

Free and responsible media a pillar of strength

Ethics are what the media draws its sustenance from

FOR any country in the world, press freedom and the integrity of its functioning are a valuable, much-coveted asset. In Bangladesh it is more so, if only because our institutions themselves in a state of development. Whilst our aspirations for a liberal democratic society remain robust and intense, thanks to the popular movements we have been through, the equations between constituents of the state are as yet evolving raring to reach a state of equilibrium.

In such a context, independent, objective and responsible working of the media can play a catalytic role, it being a bridgehead to the people serving whom is the common goal of the parliament, executive, judiciary, and of course, the fourth estate i.e. the media.

For all practical purposes, free press is vital for a meaningful and effective functioning of the government of the day, especially in a context where the opposition is less than dynamic. But our purpose here is not to dilate on the virtues of press freedom but to look inward, into the institution of the media so as to measure our success or failure, collectively or individually in meeting the ethical challenge we are confronted with.

There has been an exponential growth in the media industry, both print and electronic, due to a spurt in investment riding on the crest of a multifaceted technological advancement. This is a highly welcome development, to be sure. Our capacity to reach readers and audiences is practically instantaneous giving us a power that obliges us to use it with a commensurate sense of responsibility. We seminally contribute to comprehension and understanding on the part of the people of the issues and events that affect them and shape their destiny. So, we are a vital part of the national thought process.

Our power also derives from the fact that historically we have enjoyed trust with the people, that again increases the burden of our responsibility a notch higher. We have to admit though that the human resource development and the training component of it have not moved apace with the exponential growth of the media industry. That is why we sometimes see distorted reports, motivated comments, demonstrative contemptuous behaviour and attempted abuse of media power. So there is an ethical deficit here which we must be alive to and do our best to mitigate, if we are to enjoy credibility with the readers and audience who are the bedrock of our existence.

Because we don't want any interference of the government (and we will fight it with all the power at our command, if it is attempted), it is all the more important that we devote the fullest measure of our energy and resource towards meeting the ethical challenge and improving the standards of professionalism in keeping with the expectations of the people. We must speak from the high moral ground, indefatigably and in order to be able to do that we should overcome the ethical deficit in us through sincerity, integrity and honesty of purpose and demonstrative patriotic zeal in our conduct.

Braving climate risk

Food security and alternative livelihood hold the key

BANGLADESH being one of the nations perilously exposed to the threat of climate change, it needs to develop strategies to cope with the unfolding climate change-related calamities like tidal surges, cyclones, floods, droughts, downpours and so on. And since it is the poor who always bear the brunt of these vagaries of nature, the coping or adaptation strategies must place their realities at the centre stage of climate change concerns.

In the circumstances, the coping and adaptation strategies will have to make provisions to reduce the risks the poor are exposed to and build their resilience in the face of the unfolding disasters.

One of the gravest risks to our population that would come in the wake of climate change is food shortage, since traditional farming will be severely affected resulting in crop failures. And with our food security already facing serious challenge from overpopulation, climate change threatens to render the situation more difficult.

Keeping all these complex issues in view, the government and its development partners have been developing various adaptation strategies, especially for the section of the population most vulnerable to the problem.

Recurrent tidal surges, floods, droughts, increasing salinity, etc will force people to change their settlement styles and livelihood patterns. The government organisations and other bodies working to help the vulnerable section of the population will have to provide them with housing facilities that can endure the floods and cyclones and alternative means of living suited to changed farming practices and other livelihood-related activities.

At a recently held workshop organised by a UK-based organisation named 'Practical Action, Bangladesh' in the city dedicated to helping the poor develop resilience against climate change, stress was given on food security with diversification of livelihood options through the use of new technologies. And to implement the strategy, community-based activities and involvement of the local government bodies as well as the service providers were given the highest priority.

In fact, the vulnerable section of society needs to be made amply aware of the nature of the dangers they would be facing before they could be effectively mobilised to meet the challenges of climate change. Alternative livelihood will necessitate search for new resource base for sustenance of the population, which at the same time has to be sustainable. And since the different aspects of the challenge are emerging in phases, the approach to tackle them should advisably be a multi-pronged one.

The good news is the people have already proved their resilience in braving the natural calamities that have recurrently struck them. The added burden of climate challenge will only put them through a new test of endurance and adaptation. If the government and others concerned can provide them with the necessary support and know-how to cope and adapt, the people will also be able to take the new challenge in their stride.

Women and peace talks

Little to celebrate in ten years

A lot more work needs to be done: by mediators, other third parties (donors particularly), by belligerents and by women themselves. With political will and women pushing for peace -- from Nepal to Kenya -- surely the promise the UN made ten years ago will be fulfilled.

