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# LC VIEWS

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IS UCP LIKE ONE ARM MAN SWIMMING HARD THE BEST  
HE CAN?

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## LC VIEWS' MISSION

To facilitate understanding of the LC matters for promoting LC-based international trade for accelerating economic development.

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Contact : [lcviews@hotmail.com](mailto:lcviews@hotmail.com)

[www.lcviews.com](http://www.lcviews.com)

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## IS UCP LIKE A ONE ARM MAN SWIMMING HARD THE BEST HE CAN?

By **Ravi Mehta, Ph.D.**

*“All the world is like a one arm man  
Swimming hard the best he can”*

*Pere Ubu*

Kim Christensen sent me his book “**Svimmelhedstid**” - an anthology of poems in the Danish language, which unfortunately I don’t understand. But still I respect his respectful gesture. The book surprised me to learn that this LC specialist is a poet too, who in his poems takes up the mundane themes like life, death, faith and religion - instead of “negotiation”, “documentation”, “presentation” – and “transportation” - that characterize UCP, a collection of rules . The poems are his way of personal life, his way of de-stressing from the professional life, his way of using free time. The poems are his personal thinking, his own imagination. UCP is the essence of his professional life. UCP regulates his professional practice. He is not free from the rules and regulations in his professional life. But in his personal life he is free – free to think, free to imagine. He in his personal life does what personally interests him. In his professional life he does what UCP says. He is obedient to UCP. However, he may venture to speak against UCP where he thinks it is wrong. UCP is somebody else’s creation. His poetry is his own creation, his own thinking. It is his personal interest. His poetry is his way of using his mind to please his mind. He uses UCP to please his employer, to make money to satisfy his biological hunger, to meet the requirement of his professional life. In poetry he satisfies his mental curiosity, literary hunger. His poetry is his alternative. Kim says: “The title “**Svimmelhedstid**” is composed by two words “svimmelhed” - which means dizziness and “stid”, which means time - so I guess a translation could be “**time of dizziness**”. The title poem is inspired by the Alfred Hitchcock movie “Vertigo” where James Stewart suffers hard from fear of heights; it is that feeling I am trying to catch. (There are some great scenes where the ground disappears under him)”. His celluloid inspiration leads him to his literary creation. The inspiration leads to attempt and the attempt leads to achievement - **Svimmelhedstid**. Inspiration is the mother of achievement. You are creative if

you are achievement-oriented. **Never say an LC specialist can never be a poet. He can. KIM is the best example.** An LC specialist like KIM can be both professional and intellectual, both practitioner and creative, both idealist and realist, both reader and imaginative. Kim is a good practitioner. Kim is a beautiful mind. **Svimmelhedstid** is the inspiring creation of the beautiful mind embodied in Kim. **"Time of dizziness"** shows how to make the best of free time, free mind. "Time of dizziness" tells how things dizzy the life, but it does not dizzy my mind but rather inspires it to compare UCP with one arm man, to understand how the confusions in UCP dizzy the mind. **Kim's poetry lets me understand that imperfect UCP can never swim the best like Pere Ubu's determined one arm man.**

Kim's Danish Poetry  
a pleasant surprise  
an inspiring example



On page 30 of Svimmelhedstid I could find an oasis of English words saying **"all the world is like a one arm man swimming hard the best he can"**.

**These are the words of Pere Ubu from the**

song "Honey Moon", available on their 1993 release "Story of my life"

(web: <http://www.ubuprojex.net/fontana.html>)

The quote tempts me to ask LC specialists: **Is UCP like a one arm man swimming hard the best he can? One arm indicates incomplete, insufficient, imperfect. One arm indicates deficiency.** UCP when it takes birth from the womb of the Drafting Group is always deformed - one armed, meaning deficient, imperfect. The deformed UCP, however, it is said, tries its best to be the best to its user. The quote indicates the deficiency is not frustrating but challenging. The deficiency does not mean "no hope". It means an opportunity to strive for excellence. The one arm man is a determined man. But the deficient UCP - is it hopeful or hopeless? What do you think? Can the deficient UCP be like

the determined one arm man? Can it swim the best – I mean, can it work well for the UCP user? Can the deficient UCP make the LC specialist swim the best? Should UCP be like one arm man or like fully developed man? Kim's poetry leads us to debate these questions.

I ask Bahrain's CDCS with distinction, N. D. George, to know how the distinguished specialist personally feels about the UCP for the understanding of which he has got certified distinction. He has, no doubt, perfect knowledge of the UCP as his distinction indicates. But is the UCP itself perfect? Is it like one arm man? He says: **“Ravi, there can never be a UCP that pleases all the constituencies.** Whether it is going to be born without one arm or both, well - in fairness to the drafting group, we can only say when we see it”.

I turn my attention to Kim Christensen, who uses the quote in his book, to know whether UCP can be compared to the struggling one arm man. He was astonished at my idea of comparison, saying: “Gosh Ravi, you never stop to surprise me. I never thought of that in the context of the UCP. Having thought about it, however, I think that the comparison is not far out at all. To me this quote is universal. None of us is perfect - but we still do our best. Most of us still struggle on even though we experience hard times and disappointments - so I also read this as a symbol of hope. The same goes for the UCP. **To me it is against the very nature of the UCP to be perfect.** The main reason is that the UCP covers so many different countries, cultures and people - who perceive the world in different ways - therefore the understanding of "perfection" will always be different. I think that this drafting process has proven this quote: even though it is not a perfect world, the LC world - lead by the ICC and the drafting group - has struggled very hard indeed to come as close to "perfection" as ever possible. They openly acknowledge that they will never be able to produce a set of rules were everyone in the world is happy with everything. On the other hand, I do not think that anyone can honestly say that they have not done their outmost - for that I am sure they have. They surely have been swimming the best that they can.”

