

Medical ethics

A reminder of the Hippocratic oath

WHAT could be a better occasion for the chief adviser to caretaker government to counsel the new generation of doctors about medical ethics than the 10th Convocation of Bangladesh College of Physicians and Surgeons (BCPS) held in the city on Saturday? Keeping in mind the glorious tradition of the medical profession in these parts and seized of the erosion of that legacy through a degree of commercialisation, the physicians' somewhat tarred image needs to be positively enhanced. He talked about qualities of a good doctor like treating patients with compassion, setting examples of humane conduct, protecting dignity and privacy of patients and abiding by the principles of medical ethics.

In a way, we believe, the CA was reminding the physicians present at the convocation about the Hippocratic oath they take after acquiring their degrees. The oath inculcates basic ethics in the minds of the healers early on, since relieving humans of great pain of the body and mind demands something more than a commonplace commitment. There is no denying that the bulk of the work of a doctor falls within the category of humanitarian service.

Maintaining transparency and professional efficiency while treating patients, and keeping up-to-date with latest knowledge and technology to be able to apply them are some other important concerns exercising the minds of the people.

It, however, needs to be mentioned that barring notable exceptions, the health care service situation of the country and the conduct of some physicians continue to disappoint the service seekers. Conspicuous absence of doctors at rural health centres; doing private practice during hospital hours; advising patients to undergo unnecessary tests and even surgery are only a few of the major allegations against physicians that we hear quite regularly. At the same time, stories abound of government hospitals and health centres lacking modern diagnostic equipment and qualified technicians to run them; dismal condition of the laboratories and pilferage of medicine, X-Ray plates and other supplies from stores.

We hope the young professionals of today will correctly perceive the imperative of rising above the mundane to improve health service in the country. The nation that has to invest so much to make a single doctor expects the minimum in return.

Doubling of overseas employment

But have the working conditions improved?

IT is very good news that according to government figures, overseas employment of Bangladeshis in 2007 has doubled over 2006. By implication, therefore, we can assume that remittances in this account must have also increased proportionately. And that is what compels us to posit the question whether the conditions of our workers abroad have improved correspondingly in the last one year?

We are saddened by the news that appear regularly in the media about the plight of Bangladeshis who seek greener pastures abroad, getting a raw deal in the process. And it seems that there is very little that we are able to do to ameliorate their sufferings. Some of them run up huge debts for a job abroad.

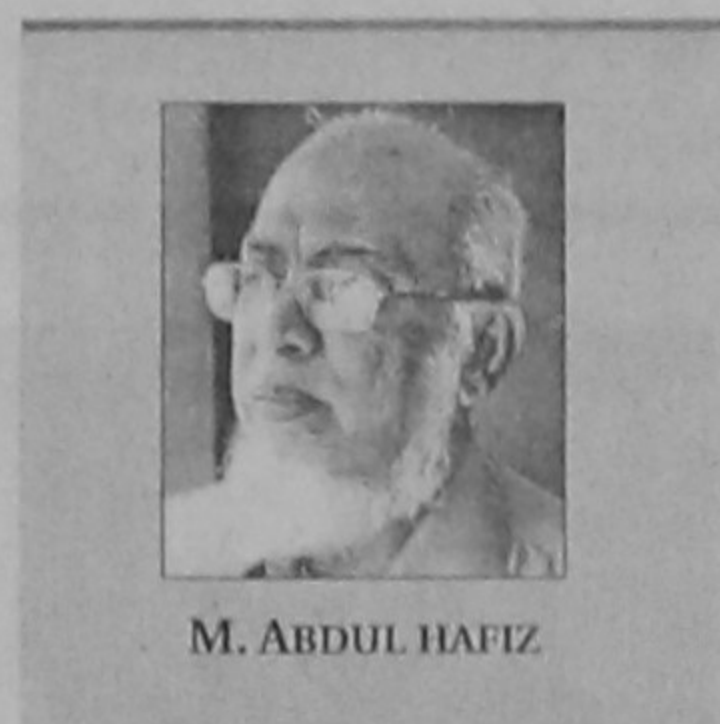
The ordeal of the migrant workers starts from home, when they are forced to cough up double the amount fixed by the government for all the relevant documents including their airline ticket, to the manpower agencies. This is a fact known to all yet there has been no effort to put an end to the agencies' unethical practice. And even then not all the relevant papers are found to be in order when the workers land up in the host country.

