
CHALLENGES TO PEACE AND PROSPECTS FOR COOPERATION IN SOUTH ASIA

13TH - 15TH SEPTEMBER 2010
NEW DELHI, INDIA



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The views and opinions entailed in the papers presented at the conference are not essentially of the South Asians for Human Rights (SAHR) organisation.

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List of Abbreviations

AFSPA	Armed Forces Special Powers Act
AL	Awami League
ASEAN	Association of South East Asian Nations
CHT	Chittagong Hill Tracts
CPA	Comprehensive Peace Agreement
EU	European Union
FATA	Federally Administered Tribal Areas
IDP	Internally Displaced Person
JMB	Jamaatul Mujahideen Bangladesh
LTTE	Liberation Tigers of Tamil Eelam
NGO	Non Governmental Organisation
NWFP	North West Frontier Province
POTA	Prevention of Terrorism Act
PTA	Prevention of Terrorism Act
RAB	Rapid Action Battalion
RSS	Rashtriya Swayamsevak Sang
SAARC	South Asian Association for Regional Cooperation
SAHR	South Asians for Human Rights

ULFA	United Liberation Front of Asom
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNMIN	United Nations Mission in Nepal
USA	United States of America
USSR	Union of Soviet Socialist Republics
VHP	Vishva Hindu Parishad

1.

Introduction

This report highlights the topics and concerns that were raised at the conference titled “Challenges to Peace and Prospects for Cooperation in South Asia” which was organized by South Asians for Human Rights (SAHR). The three day conference was held at the India International Centre, in New Delhi, from the 13th-15th September, 2010.

With the belief that most problems in South Asian countries require South Asian perspectives and solutions SAHR brought together concerned and conscientious citizens – from different sectors of society – to identify impediments to peace in South Asia and to suggest initiatives to move forward towards progress and cooperation in the region.

The objective was to evolve guidelines and strategies of this Multilogue, towards a peaceful and just resolution of conflicts that are adversely affecting the development, well being as well as human rights and dignity of people of South Asia.

Among the issues that were discussed at the Multilogue were:

- Challenge of Terrorism, Militancy & Religious Extremism
- Tyranny of Majoritarianism & Divided Polities

- Towards Sustainable Peace in Afghanistan
- Counter Strategies of the State with reference to control regulations, impunity, disappearances and visa restrictions.
- Promoting Peace & Cooperation in South Asia in terms of economic cooperation, inter state relations, sustainable solutions for the internally displaced and people displaced across borders.

Among the matters taken up at the regional meeting was the devastation caused by floods in Pakistan. While sympathy and solidarity was expressed with the people of Pakistan, the lack of collective action by SAARC or other regional bodies to provide support for its people was regretted. It was stressed that natural or man-made calamities in any South Asian country must be treated as a matter of regional responsibility. Grave concerns were expressed at the erosion of democracy and rise of authoritarianism in Sri Lanka after the war, and delay in settlement of Tamils interned in camps and called for a return to democratic norms and a humanitarian approach to internees these problems. It was also urged that the South Asian countries support the UN Human Rights Council (UNHRC) resolution for an enquiry into war crimes.

While expressing shock at the increasing number of victims of recent State violence in Kashmir and the loss of lives, the meeting urged that that immediate steps be taken to ensure that the human rights of the people are respected and laws that are contrary to human rights principles be repealed. The meeting also called for urgent talks between concerned parties to seek ways for non-violent solutions which would be acceptable to the people of Kashmir. The meeting regretted that while Independence was won through non-

violent struggles, South Asia has progressively become the site of conflicts, prolonged disputes, sectarian violence and terrorism. It identified terrorism, religious extremism and communalization as major threats to peace, democratic development and security in South Asia. Expanding terrorist activities and networks across the region from Pakistan to India and Bangladesh have undermined human rights, increased polarisation and prevented reconciliation. The meeting also critiqued State responses to terrorism which further enhanced insecurity and instability and led to militarization. SAARC countries have sanctioned impunity for intelligence agencies and security forces, allowed methods of lawless law enforcement, and prevented any accountability for disappearances and extra-judicial killings in all countries of the region, particularly in Sri Lanka during the recent conflict.

The meeting also expressed its deep concern at the escalation of violence in Afghanistan which may be exacerbated by competitive and conflicting claims of India and Pakistan, and reiterated an urgent need for political engagement through South Asian dialogues between governments and between concerned citizens. Participants also viewed with concern the failure of South Asian states to move beyond majoritarian rule under a democratic façade, and called upon the youth to end their alienation from politics, to liberate national politics from domination by personalities and patronage, and establish traditions of genuine democratic participation of all citizens in political processes. The meeting also expressed hope that the initiatives for a Peace Accord in the Chittagong Hill Tracts and consensus building for a constitution in Nepal would be taken forward.

The meeting concluded with recommendations for regional cooperation, action by governments and citizens' activism. The

3-day South Asian Multilogue brought together a group of 35 South Asian professionals, political leaders, cultural activists and media persons, both women and men, who are well known for their expertise, involvement and commitment to peace with justice, pluralism, democracy and human rights, that can provide the framework for a people centred development.

2.

Moving Beyond the Past

Chair : Prof. Rehman Sobhan (Bangladesh)

Speakers : I. A. Rehman (Pakistan)
Kuldip Nayar (India)

“Moving Beyond the Past”, the plenary session chaired by Prof. Rehman Sobhan aimed at providing an analytical overview of the disputes between India and Pakistan that have defied resolution, and contributed to ongoing tensions between the governments of the two countries, and have affected inter-governmental relations in South Asia. The result is evidenced in the use of terrorist violence to de-stabilize countries, in policies that have contributed to hostility between communities, dislocation of populations from one country to another and within countries and an erosion of human rights and democratic norms. Its most recent manifestation has been in the attacks in Mumbai in November 2008, which led to the breakdown of the composite dialogue between the Governments of Pakistan and India. Both governments have accused each other of interfering in each others’ politically sensitive areas, such as Kashmir, Baluchistan, etc.

South Asia needs to emerge from its past, to seek common remedies. SAHR believes that it is essential to take a collective problem solving approach to defuse tensions and change the negative orientation of inter-government relations, so as to build a framework of justice in South Asia.

Touching on the title “*Moving Beyond the Past*” Prof. Rehman Sobhan said that the tasks that were set out more than two decades ago have not been accomplished with any sense of satisfaction and on the contrary in recent times their solutions have become far more complex.

2.1 Is South Asia still a Prisoner of the Past?

- I.A. Rehman

Speaker I.A Rehman, addressing the session highlighted that one common feature for the repeated mistakes that countries make is owing to the fact that its citizens have lost the capacity to generate new ideas and they fight today’s battles with yesterday’s weapons. The same thing seems to be happening in South Asia. We are still prisoners of our past and we are not banishing it, nor are we trying to look into the future.

While South Asia led the struggle against colonialism, we have become famous for fighting amongst ourselves instead of fighting our common enemies together. We have not learnt any lessons from the EU or ASEAN. Our freedom initiatives were in response to British offers of constitutional advance, and the reform packages pushed the main religious communities deeper into communal politics. India and Pakistan are largely to blame for this situation. Even after over 63 years of independence, they have not been able to settle matters between themselves. The decisions of both countries’ regarding each other have been inspired by pre-partition perceptions of insecurity. This is despite the fact that they share so many commonalities – long-term and economic interests, the need to fight terrorism, religious extremism and the need for cooperation, which is so vital to SAARC’s success.

Despite the odds faced by those fighting for the acceptance of a South Asian identity, there should be no doubt about the people's capacity to lead their leaders and find solutions to problems successive regimes of the elitist groups have found intractable. The present times demand the emergence of political leaders in all countries of South Asia who can rise above the petty-minded interpretations of national interest and have the ability of seeing the common interests of the South Asian masses. However, this will happen only if civil society organisations can strengthen the unity of the people and make confrontational politics so unpopular that the custodians of power in all States will be compelled to change course.

2.2 What is Possible in the South Asian Region?

- Kuldip Nayar

In the context of what is possible in the South Asian region, we could begin with Jawaharlal Nehru's thinking about the region: Nehru convened an Asian conference in 1946 when he was the Prime Minister of the interim government. He spoke about the Asian Spirit and said that the Asian solidarity would one day assert itself. However, Nehru was disappointed by China's betrayal in 1962 forcing him to give up the idea of Asia's solidarity.

Nehru never thought of the South Asian region as an entity and was more interested in non-alignment of weak and underdeveloped countries throughout the world. West vs the Rest was at the back of his mind. He tried to forge a spirit among weak countries to together confront the militarily powerful nations that had divided the world into two blocs, with hardly any attention to the poor. Nehru thought that innate belief in shared values and traditional wisdom in Asia, Africa and South America would evoke a spirit

of accommodation and provide the push needed for a non-aligned movement. Even after the partition he never believed that India and Pakistan would stay apart nor did he anticipate that the antagonism with Pakistan would continue for so long.

Regarding the conflicts that plague the region, the biggest threat foreseen by South Asia is communalism/fundamentalism and the new threat of terrorism. Even in the Hindu 'way of life' liberal values are receding and the laws that are being put in force are narrowing the democratic ethos further in India. In the region, there is a revival of religious bigotry and extremism, fuelled by terrorism. The sad fact is that the region is bereft of leaders, academics or journalists who can rise above their petty interests and fight against prejudice, bias and parochialism.

The second danger is that the armed forces, security forces and technocrats, and those in khaki have become more influential and wield power behind the scenes. In India, democracy in the classical sense seems to be weakening and the individual rights of the people in the country are dwindling. More and more laws are encroaching on, lessening democratic space.

The third danger is that of authoritarianism and even people who come to power through democracy may not have any qualms in applying strict laws, the AFSPA being a case in point. Though a judicial commission has asked for the withdrawal of AFSPA in the Northeast of India, the recommendations cannot be implemented because of the influence the armed forces have enjoyed. This deludes democracy, as we have known in the initial years after independence.

A further danger is the lack of respect for human rights. Religious symbols and rituals have become more visible, and in their names, human rights are trampled upon. The society seems to have lost its

soul and sensitivity. At the same time, some kind of a social churning is taking place, a Dalit woman has become the Chief Minister of a State and a Dalit being treated humanely and with respect at the police station are promising signs.