IRENE KHAN

FIVE months ago, Nepal's fragile peace was on the brink of disintegrating. After ten years of civil war, a newly elected assembly was tasked with writing a constitution that would keep the peace, but was about to dissolve because the country's politicians could not agree on the terms of an extension. Women learned bitter lessons from their exclusion from the peace talks and mobilised. On the night of May 28, as the deadline for dissolution neared, women legislators from across the political spectrum demonstrated in the heart of the parliament, demanding the assembly continue its work. Their male colleagues could not ignore their call.

The women parliamentarians of Nepal showed what millions who have lived through conflict intuitively know: women are needed to hold together the peace. Across the world, women have been critical to peace-building, the process of sustaining peace once an agreement between warring parties has been made.

But women are largely absent from peacemaking, the negotiations which forge a peace agreement in the first place. Their inclusion in peace talks is not an optional extra. It is central to meaningful peace. If, for example, the needs of survivors of sexual violence are not part of peace negotiations, it makes it all the more likely that rape will be used as a "weapon of war" later. The views of half of the population must be heard.

But there is an even bigger argument for why women must be involved in peacemaking. A peace agreement that leaves

women out is less likely to hold.

Ten years ago today (October 31, 2000), the UN recognised this, and urged action. The Security Council passed Resolution 1325, which demanded that more women be involved in resolving conflict.

How much has been achieved since? Not nearly as much as those who suffer from violent conflict deserve. To date there has not been a single peace process where women have been represented to anywhere near the same level as men. Research by the UN shows that less than 3% of signatories and 8% of representatives to peace talks since 1992 have been women.

In my experience, working with those on the frontlines of conflict, I hear the same excuses: since men are typically the political and military leaders making war, it is natural that they be those who must make peace; there are not any women capable of negotiation or mediating conflict; having women involved is desirable but not critical.

This kind of thinking is short-sighted at best and dangerous at worst. Focusing on the most belligerent actors in a conflict ignores the enormous potential that women have as peacemakers. From Nepal to Liberia, women have shown a greater willingness to work with those across the conflict divide and break down the barriers to peace. As for the argument that the "capacity" of women must be improved before including them in negotiations, it is striking how rarely the same argument is made regarding incapable men.

It does not help that the international community has not set the best example. No woman has ever been appointed chief



Push for peace.

or lead peace mediator in UN-sponsored peace talks. Indeed, the secretaries general (present and past) have succumbed to geographical interests in senior appointments at the expense of women. Ten years after the groundbreaking Resolution 1325 was agreed, just five out of some thirty "special representatives," mediators, envoys, heads of political and peacekeeping missions are women.

So what can be done? For a start, those in the peacemaking industry need to do better. There are plenty of capable women who could ably mediate the most challenging conflicts -- like Betty Bigombe, who was chief mediator in the Ugandan peace process with the Lord's Resistance Army, or Graca Machel, who was one of the three mediators that successfully mediated the Kenyan election crisis in 2008.

Mediators also have a responsibility to make sure that warring parties include women on their negotiating teams -- as well as their own teams -- and not in token capacities.

But we cannot simply wait for the inter-

national community or insurgent groups to take action. Women must also be more forthright.

In my work for the Centre for Humanitarian Dialogue, a private foundation in Geneva dedicated to peace-making, I am helping identify women who can be called upon in the work of the organisation in Africa and Asia. We have also been gathering women together in the recent past to reflect on experiences in peace processes. Those who made it to be negotiating table tell stories of how they did it. Those who have been shut out of peace talks learn how to break in.

A lot more work needs to be done: by mediators, other third parties (donors particularly), by belligerents and by women themselves. With political will and women pushing for peace -- from Nepal to Kenya -- surely the promise the UN made ten years ago will be fulfilled.

Irene Khan was the Secretary General of Amnesty International from 2001-2009, and is now a Board member of the Centre for Humanitarian Dialogue.

Judiciary on trial



The Indian Supreme Court.

Dr. A.P.J. Abdul Kalam said when he was president that "in a mature democracy, it is important that judges are independent both of parliament and the government." Someone compared the government with a raging river, which requires firm banks to contain it. That dyke is the judiciary.

KULDIP NAYAR

THE judiciary is facing a question mark about its functioning in South Asia. It is not only the arrears of cases which horrify people but also the judges' lessening integrity. Flames are reaching even the highest in the judiciary. The media response is wishy-washy because it is afraid of contempt proceedings. But intrepid lawyers in India, Pakistan and Bangladesh have shown that they are not hesitant in covering the ground where even the angels are afraid to tread.