Even worse is the ordeal in the receiving country where obscure and unclear terms of employment land these workers in jobs that they did not barter their life's savings and energy for. The case in point is the sordid tale of 34 workers returned home from Malaysia, having suffered not only at the hands of their employer but also, as alleged by them, torture at the hands of the immigration police. Such behaviour meted out to our workers cannot be countenanced by any self-respecting nation, and neither should we.

It is also seen that sometimes our workers fall foul of the law. That is why it is very important that our migrant workers are fully briefed and made conversant with local laws and customs before they take up their post, of whatever definition that might be.

We are heartened by the news that the government is sending a high-level delegation to the largest employer of Bangladeshi workers, Saudi Arabia, to iron out matters related to our workers there. We suggest that delegations be also sent to all the major employing countries of Bangladeshi manpower to ensure that their job related problems are resolved for good.

NGOs: A 'new class' shaping the international system?



M. ABDUL HAFIZ

THE international community is, today, witnessing an interesting devolution of power-hitherto unfamiliar to mankind -- with the vital parts of the states' authority shifting to agencies, organisations like business cartels, international organisations (IO), non-government organisations (NGO), and a myriad other citizens' groups that have emerged as a "new class" in international relations shaping a spanning new global system.

With the advent of national states with the treaty of Westphalia in 1648, the concentration of power in their hands in practically over, and the absolutism of the state system with territorial boundary as guarantee is also withering away. In one of the most influential pieces included in the January/February (1997) issue of the prestigious US journal "Foreign Affairs," Jessica Tuchman Mathews called such a power shift "a novel redistribution of power" in which the nation-state has to inevitably lose its traditional autonomy in a globalised economy.

Indeed, with the governments in

PERSPECTIVES

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decline and war obsolete at the end of the Cold War, a different world was already in the offing, as was argued by Francis Fukuyama in his "end-of-history" hypothesis. Added to that has been the computer and tele-communications revolutionised by the fax-machine, e-mail, satellite hook-up, and internet connections which broke the governments' exclusive hold on the collection and distribution of information. As a result, a global network of business and NGOs could easily assume the responsibility for political, social and security issues.

Increasingly, resources like money, information and popular culture, as well as threats like pollution, terrorism and drug trafficking, freely circulate and shape lives without regards for political boundaries. Thus, an emerging global standard of conduct begins to override the claim of national singularity. These facile changes undeniably catalyse a relative decline of the nation state and portend the rise of non-state entities, which overpower state machineries with surprising ease.

The power shift from a national government to an alliance of for-profit and non-profit NGOs, today's powerful non-state actors, is not

without precedent. The British East India Company ran a sub-continent in flying colour, and the activities of some influential NGOs date back more than a century. Britain's history of imperial commercial exploitation linked to Christian evangelism can be a case in point.

The destiny of NGOs in a globalised post Cold War is no less manifest in developing countries. Today, the NGOs deliver more official development assistance than the entire UN system (excluding the World Bank and IMF).

In many countries, it is argued, they are delivering the services that the faltering governments can no longer manage to. Such models of NGO supremacy in places such as Bangladesh and Angola may eventually be applied to developed countries also. In a number of political controversies, the NGOs had successfully conducted lobbying campaigns resulting in a change of government policy even in the industrialised West.

trade for years. Obviously, technology has been shifting financial clout from the state to the market because the state can no longer match the transaction.

While national governments set the economic rules, the markets are setting the de facto rules, which can be disregarded only at the cost of losing vital foreign capital and technology, and domestic jobs.

As regards IOs, they were once institutions of the state, by the state and for the state. The states had been circumspect in keeping them on a leash so that they couldn't become too powerful and start interfering in the states' domestic affairs. The IOs were given more and more responsibility, but limited mandate and inadequate funding. It's no more the same. The IOs are now building constituencies of their own and trying to establish direct connection with the people of the world, thus undermining the states' hitherto preserved credibility.

