

Bench-Bar relations

Civility must be maintained

RECENTLY retired Chief Justice ABM Khairul Haque declined to accept a formal farewell from the Supreme Court Bar Association on the eve of his going into retirement. Obviously, he was miffed by the fact that during his tenure as head of the nation's highest judiciary he faced constant resistance from the SCBA, whose leading figures could not or would not agree with some important legal decisions reached by the Supreme Court under Justice Haque's stewardship. Also a faction of the SCBA led by its president made it known that they would not attend the reception accorded to the newly appointed CJ Mohammad Mozammel Hossain.

To the nation's great discomfiture, and whether or not anyone acknowledges this fact, a certain degree of politics or a reflection of it has contributed to this unsavoury situation. It has been observed that while lawyers with a pro-government bias have generally been friendly toward incoming or outgoing judges, those identifying with the political opposition have usually refrained from cooperating with the judges. Such a situation has been more or less common during the tenure of various governments and not just the present one. Our question is: should the time-honoured tradition of lawyers showing respect, despite their professional or political perceptions of how the judiciary may have performed, to judges be undermined in this manner?

The truth must not be lost on anyone that at this point of time, Bangladesh's judiciary remains one institution the nation can turn to where showing a path out of the woods on critical issues is concerned. The role played by the higher judiciary in dispensing with some amendments undermining the constitution and even the state is to be appreciated. Much as some lawyers may not agree with those moves, we believe that it is important to keep alive and aloft certain traditions of respect and civility which have consistently helped people to keep faith with the legal profession and the judiciary. Some conventions cannot simply be pushed aside.

Healthcare for urban poor

Service delivery dismal

THE healthcare facilities for the urban poor are in dire straits. Despite the fact that the urban population and with it the number of urban poor is growing at a faster rate than before, 75 per cent of these people have remained beyond the reach of the country's public healthcare system. The reason is, the healthcare service was basically geared to serve the rural poor.

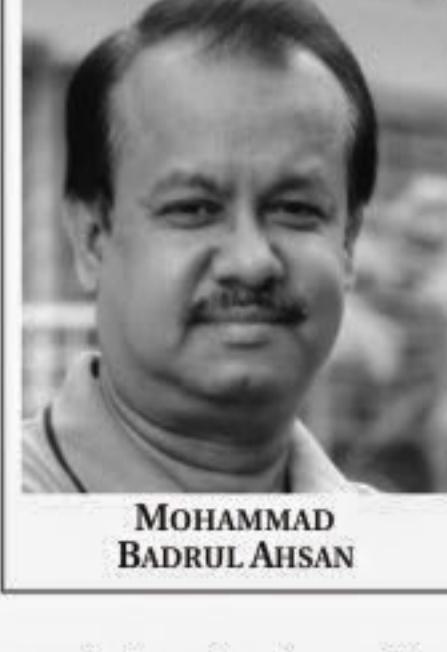
The Local Government Division (LGD)-run Urban Primary Healthcare Project (UPHCP) is meant to serve some 40 million-strong urban population of the country. But it can hardly deliver if only due to its poor infrastructure, inadequate manpower and faulty service system. And the condition of the urban poor is still worse and to compound matters their size is increasing by leaps and bounds with more rural migrants joining their ranks. An International Centre for Diarrhoeal Diseases Research, Bangladesh (ICDDR, B) study conducted on some 4,000 street dwellers in the capital city has shown that none of this most vulnerable section of the slum dwellers has any access to the service provided by UPHCP as neither the service hours of its centres match with the working time of the pavement people, nor can they afford to pay for the treatment. Unsurprisingly, the pavement-dwelling women give birth to underweight and malnourished children afflicted with infectious diseases at birth.

The government spends one billion taka annually for the Urban Primary Healthcare Project in six city corporations and five municipalities leaving out 104 municipalities. Though the project is supposed to serve the urban population, it covers only seven per cent of the country's total population.

The dismal situation of the section of the urban poor living in the city slums and on pavements calls for overhauling the infrastructure, further expanding the coverage and speeding up service delivery of primary healthcare for the urban poor. And as their number is growing, the government

CROSS TALK

Redefining respect



MOHAMMAD BADRUL AHSAN

IMF chief Dominique Strauss Kahn, who was likely to be the Socialist Party candidate for president of France, succumbed last

week to what can be called his bourgeois contradictions. He assaulted a 32-year-old hotel maid in New York before heading for JFK airport to catch an Air France jet. Dominique was traveling to Paris to discuss the Euro crisis with German Chancellor Angela Merkel. The police pulled him out of the plane moments before take-off and sent him to jail.

The news made headlines around the world not so much for the manner but for the man. It could have been just another sick story of a lewd man forcing himself upon another hapless woman in this world. Instead, it has been news worldwide because that man is DSK, initials by which the media knows him. He is an international bureaucrat, a socialist politician and presidential candidate in his country, and also a 62-year-old man. The world is shocked because what he has done belied all his credentials.

