

Collective security and the use of force

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THE Iraq war has put the usefulness of the UN in a very difficult spot since its inception in 1945. After the Iraq war was launched by the US-led forces in March 2003, many questioned the need for a new institutional framework and vision that could marry prudent anticipatory self-defence against immediate (not perceived) threat to states.

The US and the UN provoked the question of legitimacy of the Iraq war. The US called it legitimate while the UN declared it illegal. The lack of legal clarity that it raised diminished the authority of the UN and to great extent the credibility of the US.

The US should have realized that a UN approval-seal on the Iraq war would have made US servicemen and women less vulnerable. The US went along with Britain and Australia and a few others. Large powers of Europe such as Germany and France opposed the war. Furthermore, the majority of people across the world including those of the US, Britain and Australia opposed the war.

Iraq war has no international legitimacy. International legitimacy demonstrates how the twin dimensions of legitimacy—principles of rightful membership and of rightful conduct—have been thought about in international affairs.

Legitimacy is not to be discovered simply by straightforward application of other norms, such as legality and morality. Instead, legitimacy is an inherently political condition. What determines legiti-

macy or not is as much the general political contemporary condition of international society at any one moment as the conformity of its specific actions in terms of rules of law.

Collective Action

The UN is the arena for collective action. That means any illegal armed attack on a member-state is considered to be an attack on all member-states and they take collective action.

It corresponds to "neighbourhood watch" program. All the neighbours feel threatened if a neighbour of a suburb is attacked and they take collective action. Articles 39 to 49 of Chapter VII of the UN Charter spell out the nature of collective action of the member-states against use of force of a non-member state through the Security Council.

Changing nature of threats

Out of the Iraq war, a larger question of the changing nature of threats in the modern world, the inadequacy of existing norms and laws in being able to address such threats, and thus the need for new "rules of game" to replace them comes up.

The nature of armed conflicts has changed. In recent times the line between war as a "political act" and organized criminality has become increasingly blurred. Former US President Clinton on 10th September 2001 spoke to a select gathering in Melbourne:

"The biggest security threat of the next 30 years, I think, is likely to be not countries going to war with each other or even lobbing missiles at each other. It is likely to come

from non-national actions from terrorists, narcotics, traffickers, organized criminals armed with sophisticated weapons."

Another factor of concern that has emerged is the resurgence of ethno-nationalism, often taking a violent form. Some ethnic groups have been prepared to pursue their claims for self-determination within the framework of existing states treating them essentially as claims for minority human rights protection but many others have made clear that they will be satisfied by nothing less than their nations becoming states. The proliferating availability of weaponry of every degree of sophistication has provided a new edge to these concerns.

Since the end of the Cold War, failed or fragile states have arguably become the single most important problem for international order.

It has been seen in many such states, extremist elements exist and promote their distorted version of ideology through terrorism. These states often are sources of many of the world's most serious problems, from poverty to drugs to AIDS.

Failed or fragile states are those that suffer from poor governance and incapability. Often their legitimacy of governments is questioned. Instability is largely caused by lack of democracy, and pluralism or meaningful popular political participation.

Lack of state capacity in countries has come to haunt the developed world much more directly. State collapse or weakness stretching from the Balkans through Caucasus, the Middle East, Central



Asia and South Asia, had created major humanitarian crisis.

Failed or fragile states undermine sovereignty because the problems that such states generate for themselves and for others vastly increase the likelihood that some powerful states will be tempted to intervene in their affairs against their wishes to forcibly fix the problem.

Another fact is that the world order is in transition. Although the US is the most powerful nation in the world, it cannot unilaterally force its action. For example, the US had to negotiate with North Korea on nuclear proliferation. It has serious constraints to take action on Iran.

Other nations also are powerless to act to change the events globally without the US. Some say the world order is in a status of hiatus or transition. It is neither unipolar nor multipolar world.

The basis of world order has arguably come under increasing strains in recent years due to the following among others:

- (a) growing gravity of threats rooted in elusive non-state actors including but not limited to terrorists
- (b) inter-connectedness of today's threats to security
- (c) absence of legitimate criteria for use of force
- (d) absence of agreed definition of terrorism
- (e) the growing access to weapons of mass destruction by non-state actors
- (f) threats originating from environmental degradation
- (g) disparity between the distribution of military, political

and economic power in the world. For example, Japan and Germany, the second and third largest economies of the world have no permanent place in the Security Council of the UN.

