

SAARC: Social Charter and Human Security

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Presentation Scheme

- From Regional Cooperation to Regional Integration
- National Security and Human Security
- Declaration (non-binding), Convention (formal principles if ratified becomes legally binding), Treaty (legally binding)
- SAARC Charter (a treaty) (1985) and Human Security

Presentation Scheme (cont'd)

- Towards the Social Charter: a review of summit Declarations
- SAARC Social Charter (a ratified convention) (2004) and human security
- People's SAARC (2007) and human security
- Recommendations

From Regional Cooperation To Regional Integration

- When studying the relationship between SAARC, its Social Charter and the efforts of civil society actors to bring about a people's SAARC we are examining processes and dynamics of regional integration and not simply regional cooperation.
- Regional cooperation is a vague term indicating inter-state activities to achieve some common needs while integration means 'forming parts into a whole or creating interdependence' (quoted in Chaudhary 2006: 6).
- Regional cooperation is possible without regional integration but not vice versa.

From Regional Cooperation To Regional Integration (cont'd)

- Therefore, while SAARC in its weakest form is about regional cooperation, any meaningful emergence of a people's SAARC would result in integration and in the longer run in amalgamation.
- The SAARC Social Charter however already commits SAARC to integration.
- Other variables such as increasing trade and joint ventures and at some point even cooperation on defence can result in integration.
- Consequently, while the South Asian states may want to retain their conventional sovereignty they are already in principle committed to integration and the movement for a people's SAARC seeks to hasten that process.

National Security and Human Security

- Hans Morgenthau defines national security as the integrity of the national territory and its institutions.
- It refers to the law enforcing, administrative, intelligence-gathering, including anti-terrorist tasks, and other organisations and institutions that ensure the survival and integrity of the state.
- On the other hand, the idea of human security challenges the traditional notion of national security. Its proponents argue that the proper referent for security should be the individual rather than the state. In other words, it is premised on the assumption that national, regional and global stability should be based on a people-centred view of security.

National Security and Human Security (cont'd)

- One can add that human security is a positive concept as compared to human rights in that the latter has traditionally been defined in terms of absence of restraint rather than provision of some needs.
- Or, one can argue that human security includes a respect for human rights.
- However, as long as states constitute the defining units of the international system, in constitutional and legal terms they have to ensure both national security and human security.
- Regional systems therefore have to seek a balance between the interests of states and of individuals and social groups.

SAARC Charter (1985)

- Article I, of the preamble SAARC Charter talks of a desire to 'promote peace, stability, amity and progress in the region' in strict compliance with the UN Charter and Non-Alignment, 'particularly respect for the principles of sovereign equality, territorial integrity, national independence, non-use of force and non-interference in the internal affairs of other States peaceful settlement of all disputes.
- Article 2, alludes to the need to foster mutual understanding among member states, which are 'bound by ties of history and culture', in order to achieve peace, freedom, social justice and economic prosperity.

SAARC Charter (1985)

- Article 3, mentions ‘common problems, interests and aspirations of the people of SOUTH ASIA and the need for joint action and enhanced cooperation within their respective political and economic systems and cultural traditions’.
- Article 4, recognises that cooperation is necessary for ‘promoting the welfare and improving the quality of life of the peoples of the region’.
- Articles 5, 6, 7 and 8 continue with the need for cooperation in order to achieve all round well-being of the people of South Asia.

SAARC Charter (1985)

- The objectives (a)-(h) reiterate the same aspirations.
- Objective (a) captures this succinctly: ‘to promote the welfare of the people of SOUTH ASIA and to improve their quality of life’.
- However, in the section entitled ‘Principles’, emphasis is laid clearly on the sovereignty of the South Asian states.
- With regard to the practices and institutions of SAARC, an annual summit of heads of state or government is mentioned. Foreign ministers are to formulate policies and a number of standing committees are also announced.
- A SAARC Secretariat is to be established (this happened in 1986).

SAARC Charter (1985)

Comments:

1. The SAARC Charter does not take a position on the type of government member states should adhere to.
 - No mention of democracy.
 - No specific SAARC organisation is established to which violation of human rights and human security can be taken.
2. There is no mention of NGOs or civil society playing a direct role in the promotion of human security.
 - SAARC adhered to the traditional concerns for state sovereignty and non-interference in the internal affairs of the member states.

