two hundred thousand Pakistanis of Bihari origin who were in Bangladesh were not accepted by Pakistan. Bihari Muslims in East Pakistan did not want to be citizens of free Bangladesh. Some of them re-claimed Indian citizenship on the basis of family connections within the framework of the Indian Citizenship and Passports Act of 1955. Some of these Biharis crossed over into north Bengal in India clandestinely and moved on to Nepal and from there quietly entered Bihar to merge with the population of Bihar. But a majority of the Biharis remained stuck in Bangladesh. They are still in the same predicament 27 years after the liberation of Bangladesh. These Biharis still do not want to be part of Bangladesh and Pakistan does not admit them for it would swell the Mohajir population in Sindh and Southern Punjab.

(Continued)

Informatics and the Politicians

by A Husnain

WHAT is the impact of the new science and technology of informatics (IT) on the politicians? The reaction is mixed; with extreme techniques being employed in the first and the third worlds; because these two worlds are far apart, and never the twin shall meet, or interface (to use a more updated term). Democracy started in England with the Lords, who were economically independent enough not to consider politics as a business opportunity; and long-distance communication was practically nil (for the masses).

The politicians are heavily drenched in traditional monsoon, especially in this part of the world, and tend to remain elephant-footed (compared to a high-speed modem attached to a computer). The under-developed politicians, in the under-developed countries (nothing wrong in the matching), have to change their approach to the traditional game of ruling over people in an under-handed way (the weaknesses of the politicians are being discussed here, not their golden and sunny side, hence it is better to be mentally prepared for some uncharitable remarks, in public interest!).

The expression "ruling over the people" was used above; they should secretly like this hard realistic term than the more inoffensive cliché "serving

the people". The latter is more like a *paanch-meshali* disservice, as it is the mistaken view of the general masses that the donkey's work is done by the silent bureaucracy hiding under anonymous cloaks, wielding mysterious hidden powers, which even the peoples' representatives tend to respect, by not poking the hornet's nest (keep your enemies in your camp, rather than in the opposing camps).

In our subcontinent, hate campaigns have been built up to be popular; and religious overtures are over-practised with over-zealousness (like the swinging of an unnatural pendulum). The scapegoats are the millions of the poor down-trodden, whose below-the-poverty-line flags are exploited to the full, for the greatest good of the lesser number. Exploitation of any kind in any sector is for "development".

To come back to informatics and the BMRE role of the political pundits, the latter have to discard the chanting beads and mantras, and take some reorientation course in the science and art of establishing two-way communication; next to natural telepathy.

The one-way theory is out, and these days it is dangerous, because the public consciousness and awareness have sky

rocketed due to satellite technology — imagine one billion economically backward people watching the India-Pakistan World Cup 99 cricket match in real time, sitting at home, or at the community centres, thousands of miles away.

The politicians never salute the virtues of IT, but misuse its presence and absence. The politicians have to respect the power of information (the illiterate masses are included). Ignorance can be exploited, but not well-informed communities. Add the latest fashion of "freedom of the press", a joy-stick fondled by the political loyalists, regardless of the SPAs in different countries (Bangladesh is not the only culprit; there is company in perversity!).

It is not enough to get the message to the people; the return feedback communication link has to be strengthened; regardless of the unpalatable context of the messages coming in. This is ignored or suppressed. Half truth is more dangerous than lies. The power of information is not being taken seriously to ensure better transparency in three dimensions (3-D transparency is tricky to handle). The time has come for a serious reappraisal, simply because it is a question of life and death; for those interested in this type of adventure; or misadventure.

People's Participation Essential for Democracy

Ms Priya Prakash writes from New Delhi

India is celebrating its 51st year of democracy with the announcement of the Lok Sabha elections. In these years, the 12 Parliaments and approximately 14 Prime Ministers evidence that the political system is yet to stabilise. For economic and social development of the country it is imperative that elections do not happen every other year. The general apathy of the public towards politics raises the doubt whether we are moving towards a people's democracy or the domination of a self-seeking party system. There is need to explore and understand what leads to the general apathy of the people towards elections in particular and the governments in general.

Given the apathy and indifference, are only the politicians and the political parties responsible for this state of affairs? Do the citizens have a responsibility to make the system more responsive? There is a need for concerted action and an awareness campaign for the citizens in the coming months to ensure basic development and nation-building in preparation to enter the new millennium.

Let us first look at what are considered aberrations in the current system. Governance in the country is guided by political

parties which have themselves been negligent of inner party democracy. The recruitment of members for the parties is hardly an open affair, and plums positions in the hierarchy are generally usurped by friends and family members of the leaders, thus affecting inner cohesion, promotions based on performance and merit.

Continuous erosion, and lack of commitment to ideology also leads to factionalism and defections as a tool to enhance their political upswing. Moral authority of the leaders, their commitment to ideology is a significant factor that encourages a stable line of command and the constructive stability of the government. Lastly, perception of the gains of political power via positions such as MP and ministers etc., is also causing disaffections, selfishness, corruption and members pulling away from party discipline.

Further, the process of elections in the present system needs a complete overhaul and not merely electoral reform that touches the fringes of the system. The right to vote no longer means the same thing to different individuals. For most of the people the opportunity to fight an election is unthinkable in view of difficulties in secur-

ing party ticket. The money and campaign infrastructure have become overbearing to the aspirants without party support. The electoral intervention is out of question for an independent professionals, women or even an NGO representative. With an MP, it may appear a lucrative employment worth aspiring for, even without a commitment to political aspirations and ideology.