(h) the gap between the source of problems that are global and resources that are available are vested in states.

(i) the disparity of income of people between rich and poor countries and within countries

(j) the lack of unity in the Security Council among the veto-wielding permanent members

Against the background, the real challenge is how to institute and operate a workable collective security system. There are some intrinsic difficulties with the concept of collective security against elusive and unidentifiable non-state aggressors in advance.

Conclusion

The UN panel of wise men constituted by the UN Secretary General in 2003 came up with its report in 2005 on the use of force against a state. The panel makes the point that the use of force is not only legal but also legitimate.

Instead the panel proposed five criteria of legitimacy of use of force: (i) seriousness of threat, (ii) proper purpose, (iii) last resort, (iv) proportional means and (v) balance of consequences.

Any use of force against a state must be tested with these five bench-marks. In other words, international legitimacy must be maintained in any action of use of force.

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A free and fair election for nothing

ABU YOUSUF ZOBAYERULLAH

SINCE its inception 37 years back, Bangladesh has a very good track record of conducting free and fair election for the most part. All of these elections were under microscopic watch of the European Community, other international election monitoring agencies and human rights organizations. And it is they who ratify whether elections conducted were free and fair or not. The losing party might have stated some negative remarks but that did not resonate further from any other reckonable corner. Now the question is, what we practically achieved from all those well conducted free and fair elections? Could the people

our leadership, it is only the hyper, personally loyal mid level party leaders who practically turn democratic practice into democratic hooliganism. We all have to accept the fact that a looter cannot be a leader, nor can a true leader ever be a looter.

Let us analyze why so painfully conducted free and fair elections failed over and over again to fulfill democratic expectation of the people. Number one rationale is that, our political arena has been made so dirty that a good citizen with all leadership potential feels comfortable to stay away. In a democracy, trying to go to power is a legitimate effort for an independent candidate or for any political party. But in our

period of corrupt environment.

Corrupt environment is the killing ground for dynamic ideas, whereas honest environment (western world) acts as breeding ground for ideas and dynamism. Human perception is always subject to change under subtle manipulation of psychological warfare (psy ops) techniques. This is a faculty of knowledge confined to developed countries only. They are fortunate that their leadership conceived the idea of psy ops and now they have institutionalized it. Today a developed country solves its political, ideological or social problems at philosophical level, whereas for not having a clear comprehension about psy ops potentials, we try to

have to believe in the dynamism of change and new ideas.

The people of USA are voting Barack Obama because of one most important reason: he committed people for a change. He has a valid strategy which people believe, he has a very good chance of executing on ground. If we conduct seminar, workshop, symposium and keep asking people to rise against corruption, to come forward to stop corruption, to join an anti-corruption revolution or long march all are OK but the question is do we have a valid strategy to make them march forward or rise against corruption? If we fail to develop a genuine strategy with scalable and measurable result oriented model, all those that we are speaking in seminars are indeed wasting a "once in a life time opportunity" offered by nature.

After 1/11 we made visible success in hunting down the top corrupt tycoons but what have we achieved in changing the corrupt mindset or in creating honest environment? What change have we made in the perception of the voters in selecting honest leaders in future election of 2008? Under the circumstance, are we not proceeding towards the same direction where we had been grueling for last 37 years? The unfortunate reality is, protracted corrupt environment create leaders who can never see beyond parochial self-interest and an unquenchable thirst for wealth and power. Man in any capacity of power wants to be an institution by himself, none is interested to build an institution for the party or for the nation. That is why USA today can find lot of young leaders to lead their country as president, but alas! What to speak of the country, we do not even find an alternative to run our parties?

In the military, with the change of battlefield scenario, commanders have the prerogative to bring about a change in his combat teams according to the size, shape and situation of the target. In civil bureaucratic environment it is difficult to attain that flexibility. If by chance we accept that to ensure a better democratic environment we need to change the election perception of our people. In that case we need a well thought out and well organized campaign plan. The first expected question will be: who will tie the bell to the cat? There is no such ministry to do that kind of job. All our ministries have their specific charter of duty. And at the end of the day the worst and most pathetic question could be - do you think it is really possible to change the perception of the people? This is how dynamism of change goes into trash in the third world. If the boss does not understand or comprehend a thing, that can never be a good or practical idea - what a fallacy! If we need honest leadership for the development of our country there is no alternative but to change the political perception of our people. In absence of that, repetition of a free and fair election will always end up, never for something but for nothing.