The man heads an organisation that lusts for managing distressed economies worldwide. He should have known better how to manage the economy of his lust before he lost his head on that day. He is also the champion of egalitarian philosophy

that propagates the equality of people and fights against their exploitation. He should have known better not to take advantage of a working class woman.

Yet the illustrious man did what he shouldn't have done. He carefully chose his victim, who is three times a minority: a woman, an African immigrant and poor. He perhaps calculated her odds on the spur of his covetous heat in the same way a thief

victim with the rapacity of a beast charging hungrily towards his prey. Given all his experience, sophistication and ideological pretension, it will perhaps take much courtroom deliberation before any of us is going to understand in what state of mind he thought he could take that woman for granted.

Even more inscrutable is how IMF could pick such a man as its boss. Equally puzzling is how he could

Respectability is one big scandal that hides dishonourable men behind their masks. Some of them must be so lucky, they never run out of luck.

surveys a house before he breaks in. DSK pushed the maid into the bathroom of his \$3000-a-night hotel room and expected that proletarian woman to do the libidinous pleasure of an aristocratic him.

But the most deplorable thing of all is that our civilisation packages such despicable men to the top. It's not that we expect them to be angels.

Arnold Schwarzenegger separated from his wife of 25 years after he acknowledged that he had fathered a child with a member of his household staff. Men have roving eyes and groping hands. They seldom recover from their weakness for women other than their wives.

Our IMF man, however, has been a cut above the rest. He attacked his

climb the political ladder of France to become its presidential candidate. Because now we know that the man has a past. In 2008, he apologised for an "error in judgment" after an affair with a female IMF economist who was his subordinate. Earlier in 2002, a female French journalist and writer had accused him of attempted rape.

So, how could IMF ignore these indiscretions while selecting this man? It will be pointless to ask the same question to the French people who saw the presidential material in him. Well, the Europeans are famous for their forgiving minds. A public man's private life is hardly their business.

Still one would like to believe that certain positions in this world ought

to be reserved only for respectable people. One would also like to believe that an organisation working in 187 countries couldn't be effective unless it commanded people's respect. Would IMF have recruited young professionals with DSK's dismal background? Would it have even hired clerical staff with previous records of harassing women?

Perhaps something has changed in the world that gives the top slots to terrible people. It will take ages for sensible minds to reconcile that a goofy mind like George Bush could become a two-term U.S. president. All the All Daddies, Big Daddies and fuddy-duddies of the world turn out to be bloodthirsty, power-hungry, money-chasing sickos and wackos. Hitler, Mussolini, Stalin, Saddam and bin Laden are dead examples of living horrors.

It may be so that rulers and zealots aren't the best examples of respectable men. Yes, there are liberators, conquistadors and fathers of nations, who are honoured for their leadership, courage and heroism. Most other politicians are exceptions to that rule.

A scandal is when an unscrupulous man runs out of luck. That it took so long for our naughty old man tells something about our civilisation. Respectability is one big scandal that hides dishonourable men behind their masks. Some of them must be so lucky, they never run out of luck.

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Libyan fallout: Does Nato divide the Atlantic partners?

TOMAS VALASEK

History will remember the Libya war by how it ends, not how it began. And it's far too early to declare success or failure.

The manner in which the war started though, allows us to draw three broad conclusions: Barack Obama successfully delegated the burden of global policing. Europe, for all its self-flagellation, has been found both willing and capable of leading a campaign that prevented bloodshed in Benghazi. And lastly, Nato continues to be the go-to platform for Europe and the US to fight wars. The alliance, however, has become a more transactional place in which individual countries pick and choose which missions to support.

The key lesson of the war is that Obama has accomplished one of his top foreign-policy goals: convincing the allies to take greater responsibility for their own affairs. The administration has made clear that the US, exhausted from fighting wars in Iraq and Afghanistan and economic crisis at home, will be less keen than before to enter new conflicts. "The nation that I am most interested in building is my own," Obama said in 2009. By implication in a complete role reversal from the 1990s, when the United States led the wars in Bosnia and Kosovo the allies in Europe must take primary responsibility for military operations.

Some in Europe particularly the continent's eastern parts charged the US with abandoning its traditional allies. This is wildly inaccurate: Obama pushed Nato to draft contingency plans for the defense of the Baltic countries. The US, the message says, will not hesitate to lead "wars of necessity," those in defense of Europe. However, the US will not necessarily lead "wars of choice" in and around Europe, such as those fought in the name of human rights. This burden rests now with the Europeans.

Libya is the first test case for the US policy. True to its word, the US military turned over the conduct of the war to the Europeans once the conflict's initial stage for which US missiles and airplanes were indispensable concluded. While the United

States "will not allow the operation to fail" as a senior US official responsible for Europe said recently it will only step in when and if its allies lack the necessary means to win. In practice, this has meant that the US provides niche weapons, such as unmanned Predator drones, and has more forces on standby, but on a day-to-day basis Europeans and Arabs fly the vast majority of bombing missions.

