

Conflicts, Rule of Law and the UN

by Md Nurul Abedin

YESTERDAY was the United Nations Day. The UN has already completed more than 50 years of its existence and is now at the threshold of entering into the next millennium. Over the years, it had its trials and tribulations, success and shortfalls, achievements and accusations, pleasures and pathos, devotion and despair and appreciation and abuse. If, by chance, UN dies down tomorrow again the might of the muscle will govern the universe, a situation no one will aspire for.

Almost every nation is now member of the UN. This is unprecedented in human history. The plan of one place on Earth where all nations would meet and abuse, if, by chance, UN dies down tomorrow again the might of the muscle will govern the universe, a situation no one will aspire for.

A Regime of Law, contrasted to the Regime of Arms, presents new, challenging problems that are at times irritating. One large question is the composition and nature of the tribunal or agency that will make the decision. I think, choosing the procedures that will safeguard the independence and competence of the tribunals/agencies are very important. Another key ingredient of the Rule of Law is mutual trust. And it is in this context, dare I say, only a direct and open dealing with other nations on the most pressing problem of our time can bring us enduring cooperation and an effective community of purpose among the nations of the earth. Once the course of national convention and action is set in this direction by the example of the major powers of the world, differences among the nations will be resolved to their mutual satisfaction and the way towards true fraternity of nations will be open.

However, a legal question, as distinguished from a political one, has standards or guides to be employed and applied — precepts that have evolved as part of the general body of international law or that have been expressed in a treaty or convention. Moreover, a Rule of Law presupposes that the judges will represent a cross-section of the world community. No group — ideological, religious or racial — should be made ineligible. If it were, then the power structure that presently threatens to tear the world apart would continue to operate under the guise of law.

All nations have traditions of laws. Advocates and the jurists who are trained in the various systems are not usually vengeful. But the world does not yet have the same legal tradition at the level of international tribunals as we have at home. The International Court of Justice has an admirable record. The temptation is always great to manipulate an institution for one end or purpose. The Rule of Law defeats such a move — from whatever quarter it may be. Examples of Vietnam, Korea, Afghanistan, Namibia, Bangladesh, Kosovo and of late, East Timor lend credence to the fact that Regimes of Force do not bring about the necessary solutions but rather the Regimes of Law.

Military intervention in these countries have failed to achieve any objectives. It has not been possible to institutionalise military rule in any of the nations where it clamped down for the simple reason that it does not have the sanction of the Rule of Law and as such, of the people.

It is true that UN is not completely free from pitfalls — the important one being the imposition of the wills of superpowers, most of the times disregarding the viewpoints of the developing nations. Still, UN is the last hope for the suffering humanity.

It is true that the independence of many countries has been brought about by wars of national liberation. But the cost in terms of lives and properties lost has been so colossal that any man nowadays will prefer dialogue, between the concerned parties, to war as a means of achieving the independence. The price paid for any war of liberation is so high as to discourage war and encourage peaceful means for the attainment of any nation's independence.

This, however, calls for the avoidance of belligerent attitudes and instead adoption of legal norms by the parties involved as a means to resolve the international crisis. Had the parties concerned been dedicated to a Rule of Law rather than a Rule of Force, many issues like Berlin, Suez Canal, Kashmir, Panama Canal etc., could have gone to the International Court of Justice, or some other body for settlement. Consensus is an essential ingredient of a Rule of Law.

A consensus is implicit in every legal system. It is simply the choice of law as against the choice of force. In this atomic age, the people of the world can afford no more delay in finding formulae for submitting dis-

putes between nations to some court, committee, conference or arbiter for decision. For example, reference of the Vietnam crisis to the Geneva Conference, held in 1954, would have been quite in tune with the Rule of Law because Geneva Conference contained all of the ingredients of a procedure pursuant to it. There were also other ways of settling the Vietnam controversy pursuant to a Rule of Law.

Turning to the Security Council or to the General Assembly was another alternative. Articles 33, 37, 39 and 52 of UN Charter harp on the same tune so far as the settlement of disputes among the nations is concerned. Stipulations of these articles may be summed up as seeking solution to any dispute by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, reference to the Security Council or other peaceful means adopted by the nations concerned.