A person's perception towards politics, political leaders or in selecting his future leader can be easily changed provided decision makers can revolutionize their insight on psy ops. Perception of general mass can be changed by applying modern techniques of psy ops. Even an illiterate can select the right kind of leader provided we help him choose the best without being biased. Decision makers

have to believe in the dynamism of change and new ideas.

The author is a freelancer.

Inclusion of Afghanistan in SAARC: from reluctance to sudden rush

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SOUTH Asian Association for Regional Cooperation (SAARC) set up in 1985, includes Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, Sri Lanka and Afghanistan. Afghanistan was incorporated as the eighth member during the 13th Summit of SAARC, which was held in Dhaka on 12-13 November, 2005. In the 14th SAARC Summit, Afghanistan was formally introduced in all the SAARC agreements, declaration, and legal documents by a Joint Declaration.

A study of the SAARC charter brings out a vital fact that there is no definition of what precisely constitutes South Asia. It is may be to the desire of "founding members" to leave a scope of expansion. Some scholars believe that geographically Afghanistan does not belong to South Asia, rather it is considered as a country of Central Asia; it does not belong to any grouping (SEATO, CENTO or in any Arab groups) and was a member of OIC (Organization of Islamic Conference) only. So, economic condition and political situation did not permit Afghanistan's incorporation into any other regional organization but South Asia. On the other hand, some also think that historically, culturally and geo-strategically Afghanistan is a part of South Asia.

Inclusion of Afghanistan has been an area of debate especially with the entry of NATO (North Atlantic Treaty Organization) troops into Afghanistan. However, the extension by incorporating Afghanistan as a full member and giving China, Japan, South Korea, Iran, the US, and the EU observer status is considered a milestone in the history of this association.

Intra-Regional Governmentality, Neo-Regionalism and the Extension of SAARC

Foucault deploys two sides to governmentality (at certain points Foucault also speaks of "the art of government"). The first notion is relevant here to discuss that is, the term pin-points a specific form of representation; government defines a discursive field in which exercising power is "rationalized". In this manner, government enables a problem to be addressed and offers certain strategies for handling the problem; it is also structure specific in this way. This is understood to include agencies, procedures, institutions, legal forms etc. that are intended to enable us to govern the objects and subjects of a political rationality". (Foucault, 1982a, 220-1). In this connection, if we consider the Foucaultian notion of "governmentality" in a broader sense, we can explain the expansion of regional association through

"intra-regional governmentality". Under this context, one or more powerful governments can discipline the less powerful governments within the structure or associational framework. Thus by expanding the framework they can influence, control and seek benefit from the newly elected members as well.

There is another view point that inclusion of Afghanistan in SAARC clearly demonstrated that South Asian region has stepped towards the framework of new regionalism. It emphasizes not only economic but also social and cultural networks that develop more quickly than the formal political cooperation at regional level (Hettne, 1994). Thus, the combination of the forces of neo-regionalism inspired SAARC to take the strategic initiative to enlarge it.

Politics at Systemic & Sub-systemic level

It was assumed before the election of Afghanistan that all the present members are not averse to having Afghanistan joining SAARC. Knowledgeable sources argue that Kabul itself was not fully ready for this (O.P. Shah, 2004). One of the reasons could be that SAARC membership may not be cost effective at a time when its main focus was on domestic stabilization and reconstruction. But after the election economic benefits are a strong driving force for the country to be included in this organization.

Moreover, the incorporation of a war ravaged country after long twenty-two years can be explained through politics at systemic and sub-systemic level. According to Ambassador (Retd) M. Shafiqullah, "the inclusion of Afghanistan as a member of SAARC is the result of the direct blessing of US and indirect blessing of India". This opinion is very much true because during the Taliban regime India was not confident enough to support the incorporation of a radical Muslim government into SAARC. But soon after the newly elected government, both India and Pakistan agreed to include Afghanistan as a member of SAARC under the influence of United States.

The present government of Afghanistan is pro-US and it can help US to involve in SAARC obliquely if it becomes a member. Though Pakistan does not have good relationship with the present Afghan government it could not oppose the decision of its inclusion because Pakistan is in the grip of US, and as US is in overall charge of the region in conducting the "War on Terror".