Presumably, there will be future exceptions to this new policy: Should the US feel endangered by terrorists or other threats coming from Europe's periphery, it would probably lead the military response. However and this is the main lesson of the war so far for Europe America's allies

Europe acted by definition because France and the UK, the continent's largest military powers, have between them provided about half the force flying over Libya. The downside to the EU's inability to agree on Libya is that countries not members of Nato, such as Austria or Finland have no say on the conduct of the war. But most do, by virtue of their Nato membership. In a sense, Libya is the anti-Bosnia: When bloodshed in Bosnia broke out in the 1990s, many in the EU proclaimed that the "hour of Europe" the time when it turned into a proper military power had arrived. But then key European capitals hesitated, and the US led the Nato intervention that ended the civil war. In Libya, European powers acted quickly.

Countries take part in missions not because they share a sense of threat but in exchange for future help from the rest of Nato. This new Nato is a "transactional" alliance. And frequently some allies choose to sit out a particular mission.

must prepare to fight some wars on their borders with the US playing only a supporting role. This is not the end of the transatlantic alliance, but it does amount to a dramatic new redistribution of roles.

The second key lesson of Libya is that Obama's policy has had the desired effect on Europe: it energized it. European allies grumbled about US inattention to Libya in the run-up to the war, but eventually responded by taking the political lead. President Nicolas Sarkozy and Prime Minister David Cameron spearheaded the campaign for a UN Security Council resolution on Libya. European militaries performed the brunt of the bombing raids since the US military destroyed Libya's air defenses and withdrew most of its planes.

There are those who argue that Europe has failed because its main institution, the European Union, has not taken lead in Libya, largely because Germany opposed the war. But surely, a flag is less important than the substance of the action itself.

almost certainly preventing a massacre in Benghazi. And though they did not fight under the EU flag, this has been a good few weeks for Europe.

And while the operation exposes some military weaknesses on their part, it has on balance demonstrated that Europe can fight relatively big wars with limited US support. Critics point to Nato's difficulties in dislodging Gaddafi's forces from the besieged city of Misurata. Without weapons that the US withdrew from the area of conflict, the argument goes, the Europeans cannot prevail. But few involved in day-to-day Nato consultations on Libya concur. What Nato tries to do in Misurata attacking individual, small Libyan government units from the air, in the middle of a large city, without killing nearby civilians and rebel forces is inherently difficult, they contend. Absent the deployment of ground forces for which neither Europe nor the US have the political appetite the best solution is a slow, daily campaign of attrition from the air, combined with

improved support for rebel forces. This sort of war is within the Europeans' grasp, though they needed significant US help in destroying Libya's air defenses.

The third key lesson of the war concerns Nato. Rumors of its demise because of difficulties in Libya are premature. The war has highlighted divisions among Nato allies. Germany's refusal to vote for the UN Security Council resolution on Libya in particular was grating. But these divisions are not dramatically different from those exposed by the wars in Kosovo or Afghanistan. The US-European alliance weathered those conflicts reasonably well. Nato's conduct in Libya reconfirms that the transatlantic community lacks a single unifying threat or strategy.

Instead, allies remain bound by a new kind of bargain: Countries take part in missions not because they share a sense of threat but in exchange for future help from the rest of Nato. This new Nato is a "transactional" alliance. And frequently some allies choose to sit out a particular mission.

This sounds messy but the allies have made it work. Both Afghanistan and now Libya have been fought on such transactional terms, with many allies joining because they wanted to preserve alliance solidarity. Nato members remain bound by common values and the realization that collective defense even if it means support from most rather than all Nato countries is cheaper and more convincing than managing security alone. As one senior US official pointed out, the key danger of the new transactional Nato is that allies will develop incompatible forces as each focuses on separate threats. Failure to win convincingly in either Afghanistan or Libya would also make allies more reluctant to enter operations not deemed central to their national interest. How the war in Libya ends could yet undermine the transactional principle at the heart of the new Nato.

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THIS DAY IN HISTORY

May 20

1498

Portuguese explorer Vasco da Gama arrives at Kozhikode (previously known as Calicut), India.

1882

The Triple Alliance between Germany, Austria-Hungary and Italy is formed.

1927

Treaty of Jeddah: the United Kingdom recognizes the sovereignty of King Ibn Saud in the Kingdoms of Hejaz and Nejd, which later merge to become the Kingdom of Saudi Arabia.

1940

Holocaust: The first prisoners arrive at a new concentration camp at Auschwitz.

1941

World War II: Battle of Crete German paratroops invade Crete.

1989

The Chinese authorities declare martial law in the face of pro-democracy demonstrations, setting the scene for the Tiananmen Square massacre.

1990

The first post-Communist presidential and parliamentary elections are held in Romania.