It is true that UN is not completely free from the pitfalls — the important one being the imposition of the wills of superpowers in disregard to the viewpoints of the developing nations. Still, UN is the last hope for the suffering humanity. It is a mechanism through which the member-states agree to act together. In the tall glass house of the UN, members of the UN family come together and confront and articulate the world's problems and possibilities as has never been done before. We now live in an era of change and realignment. The world is rushing into greater integration, driven mostly by market consideration and economic compulsion. The digital division (Information Technology) of the world between the North and the South, its adverse impact on poor rather than on rich nations, human security, illiteracy, unskilled human resources, population control, empowerment of women, communicable diseases, drug trafficking and drug-related problems, migration of the people, sustainable development, scarcity of fresh water and natural disasters are the main global issues which need to be addressed seriously in the next century for the survival of the mankind in a peaceful atmosphere.

The agency most suited to do so is the UN which can synthesise the divergent views on these issues and offer packages of work plans for implementation by the member-states with the cherished goal of making this planet livable one. And this planet will become a livable one. Only under such a situation the people and agencies, government, non-government and UN, can work seriously and sincerely to create a tension-free, hunger-free, poverty-free, illiteracy-free and disease-free world.

The writer is a former secretary to the Government of Bangladesh.

I remember the first time I saw him, it was in August 1972 in the Bangshaal Ahle Hadis Mosque. I was spending the first 3 days of my life with a *jamaat* from Aligarh University. A fair, handsome-looking man with graying hair, full bearded, dressed in white, with clear blue eyes, his appearance permeated an aura of confidence around him. He was the kind of personality you took a liking to immediately. Then I met him again at Kakrail Mosque and I learnt he was a consulting engineer and also one of the responsible persons of the *tabligh* work in Bangladesh.

Since then it has been a very close association, with so many memories, events, happenings, incidents. I benefited tremendously from his wise counsel both in mundane and spiritual matters. Haji Saheb or Sheikh Abdul Moqith, as many in the Arab world knew him, soon came to be my friend, guide and mentor.

He hailed from a sleepy village, Shobornopur of 24 Pargana, West Bengal. Scion of an illustrious family, his father was an engineer in Calcutta, he was the nephew of the famous Dr T Ahmed, founder of the Islamia Eye Hospital, his elder brothers were the late Justice Abdullah and Prof Abdul Mohsin Ahmed, the founder Principal of Rajshahi Engineering College.

I last saw him on the night of the 3rd October 1999. He shook his head and said with a smile, "Wasif you are putting on too much weight, watch it". We had a 27 years relationship. Alhaj Abdul Moqith Ahmed, at 83 was still the same dominating personality. Mellowed with age he needed help to walk around, yet he was in perfect control of situations, giving orders here, counseling there, conferring with his *shura*, looking after the guests, planning routes for *jamaats* that endlessly crisscrossed the country. He definitely did not look 83 and positively acted much younger. The spark was still there in his eyes, his mental faculties were functioning with amazing precision, no one could tell that the recovery from a cardiac complication a month ago. He was making preparations to go to Chittagong on a *tabligh* journey, little did anyone of us know it would be his last.

This was the way he always wanted to go, travelling in the path of Allah, making efforts for the *deen* of Islam, holding the banner of *Kalima* aloft, and inviting all to the *Hayat E Tayyaba* (the good life) as shown by the Holy Prophet Hazrat Muhammad *Sallallahu Alaihe Wa Sallam*. He was a silent soldier of Islam, unknown and unsung by the vast multitude of humanity. Yet he had an abiding love for all mankind, often we would find him engrossed in deep thought — how to save the people from the fires of Hell and how to take them to *Jannat*. How people will get *hidayat* (guidance). This was the thinking and the concern of all the *Ambiyas* (Prophets) *alaihi salaam*. For this he traveled far and wide, USA, Canada, England, Japan, parts of Europe, South Africa, to 11 countries all over the East

A Tribute to Haji Abdul Moqith Saheb A Dayee (Inviter to Allah)

by Wasif Islam

African Coast, Australia, Fiji, Philippines, Thailand, Malaysia, Indonesia, Hong Kong, and a multitude of visits to India and Pakistan, not to mention innumerable trips to different parts of Bangladesh. I had the rare honour of accompanying him on many of his trips.

