

In quest of peace and prosperity

(Presented in “the 20th International conference of Chief Justices of the world” organised by City Montessorie School Lucknow, India held from 6th November to 12th November-2019)

Before moving onto the designated topics, I express my profound gratitude to Dr. Jagdish Gandhi, the convenor of this International event whose ceaseless effort, CSM has become an epitome of Peace to the whole world.

I really feel honoured to be here in such an august and prestigious gathering as a Judge of the High Court Division of the Supreme Court of Bangladesh which is my first participation ever since I have been elevated eight years ago.

I hope, with such participation I will be greatly benefitted with the valuable deliberations, suggestion that are going on in different plenary sessions and parallel sessions put forth by many illustrious legal luminaries.

As a matter of fact, a Judge of a particular country, while adjudicating different type of litigations, don't get the opportunity to travel beyond its domestic laws where invoking various international laws, conventions, treaties are of no application in "Tackling global issues" which is the "theme" of our discussion here. However, I am really impressed to find that, this conference, since its very inception, is being held basing on Article 51 of the Constitution of India which is really a very unique one having elements of International laws in resolving many global disputes.

In effect, the four cornerstones of the said Article has made the opportunity to foster peace and security throughout the globe.

Now, let me revert to the topics of the discussion. As stated above, the "theme" of the discussion is "Tackling global issues" where five different components have been chalked out for creating such global unrest. I have earlier pointed out and still believe solutions to that issue completely lies on relentless peace effort by the countries in disputes and unconditional

withdrawal of third country for whose interest and interference the conflict prolongs. So, political decision by the countries in dispute leading to mankind and prevailing good sense can be effective measures in resolving the conflict.

As a judge of a court, we can hardly offer many good words, suggestions, recommendations in international conference as pressure to implement it but at the end of the day, it might not have enforced as they have no binding effect on the countries for whose atrocities global peace and security is now being endangered. But we should not give up and only for that, we are here today.

Anyway, out of five topics set out for discussion, I will try to shade light though very preciously, on "Refugee problem" and ethnic and civil wars for some obvious reason. There is no denying no human being wants to live as refugee-a form of leading very inhuman life. It is man-made problem no doubt about it. There are various reasons for the people to

become refugee. But main contributory factor to that crisis now prevalent in the world are, waging war and ethnic cleansing perpetrated on the marginalized and minority group of people by their own state machinery.

Civil war sometime breaks out in a certain country when a section of people or political group revolts against their own state and the state functionary then uses force to silence the dissident that erupts civil war.

Aside from that, a state sometimes brands its own people or a particular political party as rebel when they denounce the political view of the party in power and in defiance of showing loyalty, state itself then unleash atrocities and oppression on them that left a vast populace homeless and they then take refuge to other countries.

Take for example, the “*Rohingya* refugee”-the most pressing issue now in the world arena after refugee of Syria.

At present, more than 1 (one) million “Rohingya” have taken shelter in a tiny district town of Bangladesh, Cox’s Bazar which is the tourist hub

having longest sea-beach of the world but now become a threat of ecological imbalance. So, what are the root cause of the *Rohingya* to become refugee? Simple answer is, they are Muslim-minority in Myanmar which is their only fault and for that, they have been subjected to inhuman torture, rape, arson, displacement by the Myanmar Army. This is a classic case of “ethnic cleanging” perpetrated by Myanmar Government. Those section of Muslim lived in “Rakhain” for generations but now the state is denying their citizenship. What a travesty of truth?

You might know, Bangladesh is a over populated country of 170 million people. But only for the sake of humanity to those huge distressed people and to keep regional harmony, Bangladesh has sheltered those vast hapeless people as did by India during our war of liberation in 1971 sheltering 10 million people showing rare example of generosity. Our Hon’ble Prime Minister has left no stone unturned to raise this most burning issue in different global forums whenever she gets the scope

urging the world community to compel Myanmar to take back their people even very robustly placed the issue in recently concluded UNGA meeting but Myanmar remains unmoved.

Now, question remains, where the solution of such refugee crisis lies? Can the world body compel the defiant countries to take back these distress section of people to their own land? Or can it be any lasting solution to depend on the International agencies of their aid for the survival of the refugees for years together?

I myself is not so optimistic over its early solutions in the given system of the world body. Because, big powers who are considered to take leading part in resolving these burning crisis, are mostly driven by their own national interest over humanity. As when any resolution leading to resolving such crisis is placed before UNSC those big powers (permanent members of UNSC) then exercise their most powerful weapon-“Veto”.

On the flipside, International Criminal Court and International court of Justice can do nothing if the offending country does not comply with the verdict of these two International Courts. But cruel reality is, crimes against humanity, extermination, deportation and other inhuman acts are being committed unabated under the very nose of the UNO.

Here, Article 51 of the Constitution of India can play an effective role if simply an “enforcement” clause is inserted in it, that might result in tackling many global issues.

Also, many a countries of the world are now plagued with various terrorist activities, unending war that also causes a vast population to become refugees where applying mediation, Arbitrations, settlement can be an effective solutions to such crisis in the light of Article 51.

If we look back to Syria, Yeman, Iraq, Afganistan people there, are being murdered everyday and hundreds of thousand of innocent people gone maimed, when using of lethal weapons are rampant and being used even

against most innocent human being like children and women compelling a vast population to flee their home land. But this is being done randomly in many countries for none but of greed of some countries being emboldened by big powers whose interest are there and they kept on taking advantage in prolonging the conflict and establish hegemony.

To save from brutality, many war ravaged people with their family are being compelled to leave their motherland in the hope of finding a safe place to live even taking most perilous journey risking their life by voyaging in turbulent sea where they are also being perished. What I described here, is known to all present, but we are made silent spectator to those most pathetic the criminal offence diabolic in nature. But what the world body, UNO last hope of its member country is doing to protect life, liberty of those most vulnerable human being-is absolutely frustrating.

Now, question naturally ensues, what can be the way out? Here Article 51 of the Indian Constitution can play a pivotal role. Let me now reproduce what are the four cornerstones of Article 51 of Indian constitution here :

The state shall endeavour to :

a) Promote international peace & security.

b) Maintain just & honourable relations between nations.

c) Foster respect for international law and

d) Encourage settlement of international disputes by arbitration.

In such a panorama, I am of the view that, similar provision of Article 51 of Indian Constitution may be incorporated in the Constitution of every country keeping provisions to ratify it by neighboring countries by forming regional association of the countries like, SAARC, ASEAN making those four options enforceable against the country for whose

unlawful action peace and security of its neighboring country might be endangered. In such an event, the affected country may take the dispute at the designated court determined by the association of the countries for redress making the verdict binding upon the countries in conflict. And if it is materialized, the interference of big powers and dependency on UNSC in tackling many global issues will be lessened and peace and security will be restored to a great extent in the whole world.

So let us take a holistic steps and urge the world leaders to be united in bringing about the global issues through mutual understanding, arbitration and settlement in order to uphold humanity, peace, prosperity and make this planet safe and secured for all human being by shunning petty interest and stop brutal use of weapons against innocent people because civilization is now at stake which we are all pledged bound to preserve.

I am grateful to the Chair and Co-ordinator for giving me the opportunity to say a few words and have patient hearing by the distinguished audience.

Have a great day ahead for all.

Thank you.

****Justice Md. Mozibur Rahman Miah**, Judge, High Court Division, Supreme Court of Bangladesh.