

GOVERNANCE UPDATE



Global governance in human security conundrum

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THE concept of human security was forwarded against mainstream state-centric and militaristic conceptualization of security. Human security aims at safeguarding "vital core of all human lives from critical pervasive threats, in a way that is consistent with long-term human fulfillment." The inclination of human security is 'protective' as opposed to 'assertive' inclination of national security. Human security recognizes that people and communities can be fatally threatened by events that are far beyond their control, i.e. natural disaster, financial crisis, violent conflict, epidemic, so on and so forth. Such human security threats can easily cut across political and geographical boundaries. There is increasing emergence of cross-border human security threats of greater propensity. Addressing them is becoming difficult for individual states or governments. In this context, human security is an area where global governance is most warranted.

Global governance can be simply understood as "governing, without sovereign authority, relationships that transcend national frontier (or) doing internationally what governments do at home." Therefore, global governance manifests increasing regulation in cross-border relations. Particularly in relation to human security challenges of global nature, we can identify global governance as "efforts to bring more orderly and reliable responses to ... issues that go beyond capacities of states to address individually." Various rules, norms, institutions and mechanisms of global governance are functional over last two decades. Poverty Reduction Strategy Paper (PRSP) proposed by World Bank was used by many countries of global south as a general policy framework of economic and development policies. WTO is at the helm of a rule-based global trade regime. Millennium Development Goals (MDGs) are the common time-bound and quantified targets for human development that all UN member states adhere to. Such examples are numerous across different areas of human activity.

But existence of global governance and more so its effectiveness in relation to human security has come under serious question recently. The two recent phenomena that make us point fingers are: the Libyan 'civil war' and the recent Tsunami in Japan. To me, both the cases are glaring manifestations of 'absent' or at least 'malfunctioning' global governance of human security.



Both were 'classic' cases of human security threat. In case of the Libyan civil war, a violent conflict led to severe losses of life and property, internal displacement and refugee influx. The tsunami that hit northern Japan not only brought human security catastrophe itself but also spiraled into chain of disasters including a nuclear crisis that is already compared with the Chernobyl nuclear disaster of 1986.

While Libya is a malgoverned country where the government itself is the perpetrator, Japan is one of the world's most advanced states. Moreover, the latter country is a world leader in earthquake response and peaceful nuclear use. Yet Japanese government machinery was almost at standstill in its initial response to tsunami and its aftermath. Despite having a large naval fleet with significant blue-water capabilities, the country had to be assisted by US Navy for relief activities. US also offered nuclear expertise to Japan as the country is still not-so-successfully trying to bring the nuclear crisis caused by tsunami under control.

It seems unlikely that the world's third largest economy with cutting-edge technological capabilities and accumulated experiences in earthquake response and nuclear energy will be so inept overnight. Although that possibility can't be totally excluded provided

Japan is in economic recession for a long time now and neoliberal economic reforms have reduced public sector effectiveness of many developed countries. Remember US government's incapacity in responding to Hurricane Katrina in 2005. Then US media even advised Washington to take lesson from Bangladesh in disaster management. In case of Japan, what is also likely is that the proportion and intensity of the tsunami and aftermath was too much for any individual government to handle on its own even when it is competent, experienced and resource-endowed.

Whichever of the above two is the actual scenario, the case for global governance of human security is all the more justified. Due to climate change and other ecological factors, natural disasters are more cataclysmic than before and governance constraints are not limited to the global south. Following mass refugee influx in Libya, different countries and international organizations moved in with different response mechanisms. Individual countries launched separate rescue operation for their citizens with varying results. Some emerging powers like China, Turkey and South Korea were more prompt in rescuing their citizens than some Western powers like UK and US. Again, some Western powers like UK and France lend their support to other countries in rescuing their citizens. And Bangladesh's inability to timely rescue its citizens is well known by now. Lack of coordination between the numerous actors didn't let a collective action pull through.