Today's youth who are articulate and confident is a positive sign. They are our best hope as they are not shackled by the discourses of the past and are more eager to look forward to the future. The idea to stand and speak up against injustice, wherever the youth see around it, is catching up. This is healthy and promising for India and the other parts of the region because once they come to the fore, there is no going back to mis-governance or non-governance.

Discussions and Recommendations

Since youth are more attracted to high technical workforce, it tends to desensitize them towards values and ethos. There is also a need to connect the youth through an inter-generational dialogue so that the youth become the agents of change. The best of media too has failed to communicate effectively thereby it does not contribute in a manner that it should. However, there are conflicts of interest predominant in the minds of the youth. The idea of commonality is yet to enter their consciousness. Initiatives are required to focus on these commonalities.

The ways of reaching the political will is also never specified. It is important to know what the vision of the youth is. They can be very active at the national level but one is not sure how involved they are in the regional networks. The manner in which the youth are absorbed into the political parties is also an important question to be raised. Are they effective enough to bring about a change in the mindset of these parties once joining them? or are they being co-opted by the same ideologies and practices?

What exactly is the model that needs to be followed in South Asia?

The youth of the region should not be viewed as a category. The native remains a native and to put all hopes on a single category of youth shows a certain lack of imagination and therefore one needs to move beyond.

What possible comparative advantage can be gained in the sphere of human rights?

The fact that the motion on the resolution of war crimes in Sri Lanka was defeated at the United Nations by the very countries of the region has larger implications for the whole of South Asia specially now since the Sri Lankan model is being seen as the model to follow as far as tackling insurgencies are concerned.

The distinction between public and private universities was also brought up. Students in public universities like Dhaka are more political and in tune with discourses on change and revolution. The private universities have students who are not so political but there is some faith that can be reposed on them since they are not nationalist and imbibe more a sense of cosmopolitanism in their outlook.

The role of global finance capital and its impact on the youth is also going to play a crucial role in the context of South Asia. One cannot be sure if the age factor can necessarily be the defining category of infusing the traditional ethos and values.

There is a need for an active group of Parliamentarians, which would help in broadening the base of human rights movement. It is important to ensure that mainstream political parties incorporate

the ethos of human rights and remove certain misconceptions about the notion of human rights.

Regarding Kashmir the constitution can be amended and the status of Kashmir can be outside the constitution but not outside India. Credible people need to go to Kashmir and talk to them. However, one thing that needs to be made clear is that any solution on Kashmir cannot be outside India. There should also be a high-powered commission to look into the atrocities committed in Kashmir.

The notion that major energy and environmental challenges can be handled individually is a false one. The answer is greater integration and the same is true for the trade and labour market in the region. Terrorism is used less as a noun and more as an instrument at a time even when terrorists are the most integrated network in the region.

South Asian foreign policies seem to be handled by security agencies. The question that needs to be addressed is how the foreign policy domain can be democratized? The divisions in the society are two-pronged; one on the border, the other within. The structural sources of these divisions need to be dissected so that the youth are given a legacy that they can take forward. Lastly, it is absolutely important to make South Asia an element of our own domestic political discourse.

3.

Challenge of Terrorism, Militancy and Religious Extremism

Chair : Mohammed Latheef

Speakers : Hina Jilani (Pakistan)
Matiur Rahman (Bangladesh)

This section provides insights into the factors that have fuelled extremist militancy and terrorism. In Pakistan, religion has been used to mediate relations between State and citizen. As a frontline State, it has also been exposed to the fallout from regional and international rivalries. Some of this has resulted in the formation of critical networks across borders that are a threat to democratic structures and human rights in the region.

The discussions aimed to elaborate on strategies that States can adopt to combat terrorism and religious extremism, and suggest more pro-active roles for citizens.

3.1 Countering Terrorism and Conflict in Pakistan: The Case of Talebanization

- Hina Jilani

The phenomenon of extremism is the logical step towards the path of terrorism and it should not come as a surprise to anyone since it

has been the topic of ongoing discussions. We are witnesses to two types of extremism, which are behind the weakening, or the non-commencement of democracy in some of our countries. This is why we have failed to develop at a regional level and insist on common interests. Not only has terrorism been inimical to democracy but counter-terrorism measures are causing harm as well. With regard to the effects of terrorism and counter-terrorism on democracy, Pakistan has made a unique contribution to both, in as much as it is perhaps one State where there has been a national security doctrine that has been developed around the use of terrorism for the security of the State.

Terrorism and counter-terrorism have both combined to make our States more militarized, which has seeped into the political and social fabric of our countries thus hampering the growth of democratic culture. The tension in civil-military relationship, which is emerging in our countries, is a dangerous impediment to sustainable democracy. The national security doctrine has led to a situation wherein ideally the military operations should be used to lay the ground for a political strategy, but in effect evolving such a political strategy is becoming increasingly difficult. For example, in Swat the military offensive was not backed by a political strategy that would lead to democratic development. Thus, the counter-terrorism measures did not help in finding a successful political solution. On the contrary, these measures have deepened divisions, increased polarization, and made reconciliation far more difficult. In fact, it has even failed to identify opportunities for dialogue and negotiations. More importantly, civil administration that would lead to normalization in the post conflict environment did not follow the military operation. Consequently, the weaknesses that allowed impunity for violence by armed groups and unobstructed harm to the civilian population remain a threat to peace, security and the rule of law in Swat.

It is very difficult to find a basis or space for dialogue since there are no clear-cut expectations of what the terrorists want. It is difficult to define the parameters of such dialogues since the demands and aspirations are not clear. One of the main problems with the lack of definition of terrorism is the lack of recognition of the principle of distinction. When the definition is vague, all armed struggles are termed as terrorism and therefore counter-measures and responses become counter-productive.

The right to self-determination must become a core base of defining terrorism, only then would we have the right responses. Self-determination does not only mean secession or independence but also autonomy - over natural resources and the economic model it wants to pursue. When taking a look at the Asian region, one of the distinctive features today is its usual social, economic and cultural rights deprivations that leads to collective action, which in turn results in the violation of civil and political rights due to the responses of the State.

Another problem that in some ways obstructs a forward-looking thinking on how to counter terrorism is the globalized approach to the war on terrorism. While this approach recognizes that there is a common threat and a collective responsibility, it is not necessarily appropriate in terms of the concrete measures that are taken to counter terrorism. For instance, there are no security sector reforms to make intelligence agencies accountable and there is no proper legislative framework for oversight of such agencies.

Dealing with the perception about the agenda of terrorists in some sections of the population in different countries in the region is another problem that we face. Violence has become the insignia of terrorist acts and, if there is a cause behind their actions, it remains remote and undefined. Civil society and political parties too have

failed to add a holistic perspective to this phenomenon and to expose the criminality of terrorist acts regardless of what inspires violence. What needs to be delineated is the fact that however legitimate the cause may be, violence against the civilian population in pursuit of such a cause will always be unacceptable. A concrete and well-defined articulation of how the terrorists have been anti-people and not anti-State has been missing. The media too, instead of being helpful, have made the situation more complicated. We have failed to look inside and introspect on the causes that exist within and the divisions that percolate down the society. It is not a question of religious tolerance or intolerance, but an expression of political intolerance. These are the kinds of perceptions that have undermined the support for democracy and human rights.

There should be an effort to attend SAARC meetings and, both at the level of civil society and intergovernmental dialogue, there is a need to raise the issue of distinction on matters of terrorism and the right to self-determinism. There should also be a regional consensus and a commitment to assert and insist on civil-political rule as the basis for regional solidarity. We also need to let go of the prevalent war paradigm. Terrorism is a serious crime and the criminal justice framework is the most appropriate in dealing with it. If we protect the terrorists from criminal law, we are failing to bring out the crimes perpetrated by these groups and in making the victims of such crime visible.

3.2 Religious Terrorism in the Context of Bangladesh: Networks across Borders

- Matiur Rahman

Although separate from Pakistan for the past 40 years, Bangladesh follows Pakistan in many ways including on the issues of religion and religious terrorism. The rise of religion and religious terrorism in Bangladesh and its dangerous expansion is the same all over the world especially in South Asia. These groups which are active under one or different names in India, Pakistan, Afghanistan and Bangladesh have good communication and cooperation among themselves.

The dangerous activities of such groups were first noticed in 1999 when Harkatul Jihad Al Islami surfaced in discussions but the activities of religious chauvinists started back in the 1980s. Numerous Bangladeshi mujahids who had gone to Afghanistan to fight the Soviets returned home and formed Harkatul Jihad Al Islami Bangladesh or HuJi-B. Terrorist leaders from different countries who visited Bangladesh supported and encouraged their activities. Many Middle Eastern NGOs also supplied funds. Large-scale attacks in Bangladesh initiated by the HuJi-B became commonplace but the government, rather than investigating these incidents and attempting to catch the real perpetrators, were busy implicating the political opposition in crimes. The target was the democratic, left-leaning progressive forces in different times and Sheikh Hasina's Awami League leadership. Terrorists even tried to assassinate her several times. HuJi-B even received political sanctuary under the BNP-Jamat led government.

Similarly, in the backward region of the North, another organization named Jamaatul Mujahideen Bangladesh or JMB, formed in 1998,

became active and indulged in recruitment for Jihad by utilizing the religious sentiments of the people there. With funding from NGOs in the Middle Eastern countries, it soon expanded its organizational base. As the government of the day remained indifferent, the JMB carried out its violence with impunity. In August 2005, it carried out 500 simultaneous bomb attacks in 63 districts in the country.

Though religious terrorist organizations active in Bangladesh have evolved emulating their Pakistani counterparts, it needs to be kept in mind that the rise of extremism is a result of the country's turbulent politics and its poor governance. The Bangladeshi terrorist groups had links with international organizations from the very beginning and with terrorist groups in Pakistan, India and Afghanistan. In fact, the top terrorist leaders received their training in Pakistan and Afghanistan. The HuJi-B even has connections with the Rohingya terrorists in Myanmar and these groups are often given shelter in certain locations in Bangladesh. Recently however there has been a crackdown by Bangladesh government, which has not been taking counter measures against such groups: it is not allowing Indian separatists including ULFA to use its territory; it has arrested many of its members and leaders and handed them over to Indian authorities. Such moves are a good initiative for internal security as well as regional peace and stability.