Towards the Social Charter: Declarations

- Already at the 2nd SAARC Summit held in Bangalore (November 1986) it was urged that the UN Convention on the Rights of the Child should be adopted.
- It was observed, 'it should be possible to ensure at the end of the century, that no child need die or be denied development, for reasons of material poverty in the family'.
- A Standing Committee was tasked to review annually the situation of children in the SAARC countries.

Towards the Social Charter: Declarations (cont'd)

- In the 3rd summit held in Kathmandu (November 1987), the commitment to the uplift of children is repeated.
- At the 4th summit held in Islamabad (December 1988) the idea of a 'SAARC - 2000: A Basic Needs Perspective' was discussed.
- It was observed 'all South Asian countries faced problems in varying degrees in areas such as food, clothing, shelter, education, primary health care, population planning and environmental protection'.

Towards the Social Charter: Declarations (cont'd)

- At the 5th summit held in Mali (November 1990), they expressed the collective call to observe 1990 as the 'SAARC Year of the Girl Child' and the decade '1991-2000 AD' as the 'SAARC Decade of the Girl Child'.
- At the 6th summit held in Colombo (December 1991), 'Poverty Alleviation' was added as an important concern.
- Also, the need to protect the environment was emphasised.
- It was also agreed that 1991 should be 'Year of Shelter' and 'Shelter for All by 2000'.

Towards the Social Charter: Declarations (cont'd)

- Recognising that a great majority of the South Asian people remain below the poverty line, they evinced keen interest in the concept of 'Daal-Bhaat', or assured nutritional standards approach'.
- In the 7th summit held in Dhaka (April 1993), a consensus on 'Eradication of Poverty' was announced. Also, a ' Plan of Action for the Disabled Persons' was adopted.
- Human development was added to the concerns, 'A policy of human development, including the enhancement of the social role and status of poor women, the provision of universal primary education, skill development, primary health care, shelter for the poor and protection of children'.

Towards the Social Charter: Declarations (cont'd)

- In the 7th summit too 'People-to-people Contact' was added to SAARC concerns.
- The 8th summit held in New Delhi (May 1995) marked the first decade of SAARC. All the items related to human security mentioned in previous declarations were mentioned and some were elaborated.

Towards the Social Charter: Declarations (cont'd)

- The 9th (Male, May 1997) summit decided that:
A 'Group of Eminent People (GEP) be constituted, with distinguished backgrounds in activities pertaining to regional cooperation, comprising of one representative from each Member State, with the discretion of each Member State to appoint an additional representative'. GEP was to evaluate the performance of SAARC and develop a 'long-range vision and formulate a perspective plan of action including a SAARC Agenda for 2000 and Beyond which will spell out the target that can and must be achieved by the year 2000. The Group may report to the Heads of State or Government at the 10th SAARC Summit.

Towards the Social Charter: Declarations (cont'd)

- In the 10th SAARC Summit Declaration it was observed:
 1. South Asia, while reflecting a rich, complex and varied plurality of cultural and religious traditions, was heir to a profound common civilisational continuum of great antiquity which constitutes a historical basis for sustaining harmonious relations among the people of the region’.
 2. For the first time the idea of a SOCIAL CHARTER, an idea proposed by the GEP, was ventilated at the 10th summit.

Towards the Social Charter: Declarations (cont'd)

- The 11th summit was held after four years in January 2002.
- (Lahore Declaration of February 1999 followed by the Kargil mini-war of May 1999 most certainly was the reason for the disruption of the summits).
- In the 11th summit declaration, the 'Report of the Group of Eminent Persons' was favourably commented upon.
- The 12th summit held in Islamabad in January 2004 reiterated past commitments to human security.
- The Social Charter was signed at Islamabad.

Towards the Social Charter: Declarations (cont'd)

- At the 13th summit in Dhaka in November 2005, it was acknowledged that the realisation of the Social Charter was 'crucial to enable SAARC to meet the hopes and aspirations of the common peoples of South Asia and visibly improve the quality of their lives'.
- The 14th summit held in Delhi in April 2007 took up briefly the items on human security and reiterated the need to realise the Social Charter.
- The 15th summit held in Colombo in August 2008 noted with satisfaction the signing of the SAARC Development Fund.