In the meantime, the IOs' collaboration with regimes and inter-governmental institutions dealing with human rights, trade, narcotics, corruption, crimes, refugee, terrorism, arm control and democracy has multiplied manifold, leading to the erosion of the states' autonomy

in these fields. Since the end of the cold war, national governments have succumbed to the pressure of what has now become a convention of election monitoring. The practice has been inexorably denting the states' authority, because such monitoring is no more an exercise in passive observation. It is now carried out by a closely-knit mix of IOs involving large foreign presence, and dispensation of expertise for details like voter registration, campaign law, and even training for the election-conducting officials.

The international financial institutions have interfered rather too starkly into countries' domestic affairs. They attach stringent conditions to loans concerning the recipient government's policy on poverty, the environment, and even military spending, the sacrosanct domain of a nation state.

The new policies allow the World Bank, IMF and other financial institutions to forge alliances with businesses, NGOs and civil societies for achieving broad changes in target countries.

However, the biggest challenge to state authority is perhaps posed by about 35,000 NGOs in the developing countries. This is not because of their sheer numbers but because of their financial resources, efficiency and expertise, which exceed those of smaller governments and the IOs.

In many countries they deliver services in development, education and health that even average governments around the world are incapable of doing. With all the plusses at their dis-

posal, the NGOs are now able to push around even large governments. On the eve of the signing of the North American Free Trade Agreement, citizens' groups compelled the signatories to make provisions for health and safety, trans-border pollution, and so on.

Although a potential backlash to such dominance by the non-state entities cannot be ruled out, and the risk of an emotional, cultural and political earthquake does exist, the transformation of NGO and corporate supremacy into real power centres is a reality of the moment.

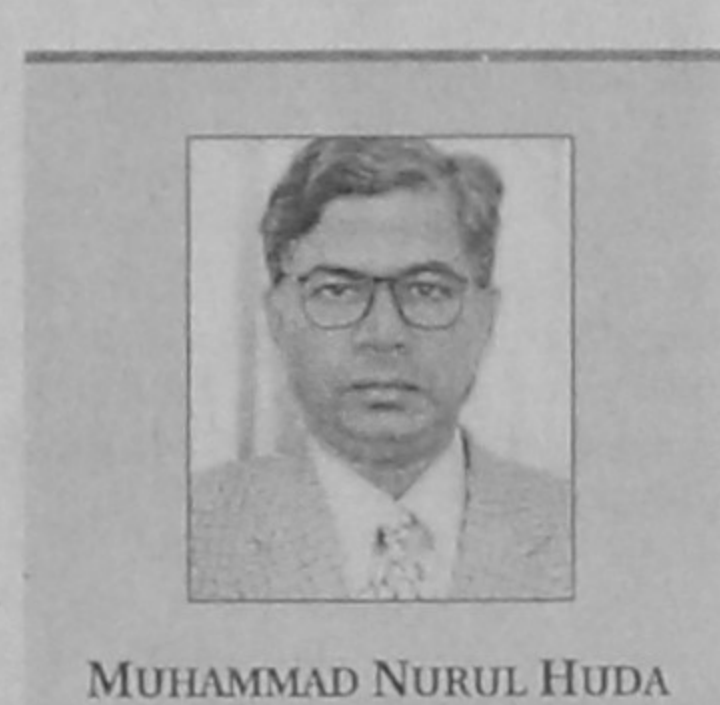
After three and half centuries of the nation-state system, it is difficult to imagine entities that could compete with the emotional attachment of a shared landscape, national history, language flag and currency -- let alone allowing it to happen. Yet, it is happening, and the Westphalian arrangements are crumbling.

Many think that a world which is more adaptable, and in which power is more diffused, could mean more peace, justice, and capacity to manage the burgeoning interconnected problems of mankind. There are others who think that continuing globalisation will spark a vigorous reasserting of cultural and economic nationalism.

In any event, the incipient clash between the two trends is likely to escalate. If the current trends continue, the international system -- say 50 years hence -- will be profoundly different. How and where the nation-states settle down in that milieu is to be seen.

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The elusive search for international law against terrorism



MUHAMMAD NURUL HUDA

THERE are credible reasons to believe that terrorism afflicts the whole world, and has acquired the dimension of an industry. It has become an instrument of international politics. In fact, there are clear instances to prove that armed groups patronised by the superpowers have become armed mercenaries with little or no respect for international borders. The Taliban is a case in point.