Terrorism can also be mitigated if bilateral issues especially between Bangladesh and India such as water sharing, common river and land and maritime boundary could be resolved which would help weaken the anti-India campaign and eradicate certain causes for terrorism. Secondly, poverty and lack of education, two aspects on which terrorists thrive, must be uprooted from society. It is imperative that the countries of the region reach an actual consensus about anti-terrorist regional cooperation. A task force could be formed as already proposed by the Bangladesh government.

4. Counter Strategies of the State (Controls, Regulations, Security and Counter Terrorism)

Chair : Kamla Bhasin (India)

Speakers : Prof. Imtiaz Ahmed (Bangladesh)
Dr. Saravanamuttu (Sri Lanka)

This section analyzes the effects of conventional measures adopted by the State to counter terrorism and political violence. These may have a short-term display effect, but are they likely to create stability and peace in our societies? Anti-terrorism laws, impunity of law enforcement in each country and in cross border incidents are justified as deterrent measures, but they do not create a peaceful and stable environment which could contribute to respect for rights and tolerance of diversity.

4.1 The 4 I's to contain Terrorism

- Prof Imtiaz Ahmed

A complex combination of “4 I's” is required if terrorism of the variant that we are now facing is to be contained, and these are: *Incarceration; Intelligence; Intellectual; and Institutional investment.*

Incarceration implies 'police action' and this is already in practice now although not always with success. GOB has added yet another police force in 2004 in the name of Rapid Action Battalion (RAB), manned by police and military personnel, mainly to contain violent unlawful acts, including terrorist activities. The RAB, however, soon earned the notoriety of killing suspected criminals in what has come to be labelled as 'cross-firing' (on the average more than 100 every year). Critics, including national and international human rights activists, are voicing reservations and calling it extra-judicial killing. Six members of a religio-centered militant outfit JMB were hanged in 2007 for various terrorist activities, including having a hand in one or two suicide bombings. Critics, however, point out that incarceration, although required, cannot contain non-state terrorism in this age of globalization.

Intelligence too is important and this requires focusing on the state of the 'State machineries'. Interestingly, there is hardly a focus on the latter, thinking such machineries to be immune from socio-political processes or taking them to be neutral when it comes to reproducing the State. Experience has belied such a thing. In fact, members employed in the State machineries in both developed and developing countries have been found to be clandestinely advocating and even pursuing long-term and at times sinister agendas than the regime in power. A good example would be Oliver North and the Iran-Contra affair, where North was practically running US foreign policy with little or no knowledge of the President and less so of the US Congress. The same could be found, albeit with varied degrees, with respect to the Scotland Yard, ISI of Pakistan, RAW of India and now, as highlighted in the print media, NSI or DGFI of Bangladesh. Key elected officials probably have far less knowledge than some of the bureaucrats or military officials serving in the state machineries. Since regimes come and go (and more so, democratic regimes), some of the members of the State machineries, particularly

those dealing with national security, tend to carry out long-term even dubious agendas in the name of 'national interest' with little or no knowledge of the government of the day. The domains of intolerance and subaltern market come handy both in terms of recruitment and financial support should some members of the State machineries decide to carry out clandestine activities within and beyond the borders. Critical reforms are therefore required in the domain of security intelligence.

Third is the issue of *intellectual* intervention. Indeed, with reference to the intellectual two issues could easily be raised. Firstly, the pathetic state of Islamic scholarship in Bangladesh. This is at one level understandable simply from the standpoint of merit and job opportunities. Ever since the British fashioned the colonial education in the light of their political requirements, abandoning and at one point physically displacing the pre-colonial structures, few of the meritorious invested in Islamic scholarship. The trend continues to this day. As a result, interpretation of Islam has fallen either into the hands of a mediocre *mullah* or a Western pundit whose text however remains unintelligible if not a suspect to the bulk of the Muslim believers. A long-term creative investment in the domain of religion and Islamic discourses is required urgently. Fortunately, Bangladesh is blessed with a tolerant Islamic tradition, thanks to a Sufi-nurtured public reason, which only makes the task of re-energizing Islamic scholarship all the more easy.

Secondly, and this is partly the result of the first, the secularists' dismal take on religion. Having a share of the meritorious lot, and this continued almost unhindered over the last fifty years or so, the secularists engaged themselves in rectifying the communal excesses of the state. Achievements were substantial, which included the very birth of Bangladesh. However, in the process of confronting communalism and that again mostly violently and less from within

(a notable exception would be the role of *Tamaddun Majlish* and the Language Movement), they have ended up neglecting the manifold discourses on Islam, and now are at the end of their wits in confronting the terror unleashed in the name of religion. The intellectual bankruptcy of the secularists, particularly on issues of religion and Islam, got exposed few years back when the General Secretary of Awami League (AL) decided to come to terms with the Khelafate Majlis (KM), abandoning the age-old secular principles of the party. Without going into the merit of AL's strategy, particularly whether it would have worked in dividing the votes of the Islamic constituency and weaken the traditional support base of the BNP-Jamaat Alliance, the subsequent discourse on the 'AL-KM understanding' showed the intellectual bankruptcy of the secularists. This was clear in their collective opposition to the agreement reached on *fatwa*, treating the latter in various public fora as 'law,' 'decree' or 'edict.' *Fatwa* incidentally is none of these and this is true with respect to all the five schools within the Sunni Islamic fold.

Four things ought to be made clear on the issue of *fatwa*. Firstly, *fatwa* is merely an 'advisory opinion' and certainly not a law. Secondly, it can be issued only to an individual questioner. Thirdly, it is 'nonbinding.' Finally, only a jurisconsult or *mufti*, well versed in one or several schools of Islamic law, can issue *fatwa*. The secularists, however, in calling the *fatwa* a 'law' have fallen trap to the distortion that has taken place over the years in South Asia, including Bangladesh. The secularists bashing of the AL on this issue has only cemented the distorted (and no doubt anti-Islamic) meaning that now prevails in rural Bangladesh and unwittingly ended up empowering the ill-informed, intolerant *fatwabajis* (i.e. the issuer of *fatwas*). Limits have come in the wake of the latter resorting to coercive means, here the secular contribution to thought and action played no less a critical role. In fact, a protracted six-monthly

anti-fundamentalism wave, from December to May (Victory Day, Merry Christmas, Happy New Year, *Pahela Falgun*, Language Day, Genocide Day, Independence Day, *Pahela Boishak*, Tagore's Birthday and May Day), is a reality, albeit unique to Bangladesh, which is bound to challenge the ill-informed doctrinal positions of the terrorist outfits for many years to come.

Finally, a protracted *institutional* investment is required to counter terrorism. There has been some movement towards that. In fact, in the aftermath of the BDR carnage a governmental report suggested not only the formation of a National Crisis Management Committee to tackle such issues in future but also to immediately raise a force with members from the Armed Forces to check recurrence of such incidents. The committee also suggested the formation of a National Intelligence Coordination Committee for better coordination amongst the intelligence agencies. Amongst the proposed committees the first one can be taken to mean the formation of a proto National Security Council while the second one comes close to what the US has established in post 9/11, i.e. the Homeland Security. One certainly requires to speed-up the pace for concretizing such institutions unless the state and the people are willing to wait for another calamity to knock them over!

4.2 Sri Lanka from Post War to Post Conflict

- Dr. P. Saravanamuttu

Sri Lanka had a war without witness. Stringent controls were exerted on independent media coverage of the war. As a consequence, the government has been able to contest subsequent reports of violations of the laws of war and international humanitarian law. The government insists that there were no civilian deaths since it was pursuing a policy of zero- civilian casualties, and to contest

subsequent reports that civilians were killed by government forces in addition to those who were killed by the LTTE who used civilians as human shields. The Government also claimed that it sent in food and medicines to 70,000 people trapped in the war zone. However, popular estimates even by modest accounts peg the number of people trapped to approximately 300,000, lending credence to the contention that the government adopted starve and siege techniques in the course of the war.

Currently, Sri Lanka is in a post-war situation. The challenge is to move towards a post-conflict situation, where the sources of conflict will no longer be sustained or reproduced. The trajectory of events suggests otherwise. We need to move towards peace, good governance, and reconciliation. That would entail a political settlement of the ethnic conflict, the effective return and resettlement of the IDPs consistent with international standards and thirdly the mechanisms for reconciliation upon which a robust national unity can be founded and the culture of impunity on human rights violations repudiated.

At present, Sri Lanka is following the unhelpful South Asian tradition of dynastic politics and as a consequence the structure of power and government is both concentrated in one family, highly centralized as a result and strongly majoritarian in ideology. A constitutional amendment has been passed which allows the current incumbent to be in effect president for life. He also enjoys legal immunity for any act in his official or personal capacity for as long as he holds office. The 17th Amendment, which is the only amendment in the constitution that is specifically related to checks and balances on the exercise of presidential authority, has been gutted.

The government's priorities are focused on regime consolidation on one hand and economic development on the other. Civil and

political rights are considered irrelevant at best and subversive at worst.

This paradigm sends out a clear message to the Tamil people in the North and the East in particular, that no political settlement of the ethnic conflict that is forthcoming.

With regard to human rights, similar paralysis prevails. There was a Commission of Inquiry, and an Independent International Group of Eminent Persons. Currently there is a Lessons Learnt and Reconciliation Committee, which is avowedly political in terms of its mandate. It focuses on the period from the ceasefire to military victory and has no investigative powers. There is no victims and witness protection mechanism either.

With regard to IDPs, some 300,000 were kept in camps with no fundamental rights and without freedom of movement. Electoral considerations led to the release of IDPs in an uncoordinated manner. In terms of IDPs, Sri Lanka has become an experimental ground for the UNHCR and allied agencies the world over, many of which are buying the government position that around 90% of the IDPs have been resettled. In reality, they have only been let out of the camps, and no sustained effort at resettlement has been made. The Government of India had offered to build 50,000 houses for the resettlement of IDPs but the Sri Lankan Government was yet to identify land for this purpose, while at the same time, it had identified extensive tracts of land in the North and the East of the country for tourism and for the permanent settlement of the Army. Most IDPs in the meanwhile continue to live in transit camps and with host families. Their requests for information on family members, which go unheeded by the Government, reinforce fears that the Government is determined not to provide any information, which could have a bearing on the numbers killed in the war.