I still remember the first *Haj* we made together in 1979. We were returning from the USA with a ladies *jamaat*. My wife and I learnt so much from him and his wife, who was a graduate of Loreto College of Calcutta. She was equally committed to the cause of *deen* and had contributed much with her husband in initiating and establishing the work of *tabligh* amongst ladies, not only in Bangladesh but also in countries like Thailand, England, Malaysia and USA. Haji Saheb once told me, 'half of what I am is due to your *khalamma* (aunt)'. He had also said many times "I will either die in the lap

which is the Centre of *Tabligh* in England, the Yala Mosque in Thailand, he also advised in the building of the mosques in Marawi City, Philippines, Bangalore, expansion of the Bangladeshi Masjid, Delhi (the Centre of world *tabligh* activities) etc. etc. He was still running his consulting business till the end.

He was a loving husband and a doting father. He raised six sons and two daughters, all deeply religious and involved in the mission they have seen in their father and mother so passionately involved in. Two of his sons Maolana Abdul Barr and Maolana Abdul Haseb accompanied him in his last trip to Chittagong where he breathed his last holding the hands of Maolana Abdul Barr.

Apparently he had a massive MI early in the morning of 7th October while at the Lane Markaz at Love Lane, Chittagong and much against

Tahseen saw the pulse rate in the monitor drop from 80 to 50 to 20 to 0. The monitor was also showing a straight line. The valiant soldier of Islam who had made untiring efforts in his life, had fought his last battle and perhaps just then the angels of mercy were carrying his fragrant soul to his Creator.

Haji Saheb's personality always left an indelible mark on any one who had met him. He had an affable nature, a spontaneity of character, with an engaging smile. He always offered *salaam* first to young and old alike. If anyone fell sick he would go to visit him, if anyone died he would send his family members with food, if any one asked for financial assistance he would never refuse. He was always giving *hadiyas* (gifts) to foreigners who came for *tabligh* work to Kakrail mosque. He was very fast in repaying loans. He was always upright and straight forward in his dealings, he abhorred bribes, inter-

jecting what it is today, and put Bangladesh on the map of international Islamic activities. Not only would he desire utmost sacrifices of time, money and energy from his associates and friends but would also set personal examples of sacrifices himself. He had a resolute will and was an out and out perfectionist. He was a stickler for details, even the minutest things would not escape his attention. Just to remind us that he too was human, Allah had given him a quick temper, when angered his lips would quiver and many a stalwarts could not stand grounds in front of him. The day he died his gatekeeper was weeping, saying sometime back, Huzoor had come home and he found the front gate open and I was not around. When I came he hit me on the back with his stick. A few days later Huzoor was stuffing a 100 taka bill in my hands and was saying "I hit you the other day, have you forgiven me?"

He was an avid student of Islam, taking notes of all lectures given by the elders and scholars. He would attend all the collective programmes in *ijtemas*, in spite of his old age and illness. He was particular and assiduous regarding adhering to each and every *sunnah*, he was still memorising *doas* for different occasions. After *tahajjud* prayers he would be seen stooped in studying the *tafsir* of the Holy Quran. His lifestyle was spartan and simple, his bed was a hard *chouki*, he wore coarse white clothes, a *lungi* with *kurti* or *chadar*. He would feed his family simple and frugal meals but would fix up a *dasterkhuwan* fit for kings when he would invite guests.

He was a source of inspiration for all of us, young and old, specially for the *tabligh* workers all over the world. He made special contributions towards involving the newly converted afro-American Muslims in the work of *tabligh*. He understood them very well and always advised me to look after their requirements when they came to Bangladesh. Always a *dayee*, many people after the world accepted Islam in his hands, I have no words to describe the sense of loss at his sudden demise. The only satisfaction is that he died as a *shahide*, in the path of Allah on a Friday. He was washed at the Love Lane Masjid in Chittagong and shrouded with his old *lungi* and *chadars* as was his desire. His body was brought to his house at Topkhana. There I had the opportunity to put perfume on him and to kiss his forehead. His face looked very peaceful. His *jannaza*, amidst sobs and suppressed weeping, was held at the Tongi *Ijtema* fields after *Isha salaah*, attended by all the old workers of the country, as there was *for* (gathering), and also by elders of Riward and Nizamuddin who had come for the *for*. He was buried the same evening at Azimpur as per his wish in the common graveyard just beside him for over 50 years. Today, the whole world mourns him, telephone calls, letters, faxes and emails poured in from all over reminding us that our dear Haji Saheb is no longer with us. Inna Lillahi Wa Inna Ilahe Raajeon.