In this context, Major General (Retd) Ibrahim assumed that militarily United States, the world greatest power had divided the world under several commands (e.g. Central Command, Pacific Command etc.). The position of

Afghanistan falls under the area of US Central Command. After the election in Afghanistan, US wanted the war-ravaged country to be a part of an institutional framework which will posture the legitimacy of the pro-US government. Secondly, Afghans are more akin to the Pakistanis of the North-West Frontier Province (NWFP) or Baluchistan than Iranians or Iraqis.

The geo-political situation of Pakistan and Afghanistan in terms of military or terrorism is more or less similar. But, Afghans and Pakistanis do not see eye to eye. As a result, it is easier for India to have friendly relation with Afghanistan and keep pressure on Pakistan. Within SAARC, Pakistan thinks it has an ally called Afghanistan and India

member state.

It is clear that the incorporation of Afghanistan in SAARC is the eagerness of US to incorporate the war ravaged country under an institutional framework so that it can obtain legitimacy, which is explained by Foucault's concept of 'governmentality' in macro level. Moreover, various interests at the sub-systemic level also facilitated the expansion.

The Expectations

Pakistan and India think that Afghanistan will help both the countries in supplying energy and transit facilities to Central Asia. Moreover, given the devastation caused there by war for over two decades and the role the country



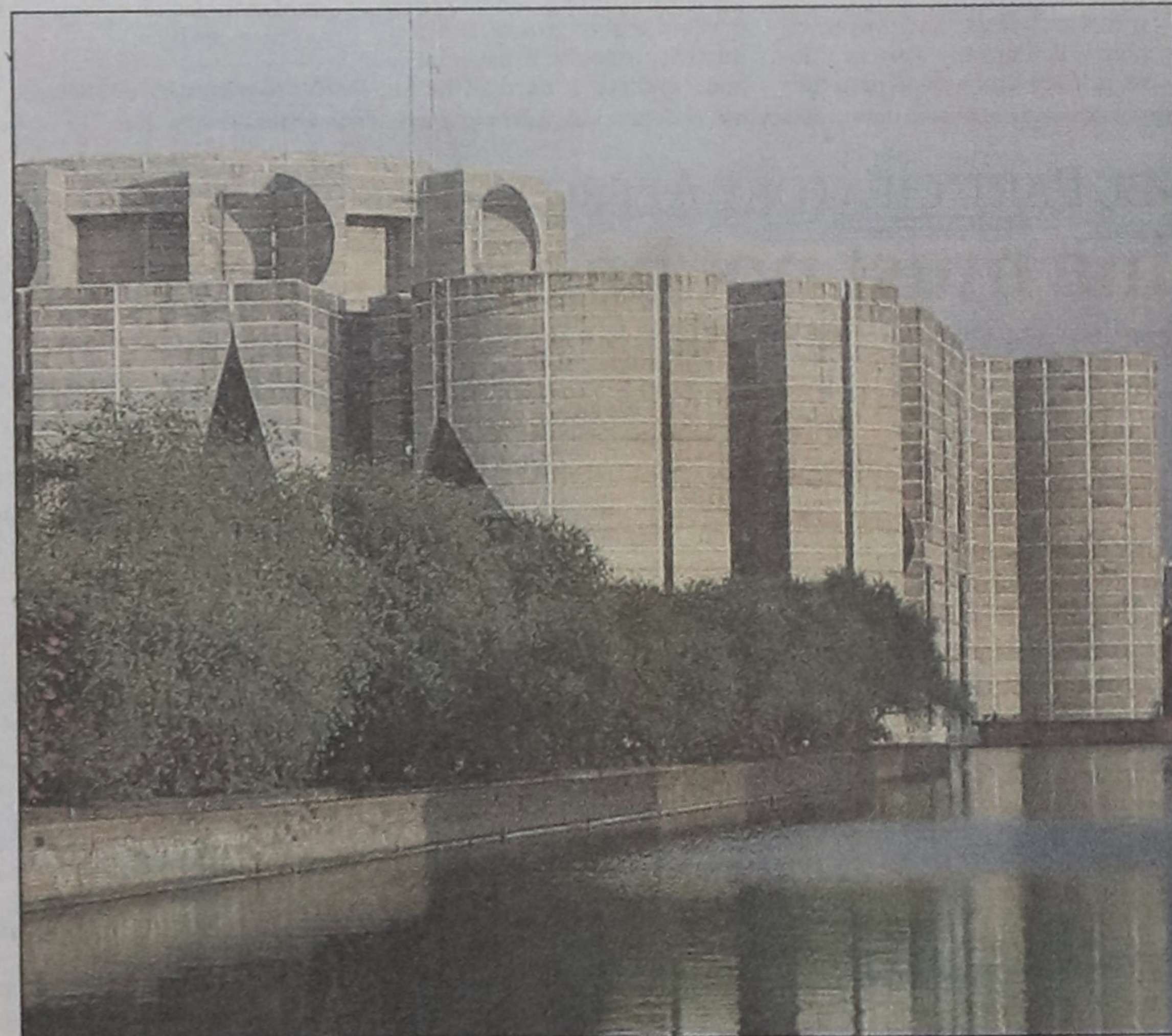
thinks it has an ally in Afghanistan. Chances are, being away from the Indian mainland Afghanistan will be able to develop an independent stance.