The focus on developing tourism at the expense of ignoring political and human rights is also a major concern. Such development involves skills, which the local people do not have. Bringing in skilled labour from outside the provinces combined with the permanent settlement of the military there feeds fears and perceptions of deliberate demographic changes and a form of colonisation under the guise of development and security. Colonization was one of the root causes of the conflict in the first instance.

In Sri Lanka, there is authoritarianism, militarisation of civilian government in the North and East, and military access to land at the expense of civilians – essentially an insensitivity to what fuelled this conflict. The perceptions of second-class citizenship notions of humiliation, notions of the inability to live as full citizens of Sri Lanka are not being addressed.

A large section of the Tamil polity still believes that it is only India and Delhi's intervention with Chennai's prodding that will produce any kind of political settlement. However, Indian tardiness on this issue, together with China's investment into the Rajapaksa economic development initiative, will mean that India will favour the government. That is the tragedy because Sri Lanka needs support from the region and its decision makers. SAHR in particular needs to address the distortion and misdirection of information of the trajectory of public policy and the fate of the people of the region.

Discussions and Recommendations

With regard to the question of the Rohingyas, all issues of statelessness, terrorism and polarisation needs to be looked into in a holistic and integrated manner.

Regarding any Tamil Nadu-led pressure from India to the Sri Lankan Government, while appreciating the strategic value of such a move, one need to consider identity politics instigating concerns of human rights. The terms on which South Asians should engage, and the kind of politics that should be promoted needs to be pre-decided. It remains a ground reality however, that Tamils as a polity in Sri Lanka are not able to agitate for their rights on their own. While the Government of India did have a stake on the outcome in Sri Lanka, there is a need to cultivate South Asian solidarity irrespective of the actions of Governments.

Regarding the issues of self-determination and terrorism, there is need for a common regional definition of terrorism. Current terrorist movements are beyond territorial boundaries and have a global agenda, thus their link to expressions of self-determination need to be evaluated carefully. In 1987, SAARC did come up with a definition of terrorism, which was based on civilian casualties.

Certainly, there is a need to see the acts of terrorism differently from the generic phenomena, and clarity around the questions of terrorism and self-determination was crucial, not just for the State and affected populations, but also for activists, to enable them to protest justly and effectively.

Of note also is the asymmetry of the State mechanism and terror networks, the practice of the State using terrorism as a foreign policy and intelligence strategy, and the growing practice of political parties using terrorist means to further their ends. Questions on the degree of autonomy of terror outfits, their use as mercenaries and the links of terror networks to intelligence agencies of other States all needed to be studied carefully to formulate an adequate response to the terror mechanisms in South Asia.

The difficulties in confronting terrorism, when such movements derive their ideological moorings from the ideology of the State, have led to a situation where the State instead of confronting terrorism, begins to compete with it. There is a need to take stock of the intellectual transport of the message of terrorism, for which the history of the subcontinent needed to be studied holistically.

We also face the dilemma of identifying movements of self-determination from those that merely resist hegemony. We need to look at terrorism and self-determination in South Asia within the larger global context of cultural rights and the anti-development paradigm.

Free markets are also a part of a subtle and insidious form of terrorism, which poses a threat to people's livelihoods and resources.

Role of SAHR:

A decision needs to be made whether SAHR wants to invest in the South Asian region at the level of homo politicus, homo economicus or homo psychologicus. Further, South Asian States need to empower citizens rather than functioning around minority economic coteries. While the issues being discussed were presented exclusively in terms of winning strategies for both parties, there is the more overarching need to bring the focus of SAHR back to addressing issues of justice.

5. Counter Strategies of the State (Impunity, Disappearances, Visa Restrictions)

Chair : Maja Daruwala (India)

Speakers : Jatin Desai (India)
Dr. Nimalka Fernando (Sri Lanka)

This section focuses on the lack of mobility for citizens within South Asia and the controls that have prevented interaction between different communities. For example, there is a need to match the demand for labour in one country/region with supply from neighbouring States, or for cultural exchanges, but government restrictions justified on the excuse of combating terrorism, have prevented this and in fact led to gross violations of human rights.

5.1 Plight of Arrested Indian and Pakistani Fishermen

- Jatin Desai

Indian and Pakistani fishermen get arrested in each others' waters because it is difficult to see where the waters of one country begins and ends. Fishermen are caught primarily under three charges: under the violation of Passport Act; violation of the Foreigners' Act; and theft. Under these charges, the maximum sentence is six months but

many fishermen languish in foreign prisons for two to three and a half years, depending on the relations between the two countries.

The real problem in the whole issue of releasing these prisoners is the bureaucratic and political hurdles. An example is a significant judgement given by the Supreme Court of India relating to 22 Pakistani prisoners who had completed their sentence but were not allowed to go, the contention of the Indian government being that Pakistan was not releasing Indian fishermen and thus they were doing the same. An angry judge declared that the Indian law does not depend on the action of other countries and ordered all the petitioners to be released and sent back. This prompted the fisher folk forums of both countries along with other associations to work together on the issue of arrested fishermen in both countries.

While this coordination between the civil societies of both countries had yielded some positive results, the peace process coming to a standstill is a matter of concern. The ineffectiveness of SAARC, especially vis-à-vis the flooding in Pakistan is a case in point, as the body cannot initiate any process unless a country calls for it. A breakthrough in the stalled peace process is definitely bound to help SAARC in its own processes and if strategies can be forged through joint actions, the larger goals of resuming the peace process between India and Pakistan can be obtained.

5.2 Culture of Impunity – Case of Sri Lanka Focusing on Disappearances and Extra-Judicial Killings

- Dr. Nimalka Fernando

South Asia is becoming a region of the ‘disappeared’, countries with large numbers of IDPs and refugees. The case of Sri Lanka in particular is horrifying. The States of South Asia has been using disappearance

as a counter terrorist strategy since the 1970s. These measures have been carried out with the introduction of repressive laws, e.g. PTA (Sri Lanka), POTA (India). The PTA introduced in 1978 lacks a proper definition of the term 'terrorism'. With an enhanced PTA in recent years in the pursuit of a war strategy, counter-terrorism has become a tool of the State. The emergence of a "military-politico State" has created a difficult situation for human rights defenders in relation to their work for the promotion and protection of human rights. Advocacy and campaigns against disappearances or actions to combat disappearances is labelled by the government as an anti-State activity, an act of treachery. Several human rights defenders, activists and journalists have 'disappeared' as a result. Reports from four presidential commissions state that 30,000 had disappeared in the 1980s. In the period between 2006-2010, the number of disappearances was estimated between 2000-5000. Furthermore, there are no officially recognized places of detention either.

Interventions to urge the government to deal with the perpetrators have fallen on deaf ears. At present, the tactic is to have a special commission appointed which submits its report to the Executive President. These reports remain with him and are never made public nor presented to Parliament for discussion. The only channel we have been able to use with some success is the United Nations, especially during the Human Rights Council sessions. However, we have failed to get India or SAARC moving on this issue and have not been able to achieve systematic solidarity from the region or develop sufficient political clout in the region to assist in the advocacy against disappearances or extra judicial killings or for promotion and protection of human rights.

Our activism still has to deal with the repressive nature of the State such as in Sri Lanka. With the introduction of the 18th Amendment to the Constitution with so much of power vested in the hands

of the President, governance has transformed into a constitutional authoritarian regime.

There is a need to establish a South Asian Civil Society Commission, a high profile body, because there is too much dependence on SAARC even though it is difficult to obtain relief through SAARC. There are many experts in the region and we need to tap in to these available resources. In the case of disappearances, there is a UN Convention on Enforced Disappearances, which neither Sri Lanka nor India has ratified nor for that matter, none of the countries in South Asia has acceded to this Convention. A civil society platform, consisting of SAHR members, which is more than a human rights activists platform, can be formulated. Given that, the pioneers of SAHR were political leaders of South Asia, this platform will provide the visibility and the political clout, to take up all defined issues, develop a lobby team and then discuss the nuances of the challenges with political leaders. Representatives from various political parties could be gathered to discuss this matter in Parliament sessions. This would also mean mobilizing people, and in particularly the youth, through the inspiration of such a leadership promoting the idealism of human rights.

Discussions and Recommendations

SAHR is being called, yet again, to come up with a strategy to drive a strong civil liberties and social justice platform. The two presentations highlight different methods of addressing issues. The first suggests the grassroots approach with small successes leading to a larger momentum while the second recommends working from the macro policy level. Would it be better to strategize in a manner to gain from both the approaches? One cannot be at the exclusion of the other and there certainly is room for further

activism and coordination between organisations using a results-based framework, as in the case of the fishermen forums.

With regard to the issues facing fishermen and the need to initiate a process within SAARC, civil society could lobby for a country like Maldives to take the initiative of calling for action by SAARC.

There is a need for a South Asian protocol on how to treat prisoners and cases of disappearances. Since the benefits of international treaties are always limited, a need was felt to prepare comparable texts to make disappearances criminal in the domestic laws of the countries of the region. The efficacy of domestic commissions is circumspect and therefore independent commissions at the national and international level are extremely significant.

It was felt that disappearances should be codified as crimes in the respective domestic laws. SAHR could be a strong advocator for the ratification and integration into national law of the UN convention on disappearances.

There's a need to work across the countries for the removal or reasonable interpretation and use of the section that requires sanction for the prosecution of public servants.

A suggestion was also made about a judicial commission of South Asia since the State-centric framework of SAARC has no mechanism for sustaining the human rights discourse. The creation of regional instruments and standards was also mooted.

6.

Towards Sustainable Peace in Afghanistan

Chair : Hina Jilani

Speakers : Siddharth Vardarajan, (India)
Prof. Sarwar Mamound (Afghanistan)
Dr. Kamal Hossain (Bangladesh)

This session focuses on what South Asia needs in order to move beyond military solutions to end the war in Afghanistan and to find paths to a sustainable peace. It looks at different possibilities for working out stable relations for different communities in Afghanistan. It also suggested how South Asian States, particularly India and Pakistan, can seek cooperative ways to support this peace.

6.1 Sustainable Peace in Afghanistan Through Stable Relations

- Siddharth Vardarajan

One of the many complicating factors which are undermining the prospects for sustainable peace in Afghanistan is the Indo-Pakistan rivalry and the idea that these two countries have interests that are zero sum, where one country cannot realise its interests without undercutting the other.