MILESTONES	
Born	8th December 1917, Shobornopur, West Bengal
Marriage	1943
Joined <i>Tabligh</i> activities	1946
Migrated to Dhaka	1948
Joined Govt Services as Assist Engineer Design	1949
First trip to USA in <i>Jamaat</i>	1956
Resigned from service	1958
Started Engineering Consultancy	1959
Started construction of Kakrail Mosque	1960
Appointed as member of Shura of then East Pakistan	1960
Took first ladies <i>Jammat</i> to England	1978
First ladies <i>Jammat</i> to USA	1979
First heart attack in Atlanta, USA while in <i>Jamaat</i>	1985
Inducted into the International Shura	1995
Death of his wife	1997
Last <i>Tabligh</i> journey	4th Oct 1999 to Chittagong
Died	7:45 am on 8th October 1999 at Chittagong Hospital

of my wife (as Rasullullah had done) or I will die in the path of Allah." So Allah in His infinite wisdom chose for him the latter course.

He was a very fine engineer from the famous Shibpur College of Engineering. The late Mr Rafiqul Haque of Sandwip, who was my first boss and a civil engineer himself used to say "Haji Abdul Moqith is the best structural engineer in the sub-continent." We are still using the bridges he designed all over the country when he was serving the government. The 20-storied secretariat building was designed by him, so were innumerable mosques all over the country, for which he never took payments. The beautiful Market, the impressive Turkish style *minaret* at Lalbagh madrasah, the famous Kakrail Mosque with its unique architecture are all standing tribute to his successful professional achievements. Abroad, he designed the Dewsbury Mosque

his will he was taken to the Chittagong Hospital. The whole day he hung precariously on to life, never missing even one *salaat*. Whenever he would come out of the effects of morphine he would be his usual self, making 'fkr' about the work. One of the last things he said was to make all out efforts to spread good deeds. He woke before *fajr* and was waiting for the time of *fajr* to start. His son advised him to only make *fard* but he said "I can still make *sunnahs*, so he made his *sunnat* and *fard salaah* then he felt severe pain in his chest. The doctor was called and he was given some injections. He fell asleep. He got up at 7:15 am and was feeling restless. Maolana Abdul Barr was beside him, the doctor was called by Dr Nafees, Tahseen, who was in his *khidmat* and Maolana Abdul Barr started to make *talqeen* of the *Kalima* (reciting *Kalima* out loud). He held both of them with his two hands and squeezed as if making a final effort to get out of the grip of the Angel of death.

est etc. He had an uncanny knack for remembering names and faces and places. He was kind and gentle of heart. Many times I noticed him to be visibly moved if he would hear about the distress of others. Above all he wanted to make this a better world for all of us to live in. Free from strife and corruption, free from hypocrisy and hate, a saner, purer, more humane society the foundations of which had been laid by the Holy Prophet Hazrat Muhammad *Sallallahu Alaihe Wa Sallam*.

To my mind Haji Saheb was an embodiment of the *hadis*: the Prophet *Sallallahu Alaihe Wa Sallam* was asked who should we associate with? He replied, the person, when you see him you are reminded of Allah, when he acts you are reminded of the hereafter and when he speaks your knowledge is increased.