The Supreme Court at New Delhi has such a challenge confronting it. Two leading lawyers, Shanti Bhushan, former law minister, and his son, Prashant Bhushan, known for his battles against human rights violations, have alleged that as many as seven retired chief justices of India, all living, have received one favour or the other which needs to be scrutinised.

It all began innocuously. A few weeks ago, Prashant Bhushan said in an interview to a weekly that certain chief justices have indulged in "corrupt practices." He dared the court to try for contempt. A senior Supreme Court lawyer, Harish Salve, moved the court for initiating contempt proceedings against Prashant. The court issued a notice.

Nothing beyond that happened for many days. Shanti Bhushan followed the son and said in the court of the chief justice that certain retired chief justices were corrupt, and submitted a sealed envelope to Chief Justice of India S.H. Kapadia. Shanti Bhushan challenged the court to proceed against him for contempt of the court.

Prashant has now given details of transactions, which the alleged corrupt chief justices have indulged in with impunity. Some of these instances had been publicised earlier. I wonder about the purpose of repeating those when the judges were

generally exonerated. However, the surprising part is not the repetition, but the stark silence of the Supreme Court.

A famous retired Supreme Court judge, Krishna Iyer, has demanded in an article that Shanti Bhushan and Prashant Bhushan be punished for making "false charges," or their allegations must be scrutinised by an independent authority. He has, in fact, tried to expand the case by demanding a probe into the charges against other judges.

The chief justice still has remained quiet. No newspaper has followed up the allegations made. No television network has picked up the story from day one. What surprises me is the lack of reaction either from the Bar or the government. All seem to have taken the charges in their stride. Yet, the dust of time cannot cover up the tracks nor can it push the cases under the carpet.

The Supreme Court has to act if it wants to salvage its prestige. It is not a political matter where the affected party does not want to retaliate even when abuses are hurled at it. This concerns the judiciary, which is the custodian of the constitution that determines the contours of governance. The court has no choice except to pick up the gauntlet thrown at it.

If the two lawyers are guilty of making frivolous or unsubstantiated charges, they must be punished. But if their charges are correct, then the public must know every detail. How I wish the country had the institution of ombudsman (Lok Pal) in position. An Administrative Reforms Commission proposed it as far as as in 1966. The matter could have been entrusted to the Lok Pal.

The law ministry has said belatedly that a bill to create the machinery of Lok Pal would come before parliament at the earliest. But what happens to the allegations? Do they hang fire till then? There is also a proposal to bring a bill on judicial accountability. Even if this were passed, it would be some time in the middle of December, when the six-week winter session of parliament concludes.

One suggestion is that the matter be referred to the parliamentary standing committee on law. Parliament must realise that the judiciary is independent of both the legislative bodies and the government. Stalwarts in the judiciary and the government, who draw a line between the two -- where the say of one ends, the say of the other begins -- have fought so many battles. It is the understanding between the two which keeps governance on an even keel. What can the parliamentary committee do? The constitution provides for impeachment of judges. But the process is

so long that no judge has been impeached so far.

I cannot think of a better way than appointing a 14-member tribunal comprising four sitting judges of the Supreme Court, six senior most chief justices from states and four from among the former attorneys general and topmost lawyers in the country. The tribunal should sit like an open court. Transparency in such matters is essential.

Yet, I have found that the judiciary is itself circumspect when it comes to deciding on the government's indiscretion. A few days ago, it was the Supreme Court that made a graceful gesture. It did not join issue with the prime minister when he interpreted the court's order as interference in policy matters.

The point the Supreme Court made -- it was lost on the executive -- was that food grain was too scare a commodity to be wasted. A court appointed committee found 67,000 tonnes in Punjab and Haryana had rotted, and the rats prying open the sacks because they were staked under the sky.

Therefore, it made sense when the court directed Sharad Pawar's agriculture ministry to give away food to the poor when it had no storage facilities. For the prime minister to make a statement that the court should not interfere in policy matters was a provocation, which the court let go and allowed the matter rest at the prime minister's observation.

Indira Gandhi embarked on the journey to personal rule when she thought that the judiciary should be "committed." Ultimately, it became clear that what she meant was that the judiciary should be loyal to her and her ways of doing things. The result was the imposition of the emergency, which suspended even the fundamental rights. There is nothing to suggest that Manmohan Singh has any of Indira Gandhi's inkling. But he has to be careful of the words he uses.

Dr. A.P.J. Abdul Kalam said when he was president that "in a mature democracy, it is important that judges are independent both of parliament and the government." Judicial review is a basic feature. This was upheld in the Keshwanand Bharti case while underlining the indestructible basic structure of the constitution. It is the duty of the court to examine what the executive does. Someone compared the government with a raging river, which requires firm banks to contain it. That dyke is the judiciary.

Kuldip Nayar is an eminent Indian columnist.