Whatever the reasons for the entry of USA in the Afghan scene and the role it played in the country, it is clear that Afghanistan cannot be pacified or settled or stabilised by outside forces due to lack of understanding of the situation there and safeguarding its own geo-political interests. US military involvement in Afghanistan is really becoming a factor in the perpetuation of instability. One of the big problems with the American approach is the insufficient attention paid to allowing or creating the capacity of the Afghan State to assert itself.

The issue really centres around finding the best outcome that would be suitable to and satisfy the interests and rights of the people of Afghanistan as well as the legitimate interests of neighbouring countries. It needs to be agreed upon that there is a problem of insurgency in Afghanistan, a problem of retrogressive forces that are trying to capture State power.

However, the lead of this struggle cannot be taken by outside forces but by the people of Afghanistan and the government which is founded on the basis of the constitution and through Afghanistan working with its neighbours, which brings us to the question of India and Pakistan. What India and Pakistan can do together and how this rivalry is undermining the situation needs to be critically examined. The solution to Kashmir and the solution to Afghanistan are not linked. The two are actually quite different and spring from different sets of problems. However, in terms of facts that can be looked at, during 2004-2007, when India and Pakistan had the most detailed and promising talks of Kashmir that they've ever had, this was precisely the period the Pakistan military allowed the Taliban to re-group and when the situation in Afghanistan began to deteriorate militarily. Therefore, the situation was such that, there was progress on Kashmir on one hand, and deterioration of the situation in Afghanistan on the other. In July 2008 the Indian

embassy in Kabul was attacked, and all evidence points to the involvement of the Hakani group, presumably with the involvement of some elements of the Pakistani intelligence, despite progress being made on Kashmir. Afghanistan is thus seen by the Pakistani military establishment as something that is quite separate and which it would like to deny India any role or involvement, within. Therefore, it's important not to link these situations together.

However, it is very clear that this rivalry has very negative impacts over Afghanistan.

As a matter of fact, there is a commonality of Indian and Pakistani interests in the context of Afghanistan. India would want an Afghanistan that is stable and peaceful and whose territory will no longer be available for use against India by extremist elements. It is also true that any hostile elements within Afghanistan can use the country as a spring board against India only if Pakistan remains hostile to India. Hence closer Indo-Pak cooperation would work in the interest of both countries.

Pursuant to Afghanistan's membership of SAARC, economic integration of the country into the wider region would be another aspect that would not be contradictory to what either India or Pakistan wants, whereas both would stand to benefit.

India would also want to look at Pakistan as a transit corridor for energy and trade. It is with the infrastructural investment of India that such pipelines as TAPIP and IPIP can be viable, and certainly in such trade and energy areas Pakistan would not be undermined or undercut.

Confidence building measures can go a long way to communicating to both countries that closer cooperation can only lead to peace and

stability in the region and that a peaceful Afghanistan will also be in the best interests of both countries. Joint Indo-Pakistan projects in Afghanistan are one such measure. Of course in the aftermath of the November 2008 attacks such a suggestion is perhaps premature or utopian. However, there is an urgent need to thrash out the various issues that have been put on the backburner; a dialogue between the two countries at an official level is critical and it is terrible that it is not already happening. Track two interactions could be initiated to envision a future for Afghanistan without the involvement of foreign forces. As two regional superpowers in SAARC, India and Pakistan ought to prepare themselves for such a future for Afghanistan.

Geography, culture, language and other factors ensure that Pakistan will always be Afghanistan's most important and influential partner in the region. India needs to recognise that and not worry about it. The Pakistani establishment also needs to assess the benefits of tactical gains of short term support to extremist groups over the larger peace and stability of the region. Indo-Pak dialogue needs to be the starting point for a larger discussion of countries such as Iran, Russia, China and others as the only viable alternative to what would otherwise be a long and bloody American involvement in Afghanistan.

6.2 Towards Sustainable Peace in the Region Through Sustainable Peace in Afghanistan

- Prof. Sarwar Mamound

Peace in Afghanistan is key to peace in the region. Some of the events in history, which highlight the problems faced in Afghanistan, are as follows:

- The great game era in the 18th century with rivalry between the great powers and the use of Afghan land for gaining superiority in the region.
- The Cold War era during which Afghanistan, and the region in general, suffered tremendously. The imposition of the Durand line agreement in 1893, which created the Tribal Belt as a buffer zone, planted the seed for potential turbulence/terrorism in the region for decades to come.
- The April 1978 coup provided grounds for the direct influence of the Eastern and Western powers in Afghanistan. The tribal belt and the surrounding areas were used to train the Mujahedeen through a vast network of training camps. The Cold War became the real proxy war in the region.
- The Geneva Accords, signed between Afghanistan and Pakistan (the US and USSR as observers) to provide a ground for the withdrawal of USSR troops from Afghanistan, failed as the Afghan resistance movement was not involved.
- As a result of the long unrest and conflict, the country became the sanctuary for international terrorist networks and also for the Taliban. The Taliban were marginalized because of its harsh rules and its treatment of women. The attack by the Al Qaeda on the twin towers in USA made the latter realize that ignoring Afghanistan could destabilize the region and the world.
- The International community in Afghanistan are in trouble because they have not worked in the past for a genuine Afghan ownership while ignoring the strong traditional specifics and sensitivity. Terrorism has thus become a major

challenge for the stability in Afghanistan as well as in the region.

Stability in Afghanistan can be achieved by concentrating not only in Afghanistan but also the neighbouring region. For this a civilian led human security approach needs to be adopted. Accordingly, Afghan-led reconciliation programs must be coordinated and given a new momentum along with support to Afghan security forces instead of increasing numbers of international coalition forces in the country. This would then lead to the strengthening of government institutions thus enabling them to own security build infrastructure. In such a scenario, combating corruption and improving governance to ensure stability within Afghanistan would be a brighter prospect altogether. However, this stability would need to be well supported by regional as well as global actors in order to propel Afghanistan towards the path to sustainable peace. It is worth mentioning that with a regional consensus, supported by concerted actions, the International community will be the key, for the solution of the ongoing conflict in Afghanistan; because this conflict provides ground for the regional quagmire.

Regional and international stakeholders must work for common interests by avoiding any source of future tension in the region. In a sense then, proxy wars would not only hamper the stability of Afghanistan but that of the whole region as well. Regional cooperation would play a key role in eradicating the centres that nurture extremism and hatred and thus bringing to task aspects of cross-border terrorism.

National, regional and international support and consensus is imperative to foster sustainable peace in Afghanistan. An approach that is based on the respect for human dignity and inculcates aspects of human security would be best suited.

The historical reality should be eventually realized by all foreign actors that any hidden agenda pursued against the will of the Afghan populace will not succeed while such agendas cause serious consequences for the country, the region and the entire world. Working for a stable and prosperous Afghanistan through a kind of “Marshal Plan” will pave way for stability in the region because Afghanistan is the corner stone in this regard. Forgetting Afghanistan once again will be the start of new tragedies for all.

6.3 Achieving Sustainable Peace in Afghanistan Through Corporation

- Dr. Kamal Hossain

Unresolved issues of history are vital when considering prospects for sustainable peace in Afghanistan. The Soviets withdrew in 1989 leaving a vacuum of institutions, governance and resources. The Geneva Accords of 1988 had a framework according to which the country would be restored to its people. It expected the international community led by the UN to proactively promote and help implement a peace process and to create the conditions in which all segments of the Afghan population would be involved. However, this was forgotten and the country ended up with a contest among armed multi-ethnic groups for dominance of the territory. Thus, the idea of a unified Afghanistan was underlined and these very ethnic groups formed a base for all proxy conflicts that have since plagued the country and the region. Ethnic groups in Afghanistan have various sub-divisions and a ‘Mullah Omar type’ Sharia-based theocratic society is impossible in Afghanistan. A multi-ethnic approach for obtaining sustainable peace in Afghanistan was needed.

External sources are to be held responsible for creating the 'Mujahideen', flow of arms into Afghanistan and the whole concept of 'jihad'. Therefore, the crass use of religion as a political weapon should be shunned and the idea of 'strategic depth' in a multi-ethnic society questioned. No single ethnic group can have control of the entire country so what is required is a multi-ethnic framework which respects all sides.

With regard to human rights, Afghans know best what these are as they have been deprived of it for so long. As members of SAHR who believe in certain minimum basic principles, it is to us to show a sense of sensitivity and responsibility towards Afghanistan, the latest entrant into the SAHR community and into the SAARC. We need to ensure that Afghanistan is not an arena of proxy power conflicts. Of overriding importance are the interests and rights of the Afghan people, not of pipeline politics. Careful coordination of inputs from different actors is needed so that coherence and consistency can be achieved in a process that involves all the different segments of Afghans. A multi-layered implementation plan so that programme activities of different actors and agencies would be carefully orchestrated so that they are mutually reinforcing at the central and local levels between international, external and national agencies, between governmental and non-governmental agencies. A firm commitment must be maintained to fulfilling the basic mandate of restoring Afghanistan to its people within the principal framework which the UN spelt out which calls for respect of human rights, rule of law and good governance with special attention to transparency, accountability, gender equity and participation. That is the process which we must urge. As SAHR and as South Asians, we owe this to a country which still has 3-4 million refugees and IDPs with no future.

Discussion and Recommendations

How can South Asia, as a region which is divided and where the military have a role, help with Afghanistan? We need to emphasize that the ownership of the process of rebuilding Afghanistan should be vested in the Afghan people themselves. It is a question of creating a strategy of restoring Afghanistan to its people. Of course, problems of policy and implementation are there in terms of who will start or undertake this process. Who will ensure human security for the people and protect them from being dominated by people or powers that are able to sustain the conflict in a landlocked country? While many do not want the USA to stay on in Afghanistan, once they leave, who will fill the vacuum? The obvious solution would be the Afghan army, police and other Afghan structures but the resources available to them have been very limited. The second problem is the ethnic composition of the army, which is predominantly Tajik, which will not be viable if the army is to be a national one.

Some kind of imaginative initiative is needed, such as regionalism in Africa (in peacekeeping, economic commission). One possibility is a multi-ethnic, multinational force from South Asia, or an Afghan national army built up really fast to content with the proxy forces that are deployed against them.