It is indeed distressing that there is no single multilateral treaty which can claim to arrest and control the rise of international terrorism. In fact, there is no effective multilateral legal remedy to terrorism.

Many countries have turned, at one time or the other, to international law as a refuge against terrorism. Their interest has been sporadic and inconsistent, and not much is heard after the initial shock subsides.

It is interesting to note that contemporary terrorism transgresses international borders with impunity. It has also made profitable use of the so-called third party route. A third party route has essentially meant bringing in outside players to put pressure on interested parties or governments. Thus, an airliner carrying passengers of many nationalities is hijacked in order

STRAIGHT LINE

Frustrated with the lack of serious efforts to enact a workable and effective international law on terrorism, states like US and Israel have gone in for "coercive responses." Such coercive measures could be wrong or illegitimate, and indeed they have been. One has to remember that it is impossible to measure the degree of consistency of a terrorist strike, or assess how much action is "proportional" to balance the attack.

that governments representing those passengers put pressure on the target government to accede with the demands of the hijackers.

The path to the drafting of an international law on terrorism has been difficult, to say the least. Often, the efforts to understand the cause of terrorism have been an impediment to the process of combating it.

It was not appreciated that the study of the political or socio-economic causes of terrorism, would necessarily take a long time, and that the completion of the necessary protective measures could not be postponed pending the completion of the study.

The effective freezing of attempts to draft, at the international level, a law against terrorism was indeed distressing. This was so because there were clever maneuverings at UN level, designed to reduce terrorism to a political question and, thus, to prevent concrete measures from being drafted.

As of now, in the absence of an umbrella act/legislation/convention against terrorism, the only legal defence against terrorism today is a host of specific conventions and protocols. One must add here that international conventions are really of no help if they expressly have a

"political offence" clause that terrorists can take advantage of. To be specific, the law has to be unforgiving in that sense, which present day international conventions are not.

Frustrated with the lack of serious efforts to enact a workable and effective international law on terrorism, states like US and Israel have gone in for "coercive responses." Such coercive measures could be wrong or illegitimate, and indeed they have been. One has to remember that it is impossible to measure the degree of consistency of a terrorist strike, or assess how much action is "proportional" to balance the attack.

Having understood that the rules of war cannot always be applied to terrorism, and also in the aftermath of the World Trade Centre bombings and the emergence of Osama Bin Laden as a major threat, the UN finally saw the need for a global mechanism; a network of inter-related laws to tackle terrorism. The idea was to:

"Establish an ad-hoc committee to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement existing international instru-

ments... (and) to address means of further developing a comprehensive framework of conventions dealing with international terrorism."

Many countries have, in the past, lobbied for a comprehensive convention on international terrorism. India circulated a draft for this purpose at the United Nations General Assembly during its 51st session. The Indian draft spoke of the need to make it mandatory for countries to have, or to enact, laws domestically that makes all acts of terrorism for political purposes unjustifiable, "irrespective of the considerations, political, philosophical, ideological, racial, ethnic, religious or any other reason that may be invoked to justify them."

Sub-continent watchers are of the opinion that, with one eye on Pakistan, the Indian draft on terrorism makes it the duty of all states to refrain from "instigating, facilitating, financing, assisting or participating in the commission of terrorist offences" in other states, or even allowing its territory to be used for such purposes.

The Indian draft also links arms and narcotics trafficking with terrorism, and the use of so-called social and cultural organisations by

terrorists as a cover for their activities.

What is clear is that India considers a sweeping international law against terrorism an absolute must. By de-linking terrorism from political offences, India hopes to make enforcement measures stricter, more narrowly focused.

Extradition agreements have been suggested as one way of combating international terrorism. The success or failure of extradition, as an instrument to tackle terrorism, remains mired in the political will of the states concerned. Extradition, simply put, is the official surrender of a fugitive, regardless of his or her consent, to a requesting state.

Each extradition is a separate agreement under international law. There is no duty to extradite if a treaty does not exist. Nothing denies the right to extradite without a treaty. Extradition, therefore, is a purely subjective matter, and here-with lie both its strength and its weakness. If countries want, they can narrow down or even stifle the definition of "political offence" to make extradition of terrorists quicker.