Towards the Social Charter: Declarations (cont'd)

- It was noted under the subheading 'A Partnership for Growth for the Peoples of South Asia':

'The Heads of State or Government were convinced that the process of regional cooperation must be truly people-centred, so that SAARC continues to strengthen in keeping with expectations as a robust partnership for growth for the peoples of South Asia. They accordingly directed all SAARC mechanisms to abide by the Charter objective of promoting the welfare of the people and improving their quality of life. In this regard they directed the Council of Ministers to ensure that SAARC mechanisms identify further areas of cooperation where people-centric partnership projects could be initiated'.

SAARC Social Charter: A 'Ratified Convention'

- The preamble re-affirms that the 'principal goal of SAARC is to promote the welfare of the peoples of South Asia, to improve their quality of life, to accelerate economic growth, social progress and cultural developments and to provide all individuals the opportunity to live in dignity and to realise their full potential'.
- Emphasises 'age-old cultural, social and historical links'.

SAARC Social Charter: A 'Ratified Convention' (cont'd)

- With regard to legal obligations elucidated in Article 1, dealing with general provisions the Charter states, 'State Parties agree that the obligations under the Social Charter shall be respected, protected and fulfilled without reservation and that the enforcement thereof at the national level shall be continuously reviewed through agreed regional arrangements and mechanisms.
- The Charter also lays down the importance of a people-centred framework for social development'.

SAARC Social Charter: A 'Ratified Convention' (cont'd)

- In the long list of principles, goals and objectives the emphasis is on social development but also that the member states, 'promote participatory democracy, human dignity, social justice and solidarity at the national, regional and international levels'.
- With regard to human rights it is stated:
'Promote universal respect for the observance and protection of human rights and fundamental freedoms for all, in particular the right to development; promote the effective exercise of rights and the discharge of responsibilities in a balanced manner at all levels of society; promote gender equality; promote the welfare of children and youth; promote social integration'.

SAARC Social Charter: A 'Ratified Convention' (cont'd)

- The term minority is not used in the text but allusion to it is made in the following words:

'Recognise and support people with diverse cultures, beliefs and traditions in their pursuit of economic and social development with full respect for their identity, traditions, forms of social organisation and cultural values'.
- The specific articles on poverty alleviation, health, education, human resource development and youth mobilisation, promotion of status of women, promotion of the rights and well-being of the child, population stabilisation, drug de-addiction, rehabilitation and reintegration – all are mentioned clearly

SAARC Social Charter: A 'Ratified Convention' (cont'd)

- With regard to implementation, it is stated:
'The implementation of the Social Charter shall be facilitated by a National Coordination Committee or any appropriate national mechanism as may be decided by each country'
- Comment:
No SAARC authority or institution is assigned the duty to oversee the implementation. It remains an obligation of the state parties.

State-centric Limitations of SAARC Social Charter

- In the period since its adoption not much concrete or substantive changes have taken place in any of the South Asian countries (now including Afghanistan).
- On the one hand, democratically elected governments are now in power in all the SAARC countries.
- On the other, there is proliferation and escalation in terrorism and therefore issues of human security have in practice been placed on the backburner.

People's SAARC: Civil Society

- The movement towards forming a People's SAARC started in Delhi in 1993. Representatives of social movements and civil society organisations, working with and among women, organised and unorganised workers, peasants, fisher-folk, forest workers, marginalised castes and social groups, ethnic, religious and linguistic minorities, students and youth began to converge parallel with the heads of state and government summits.
- In this regard, the South Asia Alliance for Poverty Eradication (SAAPE) played a prominent role in promoting the idea of a people's SAARC.

People's SAARC: Civil Society (cont'd)

- During such meetings the idea of an alternative to the State-centric SAARC was deliberated.
- Finally in February 2007 delegates from the main seven SAARC countries met in Kathmandu to organise the first meeting to discuss the People's SAARC.

People's SAARC: Civil Society (cont'd)

- 23 – 25 March the concept notes were elaborated.
- The People's SAARC Declaration of 25 March 2007 at Kathmandu stated in the ingress:

'We...affirm and commit ourselves to the vision of an alternative political, social, economic and cultural system in the region that will do away with all distinctions and discriminations of gender, caste, religion, language and ethnicity; lead to a situation free from exploitation and oppression; inaugurate a climate in which each individual will have the opportunity, in concert with the collectivity; realise the full development of his or her human potential; restore the balance and harmony with nature; liquidate the artificial and human barriers that divide lands, collectivities and minds; and transcend all boundaries. Such a South Asia must be the goal of the people of this region.'