The electoral process also needs to be free from flaws; otherwise it will not give the people who get elected the capacity to deliver, as what happened in the last elections in Afghanistan.

The binding constraint for the continued instability in Afghanistan is the absence of dialogue between India and Pakistan and until this is resolved, Afghanistan could well remain an area for very destructive strategic competition between the two.

When talking of human rights we need to factor in the loss of right to our natural resources – the region is a source of natural energy resources such as oil and gas which are being exploited by private companies as well as groups of countries within and outside the region (the role of China, India, Pakistan, USA). Afghanistan is not a resource rich country per se but it is a very important corridor for energy, thus geo-politically attractive for economic, defence and other interests.

The recommendations made are as follows:

- Need for a South Asian initiative on Afghanistan which takes into account its geo-political importance in terms of natural resources (corridor for energy), proxy power building, terrorism and violence which is affecting the entire region.
- Need to ensure that any process and strategy to restore Afghanistan to its people is people owned.
- Need to create a concerted and united voice to push for SAARC-level involvement as well as other stakeholders such as the UN and individual countries such as USA and China. Use the SAARC forum to get the attention of the governments involved.
- Groups like SAHR must get involved with SAARC in order to create an impetus for further progressive action regarding Afghanistan.

7.

Post-Conflict Displacement

Chair : Prashant Jha

Speakers : Ms. Sooriyakumari (Sri Lanka)
Kamran Arif (Pakistan)

Conflicts within countries have led to vast numbers of internally displaced persons. For example, Tamils in Sri Lanka, Bhutanese in Nepal, Pashtuns from Swat, Muslims in Gujarat. Land grabbing has deprived ethnic communities in Bangladesh and development strategies have failed to take account of the human and environmental costs of displacement resulting from construction of dams, exploration of natural resources and export processing zones.

7.1 IDPs and Nation Building

- Ms. Sooriyakumari

Displacement in Sri Lanka has been a continuous process. Post Independence in 1948, the tussle between the Sinhalese and the Tamils proved to be especially disastrous for people in the country's north-eastern region who were forced to flee their lands in order to escape consistent violence. With the onset of the ethnic war by 1995 about a million people were displaced, internally as well as those who left the country. When LTTE took over Jaffna, Muslims in the

North were displaced. During the conflict, more than 250,000 were displaced in the East. While most people returned to their homes with the end of the war, around 6000 are unable to because of the gazetted high security zone in the East. After the end of the war in May 2009, of the 250,000 or so IDPs that came over to government controlled areas, 23,000 are yet to be resettled.

There is a lack of transparency in the resettlement processes that have impeded humanitarian work in areas of resettlement, infrastructure building and education.

A presidential task force has been set up and all resettlement programmes, limited to the four areas that the government has prioritised, must go through them. Government is mistrustful of NGOs and humanitarian agencies and have imposed strict reporting and monitoring systems to be followed.

Under development agenda, the government is trying to rehabilitate the devastated properties in the country's North-Eastern region, keeping in mind only those who were displaced due to the war in 2008. In doing so they have cleverly left those displaced due to decades-long conflict out of the folds of justice.

Infrastructure in the North is damaged and people literally have had to start from scratch. Military approval is required for everything, even though there is a district civil administration. Education institutions were also destroyed and schools lack furniture. Children cannot transfer to other schools as their families would lose out on government assistance. The government is so suspicious of NGO activities they are not even allowed to provide counselling to those with special needs; while only government agencies are permitted to take on such post-conflict issues.

These constraints are combined with the absence of a good political leadership among the Tamils. In this scenario, it is very difficult for NGO workers and social activists to find forums to voice issues.

There are many unresolved issues facing Tamils such as land rights, freedom of movement, provision of basic necessities, establishment of a civil administration in resettled areas and the processing the removal of high security zones in the Tamil areas and occupation of lands by the army. Without a durable political solution to the ethnic issue, and the long-standing mistrust between the Sinhalese and the Tamils, which is still prevalent, it would be difficult to achieve peace. Therefore, the continued involvement of the civil society is necessary through proper forums to voice issues and concerns.

Dialogue and exchange of view-points is needed to raise minority issues and to dispel negative perceptions that have plagued various sections of the society, during a conflict that had lasted decades. For this to materialise, the government should become more responsive towards aspects of good governance that include a healthy civil society.

7.2 Militancy and Conflict: Protecting Human Rights in Baluchistan, Pakhtunkhwa and the FATA

- Kamran Arif

A simple post-conflict approach, while attempting to tackle displacement in Pakistan, can prove to be misleading and thus fall short of its intentions as conflict persists in various areas of the country such as NWFP (North West Frontier Province), Baluchistan and the FATA (Federally Administered Tribal Areas).

The FATA region is approximately equal to Belgium in size and population has always suffered from a legal and political vacuum. There is only one sort of political agent (chief administrator) whose office has been well defended by the government due to the region's proximity to an area of international conflict. The Taliban used this legal vacuum, where people had been completely disempowered, to establish itself in the region. The government of Pakistan denied there was a problem which gave the Taliban time to completely take hold of some of the agencies, spreading their messages through terror and technology, which the government had no counter solution to. The subsequent peace deal brokered with the Taliban effectively made them de facto rulers of some of these areas, allowing them to eventually move into the settled areas.

Inaccessibility and lack of infrastructure made the region secretive and difficult to penetrate and combined with the terrorising tactics of the Taliban, and defective administrative machinery, the people have been completely disempowered.

The NWFP, in addition to FATA, is also in the grip of an insurgency, and the political system has been paralysed by suicide attacks, and development work has stopped. The militants have targeted both the police and the courts and thus human rights protection has been hampered. Enforced disappearances are another phenomenon since the so-called war on terror began. Another big problem is related to IDPs, with areas handling IDPs equal to the resident population; the problems associated with such movements of people, including rise in prices are enormous. Other issues include the process of registration of IDPs, capacity of the camps, definition of who is or is not an IDP, and militant activity within camps.

Associated with these are the issues of mass executions and mass graves, extra judicial killings. Neighbourhood reality is such that

when the militants in Afghanistan are cornered, they move into Pakistan.

Karachi bears the brunt of displacement in tribal areas and in NWFP, particularly because it has a very delicate ethnic balance. Other provinces are also closing their doors to IDPs so the situation is further complicated.

Target killings of politicians are another phenomenon that continues unabated in Pakistan particularly in the NWFP.

Baluchistan is the largest province but it is also the poorest even though it is rich in oil and gas. It also has a very fine ethnic balance. The Baluchs have been opposed to any mega project as it would signify the influx of an equal number of Pashtuns thus rendering them minority in their own province. The purchase of prime lands by government and private investors is another problem. The government has no coherent policy to deal with insurgents.

The main concern facing the country is the issue of IDP's, displaced either due to floods or militant activity. The movement of these people to other provinces have created a volatile situation which the government needs to address swiftly but is failing to do so.

SAHR needs to study closely the issues and problems of the tribal areas of Pakistan which is a breeding ground for many of its problems. Existing mechanisms to deal with this have completely failed.

We need to lobby for all our countries to sign the convention on enforced disappearances.

More dialogue on natural disasters is required as when displaced people move to new areas they carry their problems with them and thus foment more strife.

Discussion and Recommendations

This reveals the failure of the State to address pressing problems and the absence of State institutions to guarantee and protect human rights.

With regard to displacement in Nepal, in the last decade approximately 300,000 people have been displaced, most of them migrating to India and others becoming easy targets for the Maoists. Nepal not only has its own IDPs but also refugees from Bhutan who have been living in camps for the past 20 or so years.

The people in tribal areas in Pakistan are not themselves terrorists; rather, they are the victims of terrorism. A strong civil society advocacy is needed to highlight their plight and mitigate their suffering. To think that areas of lawlessness can exist without its effects spilling over into the rest of the country and region would be foolish. However, it is important to learn how the local people – whether in the tribal areas, in the North and East of Sri Lanka, in Nepal or Bangladesh perceive NGOs; whether they want their help. Empowerment and ownership needs to be at the heart of any assistance.

In the case of Sri Lanka there is a recognition on the part of IDPs that, considering the government does not treat their needs as a priority, NGOs can and have been offering them a venue to express themselves, and are helping them in different ways.

The human rights records held by States themselves are suspicious and thus limits the issues put forth for discussion at multilateral and intergovernmental levels. ‘Sovereignty’ is a constant justification for States which impedes any direct action against atrocities committed by them. In such a case, the civil society should work towards making the State accountable for their actions rather than merely blaming the State without taking progressive actions themselves.

8.

Negotiating Post Conflict Settlements

Chair : Sithie Tiruchelvam

Speakers : Dr. Amena Mohsin (Bangladesh)
Shabnam Hashmi (India)
Dinesh Tripathi (Nepal)

This section focuses on the session on 'Negotiating Post Conflict Settlements', chaired by Sithie Tiruchelvamm, who initiated the session by putting forth certain unresolved issues that are imperative to the same. The way in which a conflict ends holds manifold implications for reconciliation and thereby raised questions about what constitutes good reconciliation prospects. Settlements that are seen as unjust, threatens harmony, therefore, justice seems to be a problematic element that needs to be resolved before negotiating a post-conflict settlement. The process of conflict settlements should be inclusive and transparent for it to be successful. The 'process' of post conflict settlement is as important as the end-goal being strived for.

8.1 Whither the CHT Peace Accord?

- Dr. Amena Mohsin

The questions posited here are: are our peace accords compatible with the idea of majoritarian democracy? Why does the question of post conflict arise in a post conflict State – there is an element of coloniality that exists in a post colonial State all the time.

In the case of the CHT accord, it is unlikely the people in the CHT owned this accord. The peace accord was not signed in a transparent manner; there was no civil society participation. Even though it was a movement for autonomy on the part of the hill people, there is a general perception that their needs have not been met. The institutions that were created for following the accord have turned out to be undemocratic; the regional council which was created has very little representation of all the communities. The government has to take its share of the blame as the rules and regulations of the regional council have not been framed properly. The people do not perceive the Ministry of CHT affairs as their own body of administration.