With his burning desire to better the best, he was instrumental and did pioneering work to make the annual Tongi

EAST TIMOR CRISIS

On Defensibility of Howard Doctrine

by A B M S Zahur

EVER since the occupation of East Timor by Indonesia (1975) the East Timorese could never accept the Indonesian rule. As such the East Timorese used to receive harsh treatment from Jakarta's military regime of Gen Suharto. This highly corrupt and inefficient regime could never recognise the importance of democratic rights of the people. Not to speak of the East Timorese, even the Indonesians in general were so terrified about the regime that they never dared to discuss or criticise their government's actions or policies publicly even abroad. Thus Indonesians remained subjects, could never become citizens, of Indonesia in true sense. Its armed forces never learnt what is democratic right of the people. Indonesia is passing through a great economic crisis. Though signs of recovery may be apparent the progress is slower as compared to other ASEAN nations. Economic distress led to the fall of Suharto regime and the installation of B J Habibie as its President.

President Habibie appeared to be more realistic and democratic than any of the past presidents of Indonesia. His long and close association with Suharto enabled him to assess the political situation of Indonesia more accurately than other cronies of Suharto. Thus we saw the possibility of gaining democratic rights by the Indonesians for the first time. He rightly understood that East Timor was not an asset for Indonesia.

In the present circumstances Indonesia can hardly survive without strong IMF support and sympathy from the western world, particularly USA. Thus assumption of a liability like East Timor was certainly not wise or practicable.

With the departure of the Portuguese the guerillas (Frelintil) declared independence of the democratic republic of Timor. They approached Australia to desist Indonesia from annexing East Timor. Due to close Indonesia-USA relationship Australia could not take any appropriate step to stop Indonesia from annexing East Timor. However, Australia remained always sympathetic to the suffering of the East Timorese in the hands of the military regime of Suharto despite Australian recognition of annexation of East Timor by Indonesia in 1976.

The military government of Indonesia spared no pains to crush the spirit of independence of the East Timorese. The Frelintil, however, never gave up and continued their struggle for freedom for long twenty-four years. Of course East Timorese had to pay heavily for this. About 25 per cent of their population (0.8 million) was wiped out. The courage and conviction of President Habibie made it possible for the East Timorese to express their desire to live by rejecting the offer for broad autonomy and special status than as a nation. The past Indonesian President tried hard to convince his people to accept

that resolving the crisis of East Timor was crucial to Indonesia in restoring good relations with the international community and its neighbour Australia, which has been sharply critical of Jakarta's handling of the crisis.

It appears that it may take some time to set up civil administration to be run by the East Timorese. East Timorese leader Xanana Gusmao, released by Jakarta after seven years in jail, ruled out setting up of a government in exile. Instead he desired to work in the framework of the UN to set up an administration during the phase that would lead up to independence. Meanwhile, Indonesians have elected new President Abdurrahman Wahid and the new administration is reportedly in favour of independence of East Timor. Gusmao is supposed to start framing the administration of East Timor as he has returned to Dili.

Honouring the vote was not easy. Indonesia agreed to accept an international peace keeping force only under international pressure, particularly tremendous pressure from US. The UNSC authorised multinational force (up to 7000) to restore order in East Timor. Australia took the lead both in arguing and preparing for a UN-sponsored intervention force. Britain, France and New Zealand agreed to send some force. Thailand, Singapore, Malaysia, the Philippines, Fiji, South Korea, Bangladesh, Canada, France, and Argentina also

offered to send force. President Clinton pledged a limited presence of hundred of troops to handle air lifts, transport, logistics, communications and intelligence.

USA is constantly monitoring the developments toward restoration of peace and setting up of civil government in Dili. It is now fully supporting the Australian effort to rehabilitate the displaced and terrified East Timorese in a hostile environment. Initially Australia expected some cooperation from the Indonesian military in the matter. Instead, they had to face a hostile attitude, particularly from the Indonesian army-backed pro-Indonesia militias. Even if open confrontation between Australian troops and the Indonesian military is ruled out small clashes between the Australian forces and the pro-Indonesia militias may occur any time particularly near the border of East-West Timor.