Under such an atmosphere mixed signals to the citizen is bound to create confusion. The political parties have changed since the early decades of independence, but for their name for some, and with different names for others, one does not find a semblance of their original identity.

To add to the woes of the voters a whole new generation of leaders has emerged who have no personal identification with the struggle for independence and the sacrifices it entailed. The voter therefore has a difficult task to select criterion to determine who they should vote for. It is therefore not surprising that in recent elections voters have returned a fractured mandate. They are neither inspired nor organised to clearly indicate their choices. There

were rare occasions when people knew what they wanted.

In an election where issues are not clearly defined, the voter is short of strategy and the votes are determined in terms of preferences for political party. In order to form a government, numbers in favour of a party assume importance, therefore choice of party candidates is also weighted on the perceived criterion of winnability of the aspirants. The candidates with money and muscle power tend to become favourites. When elections of the state legislatures coincide with parliament, party candidates for state legislative do extend a helping hand to candidate for the parliament. The parliamentary constituency covers 5 to 5.5 lakh population and 5 to 6 MLA constituencies, to cover even fraction of the voters personally by an MP candidate is a formidable task. For the voter also to access information about candidates, is not easy. Thus how is the voter to judge the relative merit of the individual candidates, and their background as good or bad, criminal or corrupt? There is also no provision for negative vote or black-ball candidates considered not worthy of being in the contest.

In order to make effective

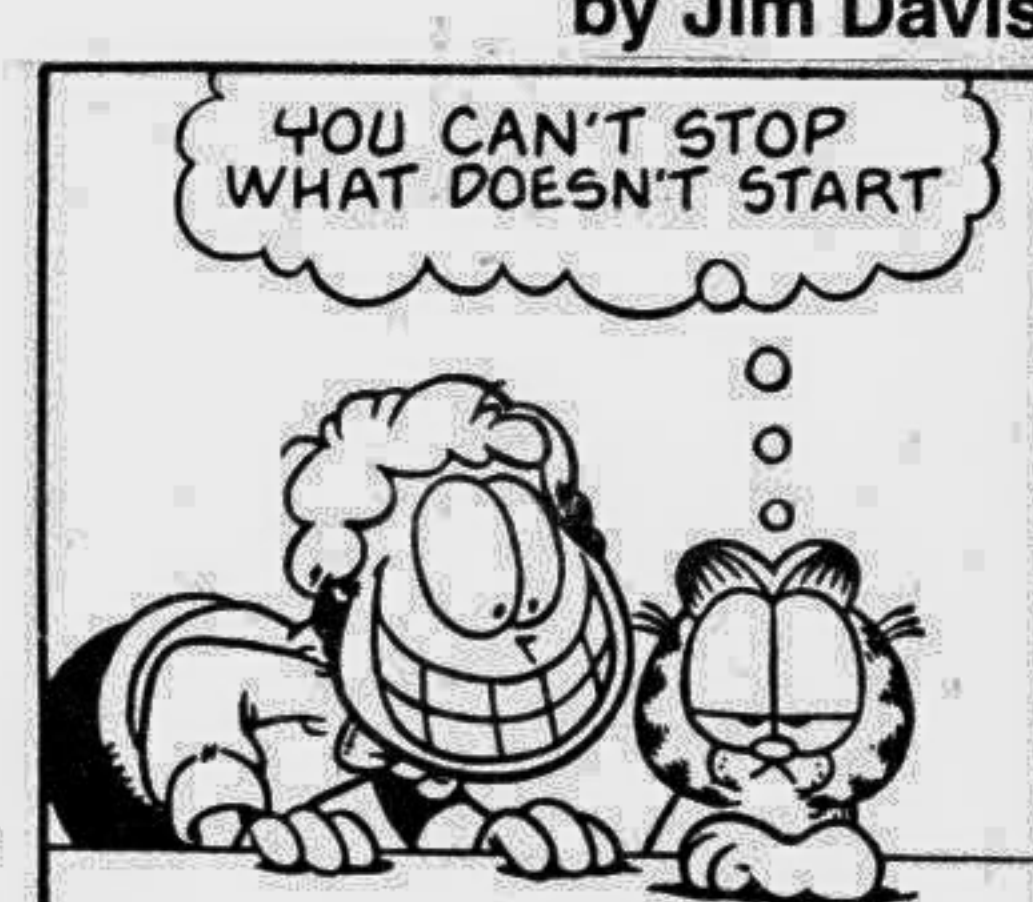
therefore the citizen has to take interest, establish own information network. One such method is to create voters' forum an organisation of citizens to provide a neutral-public-forum, of a manageable congregations for interaction, information and crystallizing priorities, irrespective of the party affiliations. The forum could also demand periodic performance evaluation and act as pressure group.

It is time that people are made aware of their responsibilities as the citizen to be alert, demanding, monitoring performance in order to mobilize opinion in favour of the deserving candidates rather than leaning on the political parties to hog the entire space in the political system. There is time to take initiative as the elections are on the anvil, and to form the voters forum quickly, activate them later to voice grievances. The forums' action plan could include updating voters list, and check the rolls for missing names, etc., interaction with the political leaders and help in enabling process of social engineering.

A certain amount of education, experience, and aptitude is required to organise such citizens' forums.

— Mandira
The author is a former Secretary of the Government of India.

Garfield®



by Jim Davis