Another point of concern is the NGOisation of the CHT. A kind of middle class has been created in the CHT and a new elite has emerged which was not there previously. This has further led to the perception that NGOs have destroyed the original structure of the society in the region. It was also pointed out that UNDP ventures that have worked towards inclusive confidence building measures have involved Bengalis, a population which the CHT people are extremely suspicious of, following an attempt at demographic engineering of the region by the government which included settling more Bengalis in CHT. UNDP works with local NGOs who have some kind of political affiliation and they go through the regional council which has lost the confidence of the local people. So the problem of empowerment again creeps up because although there is empowerment of a certain level, it is not being done in a way which one can say is on a basis of equity or social justice.

Vested interest groups have also emerged after the peace accord – whereas previously there were clear lines of polarisation (Bengalis vs the hill people) and the ‘enemy’ could be identified; now it is not so clear, especially with regard to land grabbing.

The signature of the peace accords thus finds an NGOisation of the hill tracts, the creation of a middle class, and the emergence of vested interests.

Gender issues have been ignored by the Accord. Although the official records reiterate that rates of violence against women have decreased the reality on the ground is questionable. Crimes against women perpetrated by military personnel are not brought to book because of a sense of impunity prevails.

8.2 Challenge of Majoritarian Politics

- Shabnam Hashmi

The two biggest hurdles in negotiating any post conflict settlement are the invasion of the hate ideology in the mindset of people and a shrinking of the capacity of people, particularly the youth, to engage in a deeper and more nuanced manner in society. The last 20 years have seen a shift in the collective moral consciousness of India towards the right. It is also a fact that the right wing forces have a deeper, more powerful engagement with civil society. This, along with the promotion of mediocrity through education and popular culture, has affected the ability of the masses to think rationally.

This is exemplified in the case of Gujarat, where during the happenings in 2002 large sections of people there denied that anything had happened, because local media was one-sided and also because they did not read the national newspapers. The state of denial was evident in the ruling elite and the opposition too. Even when more than 150,000 were displaced, the State did not provide any help. Rather, the vacuum was filled by conservative organisations to move in and help, thus giving conservative thinking

access to ordinary Muslims who otherwise would not be associated or engaged with such groups.

No efforts are being taken by secular political parties to address hate ideology; whatever strength has come, has originated from small organisations. In some instances, political parties have incited communal violence, and no preventive measures have been taken because the law enforcement agencies themselves are communal minded. When there is such an opposition and a deep seated hatred of this nature stemming from all sections of society, any form of discussion on measures to be taken in a conflict situation, or negotiation with the government, etc. becomes meaningless. Even though, there is a secular government, no steps are being taken to ensure communal harmony because many in the government themselves are communal minded.

While countries around India may uphold it as a beacon of vibrant democracy in the region, those living in India see the country becoming one of corporates on one hand, where there is no space for ordinary Indians, and on the other a Hindu State where there is no space for any other community. The biggest challenge then is whether this fascist ideology could be fought or not.

8.3 Seeking Consensus for an Inclusive Constitution

- Dinesh Tripathi

Nepal has signed a CPA with the Maoists and is currently going through a process to create a constitution as part of the peace building procedures. The constitution writing process is not a simple one as it involves a lot of jurisprudence and principles of international law also need to be applied. The aspirations of a multi

ethnic and multicultural society need to be addressed in the new Constitution. The new Constitution of Nepal also needs to establish a fully-fledged democracy and ensure socio economic justice to the masses.

The challenge is to accommodate the very diverse ethnic and language groups of Nepal given that the country is aspiring for federal democracy.

Some elements are important when writing a constitution for a post-conflict society. There must be agreement on the principles of the constitution, consensus and ownership. The process is important for the final result. However, there is a danger that the constitution making process is on the verge of collapse, as the peace process, to which it is linked, is not moving forward, and in fact is largely forgotten. Under the CPA, the transitional justice process needs to be initiated. Under the transitional justice process, people have the right to know the truth, get justice and reparation. However the Nepalese peace process lacks the human face. The humanitarian concerns are not properly addressed under the peace process. It is a heavily top down process and has no meaningful engagement of people or civil society. The peace process is largely replaced by a power process. There is a complete breakdown in the rule of law institutions and when the State practically does not function, it is difficult to proceed with constitution writing.

Furthermore, the constitution making process is largely driven by a handful of leaders. Unlike in South Africa only a few thousand submissions were recorded in Nepal because there was no credible mechanism in place to entertain submissions, added to the perception of the people that their concerns would not be considered.

The peace process is also a victim of power centred politics with no working consensus or meaningful dialogue. In choosing a federal form of government, Nepal has opted for a very complex arrangement. Separation of powers and resources is vital in a democracy and has to be carefully written into the constitution whereas under the proposed arrangement, the judiciary lacks the power of judicial review and power of final interpretation is given to the legislature itself. This very proposal goes against the separation of power, which is the basis for democratic governance. The federal arrangement without separation of power and provision for judicial review is the recipe for disaster. The new Nepalese Constitution must be based on rule of law, democratic values and international human rights laws.

The Nepalese Constitution writing process is a victim of political deadlock. The political parties are seriously divided on key Constitutional issues. There are outstanding differences over the form of government, modality of federalism, electoral system and power and role of the judiciary. There is no serious dialogue among the political actors to narrow down the differences on key Constitutional issues. It seems that, for them, the Constitution is not a priority. The power centric politics has virtually hijacked the Constitution writing and peace process.

The federalism is a power sharing arrangement and can provide a larger space for people's participation in governance. In order to have a smooth functioning of federal polity the provinces need to be fully empowered and the centre should also be effective. The Constitution needs to strike a balance and federal polity needs to be based on democratic principles. Democratic federalism is the need of the hour. However, the political parties fail to propose a workable and democratic model of federalism.

Democracy is all about providing space for civic activism but politics has been heavily militarized by State military as well as non state military, with no place for civic activism. There is a climate of fear and frustration in place of freedom of expression and freedom of information, which are needed to write a democratic constitution.

There's a need to subvert the top down structure of the peace process and ensure the inclusion of a monitoring mechanism and a strict adherence to human rights concerns which includes all stakeholders.

9. Conclusion

It is important in post conflict settlement that the parties to the conflict own the solutions. There is very little accountability and an enormous amount of impunity for wrongs that have been done by the majority group.

Bangladesh: With regard to the CHT there is the broader question of its linkage to the politics of Bangladesh, even though it was a party to the negotiations of the Accord, the Awami League was reluctant to move ahead with the CHT Peace Accords. One reason is that its own commitment was shallow, choosing to portray it as an issue of tribal rights when people of the CHT specifically resisted being called people of a special tribal inhabited area. In addition, the AL's electoral prospects, which are obviously located within the majority community would have been jeopardised if their obligations to minorities had been implemented. Bengali hegemony was alive and at work as demonstrated by Sheikh Hasina's own statements that there was no difference between the Hill people and the people in the plains, that they were all Bengali. The second is the relationship, which the democratic majority has with the military. Implementation of the peace accord would have alienated the military as well. On the question of military occupation, the Army had matured over the years, and apart from a few strategic cantonments, felt no need to have an intensive presence in the CHT as their interests are already protected.

Unlike in Sri Lanka, when the CHT movement was underway, the military was in control of the area and there were no NGO activities. Neither was there an attempt by any Bangladeshi national NGO to move in. Additionally, unlike in Sri Lanka where issues were monitored, such as refugees, displacement, disappearances, etc., in Bangladesh no such monitoring was conducted. That situation has changed today and there are many different types of NGOs operating on the CHT. However, this is limited to those who meet the criteria set by UNDP, which automatically excluded local NGOs, and there is no effective work is being carried out. The military is still in charge of all activities in CHT.

India: Is Indian civil society's shift to the right, a reflection of a larger value shift in society, or a result of opportunism of the political parties? Why has this change come about at a time when actions were afoot to integrate various sections of the society? Why is it that political parties, including in Nepal and Bangladesh, are no longer willing to defend secular principles? What are the provisions in the Indian Legal system against hate crimes?

The collective consciousness of India has indeed shifted drastically over the past 20 years. Right wing groups such as the RSS, VHP and several others have pursued a well-defined and creative strategy of attacking each community and slowing changing mindsets, spreading hate ideology, using government money meant for development work, while ensuring that these communities remained subservient and that it was a gradual but steady process. Even the Left forces in Kerala and West Bengal were openly turning communal. Different strategies were being used for the middle class. Terrorism is also used very creatively to spread hate ideology viz the multiple attacks in Goa, Kanpur, Tenkasi, etc. which were carried out by the Sangh Parivar and RSS among others. Their actions were not highlighted as much as incidents where sometimes innocent Muslim boys were

caught and immediately declared terrorists, and media would focus on this for days. Dalit emancipation still had a large way to go in the country. There was meaningful work being carried out by the NGO sector, but it was sparse and among a very small group of committed activists. Most NGOs have served to depoliticise youth.

A very important communal violence bill is on the cards but in the meantime, secular spaces and secular people are being lost in large numbers as more and more people turn communal in their thinking.

Nepal: Earlier consensus was achieved even though there was a smaller civil society movement, whereas now there is a stalemate with regard to the constitution building process. How did the peace process unravel?

The peace process unravelled as the balance of power changed. In 2006, there was an alliance between the older parliamentary parties and the Maoists who saw the king as the common enemy. In addition, only a few people were involved in the decision-making process and therefore, the decisions were made easily. Subsequently, in order to accommodate the Maoists into the new framework, the Nepali Congress decided to create new institutions such as an interim constitution, interim legislature, and the CA. After the Maoists won the elections with a landslide margin, they hijacked the peace process. While people voted for them with the hope that violence would be abjured, the opposite happened. At the same time, the strategy of other parties to the process was not to co-opt, but to isolate the Maoists, due to which they sought to revive the Nepal Army. The role of India's micromanagement in such strategy to complement its stand on Maoists at home was highlighted.

The only two institutions that still represent the legitimacy of the peace process initiated in 2006 are the UNIMIN and the Constituent Assembly.

What is needed to restart the peace process in Nepal is a broader agreement on contentious constitutional issues, the sequence, timing and nature of the integration and the rehabilitation of the Maoist combatants into the Nepal army, which is the core of the peace process, and a way to get the Maoists back into the system.

The situation in Nepal has similarities to the political processes in Maldives, where there is a good constitution with separation of powers. However, this per se is not good enough if people are not educated and mindsets are not changed. SAHR can play a role in such awareness raising.