## Looking Beyond UCP



Kim in pensive mood to understand the philosophy of life  
to express it in poetry  
Free time, free mind, free thinking

**NEVER SAY UCP CAN NEVER BE PERFECT – NO SOUR-GRAPES  
APPROACH, PLEASE**

Kim's words "...it is against the very nature of the UCP to be perfect" raise a point in my mind. **It is that to say UCP can never be perfect is like saying grapes are sour.** Many LC specialists believe perfect UCP is the mission impossible. It means they think UCP will always be like one arm man. But can it work like determined one arm man? No. The sour-grapes theorist is the defeatist. This **sour-grapes theory** will never lead to persistent perfect attempt for perfect result. We need "**can-be-done**" theory. This theory shows determination. Perfect UCP can be done. Only the perfect UCP can swim the best. One arm UCP can only confuse the LC world. The UCP can be perfect if the art of making UCP is perfect, if the artist has the perfect art, and right environment. Is

ICC's art of making UCP perfect? No. The ICC's art is organized art and the organized art can lead to perfection if there is single mindedness. But the ICC's organized art shows variable thinking in which consensus formation is a hard task. Kim rightly says when UCP revision attempt covers so many countries, cultures and people – who perceive the world in a different ways - it is difficult to make a perfect UCP if there are different interpretations of what is perfect. It means ICC needs to **change its way** of making UCP. Wrong technique means wrong result. When the result is not good we say the result can never be good. We blame the result. We don't blame the technique.

UCP need to be not only perfect but also simple and workable, as Kim says. T. O. Lee, the world-famous LC expert, says the right artist for making simple UCP is the banker. In T. O. Lee's understanding, to expect perfection is idealistic when the focus is on simplification. UCP by bankers for bankers is the right way because bankers can make UCP simple and relevant. Simplification is the right objective. But is the banker the right man for making right UCP? Is he the right artist for shaping UCP? Is he good artist? Does he have expertise? The banker is essentially rule follower. Can he be rule maker? The skill of applying rules is different from the skill of making rules. It is understandable there is the need of simplification. Therefore there is need of art of simplification. Do the bankers have this needy art? Is their existing art perfect? If simplification leads to confusion it means the art of simplification is not perfect. Clarity should be the objective of simplification and not its victim. There can be clarity if the art of simplification is perfect. The art of simplification is not simple. There is risk of confusion in simplification if it is inept.

UCP by lawyers for bankers, says T.O.Lee, is not the right way – because though they may make perfect UCP but it will be too complex to understand. Complication should not lead to reluctance to read the rule. The difficulty in understanding can lead to reluctance for understanding, or to misunderstanding. The reluctance for understanding means lack of understanding means presence of confusion and uncertainties. Lack of understanding means creating a situation for litigation. Misunderstanding leads to misapplication. Therefore, UCP should be user-friendly. UCP is considered well written if it is well understandable. If it is well understandable it is well applicable. Can't the lawyer make a simple rule? Yes, he can. In the team drafting UCP there should be both lawyers and bankers. The banker can do simplification. The lawyer can help the banker for purification – that is, for clear simplification – free from errors and confusion. Is the simple rule clear? The rule is simple if it is easily understandable. The rule is clear if it is not open to many interpretations. The lawyer has the art of interpretation. He has the art of understanding the implications. So the lawyer can offer clarity. The rule should be simple but the simple rule must be right, definite, relevant, and purposeful. The lawyer and banker both can help each other in rule drafting. The UCP making is not individualistic art or attempt. It is organized attempt in which the participants contribute their varying expertise and knowledge. The UCP is the end result of the organized effort. UCP is the sum total of the knowledge of the participants. UCP is not figment of individualistic imagination. UCP is not

idealistic. It has to be realistic. It is based on the real situations. It is directed to meet the needs of real situations. The hallmarks of a good UCP could be: simple and specific, comprehensive and confusion-free, pertinent and relevant, right and purposeful. It should not be open to many interpretations. If it is open to many interpretations, it may be vulnerable to manipulation and litigation. **The UCP can be simple and perfect if the art of making it uses the combined expertise of the lawyer and the banker. Perfection is not idealistic. It is realistic. It is possible. If the art is perfect, if the artist is perfect, UCP could be perfect.**

## **WE DON'T NEED ONE ARM UCP. STOP MAKING ONE ARM UCP**

To conclude, we need perfect UCP, fully developed UCP . **We don't want UCP like one arm man struggling hard for doing the best.** One arm UCP can't do the best as the determined one arm man can. We want UCP like the fully developed man. We don't want one arm UCP. We don't want UCP taking birth with one arm. Let the UCP be perfect and complete. The perfect UCP is the best UCP. Because the best UCP can do the best. The best UCP can swim the best and smoothly. **The best UCP can make the LC specialist swim the best and smoothly in the pool of LC operations.** We want UCP that makes the LC specialist's job a smooth sailing role. We don't want kind of UCP that makes the LC specialist swim hard without the best result. Let the UCP be hopeful and not hopeless, purposeful and not confusing and struggling. One arm UCP cannot swim the best. One arm UCP cannot serve the purpose. One arm UCP, i.e. imperfect UCP, can only create confusion and controversies. We presently see controversies and disputes in the LC world because the present UCP is imperfect. An imperfect UCP obviously cannot do the best. An imperfect UCP cannot be like Pere Ubu's physically imperfect man. Talking of perfect UCP, never say UCP can never be perfect. **Let us not adopt sour-grapes approach. Let us adopt can-be-done approach.** Yes, UCP can be perfect if the technique to make is perfect. **Please stop making one arm or imperfect UCP. It will never work well. It may confuse well.** Will UCP 600 too be like one arm man? Let it take birth because the birth can answer this question.

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