Declaration On A People's Union of South Asia

- While celebrating shared socio-cultural history it was noted:

‘We... recognise the reality that the ruling elites in the post-colonial period within our respective countries, have kept the people apart through the creation of walls of suspicion, hostility, intolerance, dis- and mis-information and the prevention of interaction amongst the people, in order to maintain their status-quo over their societies.’

Declaration On A People's Union of South Asia (cont'd)

- It is noted that the establishment of SAARC was heralded by decent people as the dawn of a new era of peace and prosperity:

‘However, contrary to expectations, the official SAARC failed to fulfil the promised goals of a better South Asia. Instead economic policies pursued by ruling classes and parties of the region created conditions of exclusion and marginalisation, denial of rights, justice and democratic freedoms in different countries of the region’.

Declaration On A People's Union of South Asia (cont'd)

- Scathing criticism of the ruling elites follows in several paragraphs where the suggestion is that they have created false enemies to justify strong-arm measures against popular discontent.
- Neo-liberal growth model, flawed agricultural policies and the increasing hold of large corporations over industry and production are held responsible for the misery of people.
- Women in particular are victims of all kinds of oppressions and violence because patriarchal traditions and customs have been given undue importance.

Declaration On A People's Union of South Asia (cont'd)

- It is affirmed that the existing economic globalisation is unequal and out of it flow all other types of injustices.
- Solidarity among the people and their unity as human beings are emphasised instead of national and other differences.
- Demands:
- Free mobility across the region to South Asians.
- Strengthening and institutionalising democracy, human rights and justice and proportional representation for women at all levels of society.
- Demilitarise and denuclearise the states.

Declaration On A People's Union of South Asia (cont'd)

- Promote communal harmony and oppose all divisions on the basis of religion, ethnicity and so on.
- Address environmental issues so that sustainable and balanced development takes place.
- Protect biodiversity, water, forests, fisheries and other natural resources.
- Guarantee women's rights to be free from all kinds of discrimination.

Declaration On A People's Union of South Asia (cont'd)

- Guarantee sovereign rights of the people for food.
- Stop operating as agents of the United States.
- Stop free trade model that has been responsible for increasing poverty, trafficking of human beings, food insecurity and environmental destruction.
- The list includes many other demands on the rights of labour, refugees and HIV victims. The basic idea is that the free market model has been bad for the masses.

People's SAARC/South Asian People's Assembly, Colombo, 18-20 July 2008

- The first meeting of the delegates (1000) to the 'People's SAARC' discussed the following:
 1. A Visa-Free South Asia
 2. Minimum 10% reduction in military budget and reallocation for social welfare
 3. No-War pact among South Asian nations
 4. Ratification and Implementation of the UN Migrant Workers Convention
 5. Permanent South Asian Peoples Tribunal on Human Rights.

The Two Approaches

- One need not labour the point that the SAARC Social Charter and the People's SAARC declarations of 2007 and 2008 adopt different rhetoric: the former, essentially a case of benevolent and enlightened government but within the parameters of state sovereignty while the latter represents a left-liberal civil society view of a South Asian union.
- While the former wield power the latter do not, but they strive to gain influence.

The Two Approaches (cont'd)

- At present there is no scope for representation of civil society actors at SAARC summits.
- It is possible that in the aftermath of the global economic crisis the idea of a welfare/developmental state may gain support once again and if that were to happen positive steps may be taken to enhance human security.

Recommendations

- In the UN system, while the states remain the primary units of representation, civil society actors such as NGOs have been permitted increasingly to participate in special committee discussions on country performance on human rights. The same is true of other regional associations such as the Council of Europe and the European Union. Something similar needs to be done in South Asia to enhance the status of human security as a major concern of South Asian States.
- A middle ground needs to be reached between the official SAARC's state-centric and the People's SAARC's anthropocentric approaches.

Recommendations (cont'd)

- One way to achieve that would be to create institutions where all sections of society are represented.
- In this regard, a South Asian parliament with a limited mandate to propose laws dealing with the overall concerns for state and human security for the whole of South Asia should be instituted. Its elections should be based on universal adult franchise but adequate representation should be ensured for the weaker sections of society.

THANK YOU