APPENDIX I: Statement Issued Following The Conference

STATEMENT ISSUED AT THE CONCLUSION OF THE CONFERENCE HELD BY SOUTH ASIANS FOR HUMAN RIGHTS ON CHALLENGES TO PEACE AND PROSPECTS OF COOPERATION

New Delhi

13 to 15 September, 2010

South Asians for Human Rights (SAHR), a network of human rights defenders and concerned citizens, held a three day meeting on “Challenges to Peace and Prospects for Cooperation in South Asia” at the India International Centre, New Delhi, from the 13th-15th September, 2010.

The meeting:

1. Expressed sympathy and solidarity with the people of Pakistan on the devastation caused by the floods, and regretted that no collective action had been taken by SAARC or other regional bodies to provide support, whereas natural or manmade calamities in any South Asian country must be treated as a matter of regional responsibility.
2. Expressed grave concern at the erosion of democracy and rise of authoritarianism in Sri Lanka after the war, and delay in settlement of Tamils interned in camps and called for a return to democratic norms and a humanitarian approach to internees problem. Urged the South Asian countries to

support the UN Human Rights Council resolution for an enquiry into war crimes.

3. Expressed shock at the increasing number of victims of recent state violence in Kashmir and the loss of lives in the past three months and urged that immediate steps must be taken to ensure that the human rights of the people are respected and laws such as AFSPA that are contrary to human rights principles be reviewed/repealed. Called for urgent talks between the concerned parties to seek ways for non-violent solutions which would be acceptable to the people of Kashmir.
4. Regretted that while Independence was won through non-violent struggles, South Asia has progressively become the site of conflicts, prolonged disputes, sectarian violence and terrorism. The failure of India and Pakistan to resolve long standing disputes has perpetuated hostility, the costs of which are evident in the absence of regional cooperation and repudiation of peoples' rights to natural resources, for trade and investment, for freedom of movement. Increasing visa regulations have become an impediment to the free movement of people. Thousands are arrested at the borders or while fishing in the deep sea. Many have been killed by border forces. SAARC itself has not provided a framework, even after 25 years, for rescue, return and rehabilitation of citizens imprisoned.
5. Identified terrorism, religious extremism and communalization are major threats to peace, democratic development and security in South Asia. Expanding terrorist activities and networks across the region from Pakistan to India and Bangladesh have undermined human rights, increased polarisation and prevented reconciliation.

6. Critiqued state responses to terrorism which further enhanced insecurity and instability and led to militarization. SAARC countries have sanctioned impunity for intelligence agencies and security forces, allowed methods of lawless law enforcement, and prevented any accountability for disappearances and extra-judicial killings in all countries of the region, particularly in Sri Lanka during the recent conflict.
7. Expressed its deep concern at the escalation of violence in Afghanistan which may be exacerbated by competitive and conflicting claims of India and Pakistan, and reiterated an urgent need for political engagement through South Asian Dialogues between governments and between concerned citizens. A concerted South Asian initiative to help Afghanistan regain peace and establish a democratic, pluralist society must not be delayed so that peace and justice comes to ravaged Afghanistan.
8. Viewed with concern the failure of South Asian states to move beyond majoritarian rule under a democratic façade, and called upon the youth to end their alienation from politics, to liberate national politics from domination by personalities and patronage, and establish traditions of genuine democratic participation of all citizens in political processes.
9. Hoped that the initiatives for a Peace Accord in the Chittagong Hill Tracts and consensus building for a constitution in Nepal would be taken forward.
10. The meeting concluded with the following recommendations for regional cooperation, action by governments and citizens' activism:

Regional Initiatives by SAARC:

- a) Set up a disaster management fund to assist countries to overcome natural disasters and explore setting up disaster management mechanisms to cope with rehabilitation of victims.
- b) Explore possibilities of a regional mechanism for post-conflict reconciliation.
- c) Formulate a South Asian protocol on treatment of prisoners in conformity with the UN standards.
- d) Engage citizens in discussions on the drafting of a Democracy Charter.
- e) Initiate studies and advocacy strategies for regional cooperation in sharing of water and other natural resources.
- f) Allow representation from citizens' groups at SAARC meetings.
- g) Formulate a regional convention for settlement of the internally displaced in conformity with the UN guiding principles on IDP.

South Asian States:

1. India and Pakistan to immediately restart negotiations for resolution of all disputes and disagreements.
2. India, Pakistan and other states to support peace initiatives of the Afghans based on UN resolutions and regional consensus.
3. Institute legal mechanisms for accountability for disappearances and extra judicial killings, including codifying disappearances and extra judicial killings as criminal offences.
4. Engage citizens in decision making processes.
5. Recognize right to self determination as enunciated in UN conventions, ICCPR & ICESCR to which all SAHR countries are party.
6. Evolve a criminal justice system based on respect for human rights and the principles of equity.
7. Withdraw immunity and protection from criminal prosecution for public servants, especially law enforcement personnel and security forces.
8. Take effective measures for settlement of internally displaced persons, allocate land and set up educational institutions in accordance with the UN guiding principles for IDPs.
9. Expedite progress towards ensuring equal rights for women.

Human rights defenders and activists:

1. Campaign for ratification of UN Convention on Disappearances.
2. Work for solidarity amongst citizens against militarization, terrorist violence.
3. Establish a South Asia Commission (with prominent figures, including eminent jurists) to investigate cases of disappearances, extra judicial killings and border deaths.
4. Promote mechanisms for post conflict reconciliation.
5. Media to be more pro-active in promoting peace and regional cooperation.
6. Inter-generational dialogues with the youth on human rights, initiatives for peace and social change.
7. Regional reporting on violations of human rights in each country.

Yours Sincerely,

Hameeda Hossain
Co Chairperson

APPENDIX II: Agenda of the Meeting

South Asians for Human Rights

CHALLENGES TO PEACE AND PROSPECTS FOR COOPERATION

13-14 September, 2010

AGENDA

DAY ONE

9.00 am – 9.05 am	Welcome Address & Introduction Dr. Hameeda Hossain
SESSION ONE	PLENARY Moving beyond the Past
9.10 am – 10.00 am	Speakers: I.A. Rehman (Pakistan) Kuldip Nayar (India) Chair: Prof Rehman Sobhan (Bangladesh)
10.00 am - 10.45am	Discussions
10.45 am – 11.15am	TEA

SESSION TWO	PLENARY Challenge of Terrorism, Militancy & Religious Extremism
11.15 am – 12.30pm	Speakers: Hina Jilani (Pakistan) Counter terrorism and conflict in Pakistan: The case of Talebanization Matiur Rahman (Bangladesh) <i>Networks across Borders</i> Chair: Sayeeda Hameed (India)
12.30 am – 1.15 pm	Discussions
1.15 pm - 2.15 pm	LUNCH
SESSION THREE	Counter Strategies of the State (Controls, Regulations, security & Counter-Terrorism)
2.15 pm - 3.30 pm	Speakers: Imtiaz Ahmed (Bangladesh) Dr. P. Saravanamuttu (Sri Lanka) Sri Lanka from Post War to Post Conflict Chair: Kamla Bhasin (India)
SESSION FOUR	Counter Strategies of the State (Impunity, Disappearances, Visa Restrictions)

	<p>Speakers: Jatin Desai (India)</p> <p>Plight of arrested Indian and Pakistani fishermen in each others country</p> <p>Dr. Nimalka Fernando (Sri Lanka)</p> <p><i>Culture of impunity - Case of Sri Lanka focusing on disappearances and Extra-Judicial Killings</i></p> <p>Chair: Maja Daruwala (India)</p>
3.30 pm - 4.00 pm	TEA

DAY TWO

SESSION FIVE	Towards Sustainable Peace in Afghanistan
9.00 am - 10.30 am	<p>Speakers: Prof. Sarwar Mamound (Afghanistan)</p> <p>Towards Sustainable Peace in the Region, Through Sustainable Peace in Afghanistan</p> <p>Siddharth Vardarajan (India)</p> <p>Dr. Kamal Hossain (Bangladesh)</p> <p>Chair: Zohra Yusuf (Pakistan)</p>
10.30 am to 11.00 am	TEA

SESSION SIX	Post Conflict Displacement
11.00 am to 12.00 pm	<p>Speakers: Kamran Arif (Pakistan) Militancy and Conflict: Protecting Human Rights in Baluchistan, Pukhtunkhwa and the FATA</p> <p>Ms. Sooriyakumary (Sri Lanka) <i>IDPs & Nation Building in Sri Lanka</i></p> <p>Chair: Prashant Jha (Nepal)</p>
SESSION SEVEN	Negotiating Post Conflict Settlements
12.00 pm to 1.00 pm	<p>Speakers: Dr. Amena Mohsin (Bangladesh) <i>Whither the CHT Peace Accord?</i></p> <p>Shabnam Hashmi (India) <i>Challenge of Majoritarian Politics</i></p> <p>Dinesh Tripathi (Nepal) <i>Seeking Consensus for an Inclusive Constitution</i></p> <p>Chair: Sithie Tiruchelvam (Sri Lanka)</p>
1.00 pm to 2.00 pm	LUNCH
SESSION EIGHT	PLENARY
2.00 pm – 3.00 pm	<p>Presentation of draft joint statement addressed to governments</p> <p>Chair/Facilitator: Vrinda Grover (India)</p>
3.00pm – 3:30pm	TEA

South Asians for Human Rights (SAHR) is a democratic regional network with a large membership base of people committed to addressing human rights issues at both national and regional levels. SAHR seeks to contribute to the realisation of South Asian peoples' right to participatory democracy, good governance and justice by strengthening regional response, including regional instruments, monitoring human rights violations, reviewing laws, policies and practices that have an adverse impact on human rights and conducting campaigns and programmes on issues of major concern in the region.

SAHR comprises both institutional and individual members. An elected bureau works as the organisation's executive body while the membership committee oversees enrolment of members. The SAHR Chairperson and Co-Chairperson are Mr. I.K. Gujral, former Prime Minister of India and Dr. Hameeda Hossain of Bangladesh respectively. The Network Secretariat is located in Colombo, Sri Lanka. Chapter offices are located in Colombo, Dhaka, Kabul, Kathmandu, Lahore and New Delhi.

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