Pragmatism indicates that, if extradition treaties are to be successful, governments must stop confounding themselves with delicate matters of legal interpretation. One may have to agree that a terrorist is a person who violently attacks "stable democracies in which the political process is available to redress legitimate grievances, and in which the judicial system provides fair treatment." Human rights groups will, however, continue to question the credibility of the fairness of the political regime and judicial institutions.

Under the circumstances, we

may consider, on a bilateral basis, entering into extradition treaties to defend our national interests. This is so because an international extradition law is perhaps an impractical proposition, particularly when one looks at the complexities of extradition. It has to be borne in mind that mutual advantage is the underlying motivation for extradition treaties.

We would do well to remember that all nations do not have a common interest in suppressing all forms of crime. Often the gravest terrorist crimes have confounded the courts. The contentious issue of whether extradition should take precedence over prosecution shall remain unresolved.

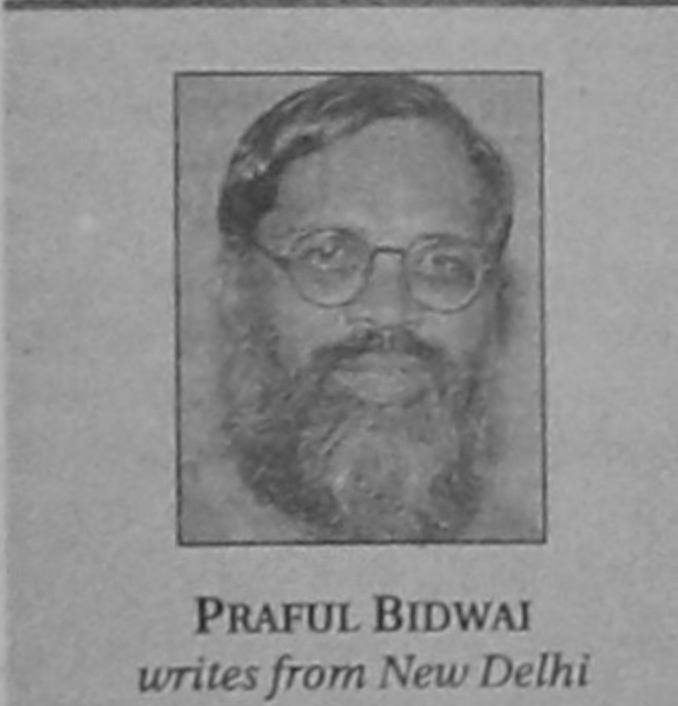
The debate to differentiate between activities motivated by political ideology and terrorist acts has deepened. The Interpol, the supposedly worldwide enforcement agency, stands seriously handicapped due to different governments' obduracy in agreeing with its version of right and wrong.

International diplomacy has become a product of national interest. Actually, it is a case of one country's national interest versus the others', and there is no space really for uniformity between nations. In fact, there is perhaps no real notion of a global offensive against terrorism.

There has to be a homegrown response to the terrorist challenge. This is so because, in dealing with crimes against humanity, international law will continue to be subject to global political interplay and economic interests than to the principles of unfettered justice. The focus has to be on self-help.

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EMI-SEZ salesmanship won't do



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THE PRAFUL BIDWAI COLUMN

Independent citizens' groups, and academics like Jean Dreze, have conducted several NREGA audits. They conclude that corruption can be substantially reduced, and employment targets met, through popular involvement, and proper attention to the schemes' location, application procedures, distribution of job cards, record-keeping, etc.

ment," "the right way" of shaking hands, and dressing up for television. The spokespersons got "capsules" on the India-US nuclear deal, Ram Setu and the Sachar Committee from TV-oriented Congressmen like Kapil Sibal and Salman Khursheed. A couple of journalists were thrown in too, to caution against "off-the-record" conversations and excessive drinking.

Amidst this image-polishing exercise, most participants forgot that an image derives from its object. If you don't have an inclusive economic policy, you can't sell Special Economic Zones by citing their (negligible) employment potential. If your decision-makers believe the only strategic-political

"game in town" is the American one, you shouldn't sell the India-US nuclear deal by claiming it's good for India's energy security (which it isn't).