Identifying the reasons of such inclusion, Brig (Retd) Shahedul Anam Khan emphasizes more on geo-economic strategy rather than politics. From historical analysis it can be said that both India and Pakistan want friendly relationship with Afghanistan because it is linked to Central Asia which is rich in natural resources. The change of government (Taliban to Karzai) in Afghanistan made India more eager for its inclusion into SAARC. In South Asia opium and drugs are sent through Pakistan. Pakistan thought if Afghanistan becomes a member of SAARC then it will be easier to give pressure on the Karzai government so that the government can take appropriate stance to curb the narco-business. Moreover, Afghanistan will also enjoy a part of the development fund of SAARC as a

has acquired in any policy in the region to check terrorism, no move to pacify and conciliate South Asia is feasible without Afghanistan's active participation in it.

While talking about the expectations at the sub-systemic level, Ambassador (Retd) Mohammed Mohsin, former Foreign Secretary of Bangladesh thinks, "South Asia's should learn something from the experiences of the countries in today's EU. If South Asia's do succeed in their efforts for cooperation, it would perhaps be the largest Regional Grouping in the World and thus far exceeding the populations of EU and ASEAN and thus opening many scopes of cooperation leading to their increase economic, political & even military strength." Finally, prior to further expansion, member countries need to consider whether they will be opening the floodgates and whether they will be able to manage it.

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of this country fulfill their long-cherished aspirations? Could we institutionalize our political or ethical values? Some might say it is the opposite. They will point at the institutionalization of corruption at all levels under the cover of democratic practice.

We may wind up from the proverb that those elections were "free and fair, but fruitless in real terms". A bunch of hungry looters were released to loot the motherland for 35 years which we liberated shedding blood of 3 million people. There was probably a huge and constant miscalculation between national interest and party interest. A leader does not run the country alone. He/she needs a group of sane advisers; this is where we suffered the most. Every time we had leaders from a bunch of bottomless corrupt individuals. These extremely subtle hypocrites occupy the decision making positions and the resultant effect is the undue sufferings of the people. Finally, it leads to a landslide defeat of the ruling party at the end of their term. With due respect to

case, the style or the methodology adopted in going to power is the beginning of all the sufferings. The second rationale is, during nomination as part of election campaign plan, the selection committee prefers a musclemen than a benign intellectual who can apply multidimensional subterfuge to win over his/her seat and help the party into power. The third rationale is the aspect of the voters. A voter of a third world country chooses his leader on number of counts. One may vote a criminal candidate just because that candidate paid more money than the other. Voters may disregard a candidate's character just because of his party affiliation. A voter may choose to select a leader with the dirtiest possible character because of his personal acquaintance with him. Here consideration of selecting an honest leader is a far cry.

If we desire to get out of this predicament we need to adopt some dynamic steps, which is very easy to apply but very difficult to comprehend by decision makers, processed through a protracted

solve our perennial problems at physical level. That is why we often see the presence of law enforcing agencies on different occasions which is hardly seen in the developed world. If the general mass is not law abiding it is none of their fault, it is the leaders' who failed to make them law abiding. That way, a high percentage of people have become morally corrupt. The leaders failed to provide them an honest environment. We are probably yet failing miserably to conceive the strategy as to how to start a full throttle anti-corruption campaign with the purpose of creating an honest environment.

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