There was an emergency session (belated though) of UN Security Council about no-fly zone over Libya. Similar session could be also called to facilitate multi-lateral international rescue and relief efforts in the country. There could also be such a UNSC session to render collective international support to Japan's tsunami response. It is clearly visible that due to the universal nature of human security threats (from violent conflict to natural disaster) and varying state capacities in dealing with them, global governance arrangements for human security is an urgent calling. Collaboration between some countries and international organizations can be stop-gap solutions but they cannot replace the utility of a global governance regime. The UN member states and other international actors like UN should start working right away to this direction.

The writer is a senior researcher of IGS at BRAC University and a faculty of Civil Service College.



YOUR ADVOCATE

This week Your Advocate is Barrister Omar Khan Joy, Advocate, Supreme Court of Bangladesh. He is the head of the chambers of a renowned law firm, namely, 'Legal Counsel', which has expertise mainly in commercial law, corporate law, family law, employment and labor law, land law, banking law, constitutional law, criminal law, IPR and in conducting litigations before courts of different hierarchies. Our civil and criminal law experts from reputed law chambers will provide the legal summary advice.

very easy administrative process that can be commenced by both the husband and wife by going to a Quazi office. In case of unilateral divorce (which is relevant here), you may unilaterally initiate the process of divorce by serving a notice to your wife through the Quazi and/or a lawyer. Once the process is started it will take around hundred days to complete the total process and get the divorce

registered as per law.

As you are willing to pay the maintenance and dower, there cannot be any lawful claim against you arising out of the divorce. However, as you have mentioned, it is not impossible to bring allegations of torture against you though in a false and fabricated manner but only with an ulterior motive of harassment. There is neither any legal way in which you can protect yourself from such mali-

cious prosecution nor can you take any protective measure as several legal provisions enacted to protect women have been misused to cause illegitimate oppression to men. At best, while affecting your divorce i.e. after serving the notice of divorce to your wife, you may file a General Diary (GD) before the concerned police station stating the fact of any likely threats of false prosecution by your wife or her family. Since the provisions of the Anti-Women and Children Oppression

Act are considerably harsh against the accused, to protect malicious prosecution, the Act provides for penalty and fine in case someone lodges a false complain or case against any other person. If you see that your wife or her family is really serious in materializing her threats, you may mention the aforesaid provision to her with a view to convince her not to do anything imprudent and put herself into jeopardy of prosecution as well.

We always look for an amicable solution to the problem being encountered by you. If it is possible you should talk to your wife and her family with an open mind and try to settle the same internally. If you cannot mutually reach a decision it may be wise to invite a common friend or a mutually trusted person to give some positive inputs to facilitate your discussion. If nothing helps or when it is impossible to continue the relationship, then again further discussion may help. In such cases the couple should understand what their best interest is. If their best interest lies in divorce, then each partner shall help the other in completing the process.

For detailed query contact:
omar@legalcounselbd.com.



Query

It was an arranged marriage which occurred in 2nd april 2009 since then my life became really complicated. First few months of my marriage life the only complain of my wife were to live separately from my father and mother. As she said I did rent a separate house which was near my in-laws as my wife wanted so. Recently after a year or so of that separation from my family, she is asking me to finish all my connection with my family and live with her parents. They are very well off and my wife is involved with a high standard of profession as well. Now the problem is I want a divorce and to avoid all these problems I decided to go abroad for my further higher studies after giving a proper divorce. I am even willing to give all kind of maintenance and pay the dower money. But the problem is I am concern about the legal consequences. If I give divorce to her I am pretty much sure that my in-laws will put me into false allegation like "nari nirjaton ain". In based on this scenario I want to ask you that what kind of allegation I may face and how this can be avoided or resolved.

Helpless,
Nazimuddin Road, Dhaka.