Surprisingly, some political analysts in Western Europe did not appreciate the Australian initiative to achieve independence by the East Timorese. They apprehended such move would not be favoured by the Asian countries. This is absolutely wrong. It is felt that such apprehension be cleared if the following points are considered:

- East Timor crisis is more a humanitarian issue than a political issue;
- Indonesia annexed East Timor forcibly and UN never

recognised the Indonesian annexation;

- More than 75 per cent of the East Timorese expressed their wish for independence;
- The UNSC unanimously authorised a multinational force to restore order in East Timor;
- Australian initiative was supported by the ASEAN and other countries such as Bangladesh, Fiji, Pakistan;
- As a rich and developed country of the region only Australia has the capability to handle such a stupendous and expensive operation in the shortest possible time;
- It is time that Australia plays its proper role in the region. She is not supposed to live in isolation in these present days of globalisation;
- Australia has a reputation as a peace-loving nation;
- It is Australia which cried with the East Timorese, shared their anguish and felt their despair. Thus Australia has the moral right to take initiative in restoring peace in East Timor.
- Australia is only interested in developing good relationship with her Asian neighbours. No longer she looks much toward Europe. In fact Australian move is encouraging for the smaller Asian nations.
- All the democratic nations of the region, particularly the ASEAN countries may have to play a greater role in attaining peace for the East Timorese now and in future.

The writer is a retired Joint Secretary.

The Imitative Society

by A Husnain

AT present we are passing through the typical phase of an imitative society in a developing country. Japan in 1965 was passing through a similar phase. As I found out during my stay in Tokyo for a few months. They were using well-known foreign brands of products. While they carried Zeiss camera and Parker fountain pen, I bought a Japanese reflex camera; and they were asking me how I liked the Japanese product. During the next decade quality Japanese goods flooded the international markets; their industries having recovered from the after-effects of World War II.

The consumers of rich Malaysia would not touch local products during the 1980s; even their car tyres had to be imported — made of Malaysian rubber! Developing countries have the materialistic mania, distorting the plain philosophy of life. It is not that simple to be original and different every decade in a civilization thousands of years old. There are many new shops in Dhaka which do not sell *deshi* (local) products (visit any posh shopping centre); and many nouveau riche who prefer exotic foreign food which has the true taste in name only, and the palate cannot detect it. In India, the liberated new generation prefer the American style of life compared to the English (the Coke and jeans culture).

Coming back to Dhaka, the other evening I witnessed the

lynching of a young man trying to rob a passing lady, who was caught (out of a gang of three) when his escaping auto-rickshaw overturned. He was beaten senseless and then taken to the nearby Mohammadpur thana by the police. Several such cases take place daily in all the big towns in the country.

The culture of anarchy took roots during the combined political street movement to oust the autocratic regime in 1990. This syndrome of street agitation and lawlessness has continued till today, and infiltrated into the other layers of the society. The technique is being imitated and applied blindly even where it should not be applied.

This culture of aggressive dissent (affecting the innocent not connected with the movement) was reinforced by the opposition hartals (180 of them) during the mid-90s; and the current opposition is following the same pattern today. The CBAs and other labour and service bodies are resorting to road blockades on the slightest grievance, threatening with 'greater movement' ultimatums. Even the 'authority' is imitating the road-block technique!

Some groups show the way, and later become the victim of their own violent tool. Violence always returns, like a boomerang; as the Bosnia reprisal is now seen in Kosovo, with the disintegration of the

truncated former Yugoslavia operating from Belgrade.

The pattern we see all over the world is anarchy, indiscipline, violence, terrorism, political instability and upheavals, religious and communal conflicts. Many of these distorted patterns are reflected in the Bangladesh and the neighbouring societies in the South Asian region.

The politicians have a major responsibility for such breakdowns in societies, as they wield unmatched power and influence in the developing societies. Their initial initiative to start the show was successful, but the later attempts to contain violence, indiscipline and lawlessness are proving to be too elusive. Hartal is an imitative culture. It is also a sign that the communication gap between the dissenting groups has increased, and the imposition of hartals is one way of sending a communication, to force the message to get through with the proper impact. There is oversensitivity, under-sensitivity, and it is a language problem. The other party has to be told in the language it understands, the normal and standard signs and efforts having failed. There is a backlash in enforced and coercive hartals, and it may be fatal in frequent doses, and may act in the opposite way. There is another negative aspect, those who are not involved or interested are also roped in, under various threats, which are totally undemocratic.

TOM & JERRY



By Hanna-Barbera