You can't chant the Aam Aadmi slogan while giving tax-breaks to the rich and demanding lower EMIs (equalised monthly instalments) on housing loans for the upper classes, and saying nothing about the majority who don't even have a pucca house with a toilet.

The Congress hasn't risen beyond "SEZ-EMI" salesmanship. This won't win the votes of the majority.

The Congress-led United Progressive Alliance has pursued GDP-obsessed policies, which have increased inequalities and jeopardised millions of livelihoods -- from tribals in Orissa's and Chhattisgarh's mineral-rich tracts to farmers working lands being acquired for posh housing, to vegetable-hawkers and raddiwalas everywhere.

As organised retail grows, stores catering to the middle class are (under) selling vegetables at half their wholesale prices. Some retail chains are even offering Rs 25 for a kilo of old newspapers -- hitting some of India's hardest-working

people, who perform a valuable ecological function by recycling waste.

The greatest irony is, the UPA is only half-committed to its own progressive schemes. These include the National Rural Employment Guarantee Act -- now being extended from 200 districts in 2006 to all 600 districts -- the Right to Information Act, and the Forest Rights Act, which grants tribals modest plots of highly degraded forestland.

The NREGA can annually create 100 days of employment for each rural poor household. Admittedly, it needs improvement.

In 2006-07, 56 percent of below-poverty-line households got the promised employment -- a fair increase over the previous year's 41 percent. Yet, wherever the rules were followed, the results were good -- even in Rajasthan and Assam.

Elitists have crusaded against the NREGA, ridiculing it for spreading corruption without denting poverty. Some cite a provisional, limited report of the Comptroller and Auditor General, covering just 68

districts. A careful look at it shows that corruption can be greatly reduced through safeguards built into the Act's guidelines.

Independent citizens' groups, and academics like Jean Dreze, have conducted several NREGA audits. They conclude that corruption can be substantially reduced, and employment targets met, through popular involvement, and proper attention to the schemes' location, application procedures, distribution of job cards, record-keeping, etc.

A scheme like the NREGA needs the widest publicity on rural television/radio, with an emphasis on the right of the poor to work. It also needs dedicated bureaucrats willing to work with civil society, as well as a strong push from above.

That push is lacking. The government is foolishly advertising the scheme in English on BBC World! It hasn't generated the necessary will and administrative energy. Nor has it recognised obstacles to its implementation.

The rural rich, who seek to extract

more work from the poor, want to keep wages at starvation level by killing the opportunities the Act provides.

Similarly, many non-UPA states have done more to implement the Forest Rights Act than UPA states (barring Andhra). The UPA stands to lose electoral dividends from this measure. The RTI, too, has been weakened, with the bureaucracy whittling down its scope.

The UPA continues to drift Rightwards on foreign and security policy, too. India's "strategic partnership" with the US, and Israel, is growing just when these two are making the world more insecure. Meanwhile, India is losing stature in West Asia, Southeast and South Asia, and now in Africa.

Having agreed with the Left not to negotiate the US-India nuclear deal further, the UPA is caving in to pressure from the US to abide by a tight deadline to complete it for US Congress ratification.

Merits apart, this risks a mid-term election, for which the UPA doesn't seem to be prepared. After the elec-

tion, it may again need to tie up with the Left -- unless it wants to become dependent on Ms Mayawati.

The truth is, the Congress/UPA lacks a political strategy. It looks over the shoulder all the time and is afraid of taking bold populist measures in the best sense of that term -- putting the interests of the majority at the centre while mobilising mass energies.

Nor is the UPA remotely showing a sense of urgency in organisational matters. It has lost allies Telangana Rashtra Samiti and the MDMK. Its constituents in Bihar (Rashtriya Janata Dal-Lok Janashakti Party) and Tamil Nadu (the DMK-led alliance) peaked electorally in 2004.

It has to find new allies -- as Sonia Gandhi did four years ago with tireless efforts. The UPA should know that its adversaries, especially the BJP, have chinks in their armour -- despite appearances. It can take them on only by reaching out to the masses. At least, it shouldn't lose by default.

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