Response

We would like to thank you very much for your inquiry. We have fully understood your situation and it is a very generic problem for many married couples now-a-days. Considering the issue of divorce, it is governed by the personal law to which each individual belongs to. Under the Muslim law, the husband has the inherent right to divorce. In case of a mutually agreed divorce, it is actually a



LAW WEEK

Hearing on charge framing against Babar adjourned

A Dhaka court on April 27 adjourned till June 9 the hearing on charge framing against detained former state minister for home Lutfozzaman Babar in a tax evasion case filed last year. Judge (in-charge) Mohammad Mozammel Hossain of the Special Judge Court-5 passed the order after Babar's lawyer submitted a petition seeking adjournment of the hearing. The HC then issued a rule upon the government asking explanation why the proceeding of the case would not be declared illegal. Saying that the rule hearing is now pending, Babar's lawyer prayed for an adjournment. Earlier, National Board of Revenue (NBR) on February 14 last year filed the case against Babar for dodging Tk 2.65 crore income tax from 1999-2000 to 2008-09. - *The Daily star* April 28 2011.

Fatwa doesn't have any legal force

Eminent jurists Rafique-ul Huq and Dr M Zahir on 25 April told the Supreme Court that fatwa (religious edict) is a kind of opinion without any legal force. They said this while offering expert opinions as amici curiae (friends of court) to the Appellate Division during the hearing of an appeal against a High Court verdict that had declared fatwa illegal. Senior counsel TH Khan, another amicus curiae, favoured the appeal saying fatwa should not be declared outright as good or bad. A six-member Appellate Division bench, headed by Chief Justice ABM Khairul Haque, continued the hearing of the appeal. Earlier, the apex court started hearing the appeal on March 1 this year. - *The Daily star* April 26 2011.

Double Murder, Three more arrested

Police arrested three accused persons from Sudharam of Noakhali on 24 April on charge of double murder in Hamidchar area under Chandgaon Police Station in Chittagong.

Mentionable, on April 17, a group of Hamidchar's residents locked in a clash with a group from Bolihat area over occupying a piece of land at Hamidchar to breed fish fries. Two people died and 15 others were injured in the half hour-long clash, said police.

Sub-Inspector Abul Kalam Azad of Chandgaon Police Station said the arrestees confessed to the murder and informed police of two firearms and two machetes kept at Hamidchar area, which were recovered. - *The Daily star* April 26 2011.

Case Against Koko, 10 seizes docs from tele office

A prosecution witness on April 25 told a Dhaka court that the investigation officer of the money laundering case against BNP chairperson Khaleda Zia's younger son Arafat Rahman Koko, had seized some documents from the telephone office relating to Siemens Bangladesh Ltd. The accused had allegedly laundered money they received from China Harbour Engineering Company Ltd and Siemens for helping them win government contracts. An assistant director of telephone department in Dhaka office, Abu Bakar Siddique, in his deposition, said the ACC officer went his office at Revenue Bhaban on April 22 of 2009 and made a seizure list of the documents from the office relating to the siemens. He also put his signature on the seizure list the same day. Judge Mohammad Mozammel Hossain of the Special Judge Court-3 recorded statements of the witnesses and fixed May 10 for the next hearing of the case. - *The Daily star* April 26 2011.

Russell Killing Case, Prime accused gives confessional statement

Jotirmoy Sarkar Joy, the main accused in Mahub Alam Russell killing case, gave confessional statement before the Judicial Magistrate's Court in Natore on 24 April.

In the statement, Joy said his friend Sabbir Hossain planned the murder of Russell a few months ago and discussed it with him, but he refused to kill Russell then. Meantime, Russell pressed Sabbir and Joy to return the money (Tk 4.5 lakh) he lent the two. At one stage, Joy agreed to murder Russell and fixed April 4 for the killing. Rapid Action Battalion (Rab) and police recovered the decomposed body of Russell, 24, behind a bush near Charu Mama's canteen on April 22. - *The Daily star* April 26 2011.

Aug 21 Probe, CID given 9th time extension

A Dhaka court on April 24 extended until May 22 the time for further investigation into one of the two cases in connection with the August 21 grenade attack on an Awami League rally in 2004. With this, the Criminal Investigation Department has been given 20 months' time in nine phases to complete the investigation into the case filed for killing 23 people including AL leader Ivy Rahman and injuring scores in the attack. Judge Fozila Begum of the Second Additional Metropolitan Sessions Judge's Court passed the order following a time petition by CID's Special Superintendent of Police Abdul Kahar Akand, the investigation officer (IO) of the case. - *The Daily*

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