

# South Asians for Human Rights (SAHR)

## NEWSLETTER

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## Can India and Pakistan look beyond disputes?

By: I.A.Rehman

The Sisyphus fable is quite popular with Pakistani commentators as they often find their country taking two leaps backward after each small step forward. But the story of the slave whose labour of each day was undone after night-fall can be more appropriately applied to India-Pakistan negotiations on normalization of relations between the star-crossed twins.

The talks between India and Pakistan have become an unedifying perennial. Occasional realisation of common interest, embarrassment faced in South Asian councils, demands from foreign promoters, pressures from business lobbies or poorer citizens' chants for peace, or fits of commonsense have been persuading the two countries now and then to talk matters over. But each time this happens the disputes or disagreements dividing them are found to be unmanageable and all the work done to bring them together collapses. And over the past six decades time has played high cost tricks with both of them.

The trouble began at the very beginning of the two countries' journey as independent states. The founding fathers of both states laid out nurseries of what in today's parlance is called trust deficit, by allowing their past to cast dark shadows over their future. Just as they had relied upon the colonial power to resolve their constitutional disagreements they sought distant powers' help for a settlement on Kashmir as if these powers were capable of preferring the interests of India, or Pakistan or the Kashmiris to their own objectives. As matters dragged on time made the Kashmir issue more and more intractable. Pakistan's efforts to find a solution through resort to arms made matters worse, specially by undermining its legal and moral standing.

Pakistan and India also fell out over their choices of external friends. The neighbours pulled away from each other because India joined the non-aligned countries and Pakistan took pride in calling itself the most aligned nation. It took them decades to realise what even infant states knew – that there are no permanent friends or permanent enemies. The present state of the US relations with India and Pakistan will make anyone wonder about the meanings

of these South Asian countries' fratricidal contests of the fifties and the sixties.

When after years of sticking to their "No talks till this matter or that is put on the agenda" India and Pakistan were persuaded to approach the negotiating table without any preconditions the people on both sides were beside themselves with joy. Mr Bajpai rode the bus of friendship to Lahore but then Kargil blocked the road. Pressure from diverse quarters persuaded India to invite Gen. Musharraf, a military dictator and the author of Kargil, for talks under the shade of the monument to love but again the fate of Sisyphus intervened.



Indian foreign Secretary Nirupama Rao, (left) shakes hands with her Pakistani counterpart Salman Bashir, before a meeting in New Delhi on Feb 25, 2010- Reuters

Hope was reborn when the antagonists adopted the phrases Mani Shankar Ayer had coined at a moot organized by media persons – composite, uninterrupted dialogue. A new word game has been going on since. The dialogue should not only be uninterrupted, it should also be uninteruptible – though nobody knows how and by whom can any talks be made uninteruptible! The latest addition to the bag of catchwords is 'result-oriented'. So India and Pakistan are pursuing a composite, uninteruptible, result-oriented dialogue without getting anywhere near the goal of reconciliation and an environment of cooperation for mutual good.

Meanwhile, regional politics has run full circle. Before moving any further on the path of friendship India insists on the trial of all those responsible for the Mumbai outrage and Pakistan has been led by its handlers to advance progress on Kashmir as a pre-condition to



friendship. This surely is a prescription for an endless war of attrition.

Perhaps it is time for India and Pakistan to realise the need to move away from the strategy of seeking mutual peace and goodwill through a resolution of disputes and disagreements. This approach has been tested and found fruitless. Before the parties move an inch towards addressing an old problem a new dispute pushes them a yard apart. Is any alternative available? The answer is in the affirmative.

The alternative route suggested over the past many years by quite a few Indians and Pakistanis of goodwill stresses the need to put the contentious issues on the back burner and concentrate on promoting collaboration between the two countries in mutual interest.

It does not take long to convince ordinary citizens of India and Pakistan that a strong, prosperous, secular, democratic India is the best thing in Pakistan's interest and a strong, prosperous, secular, democratic Pakistan is the best bet Indians can wish for. But this is merely a sentiment shared by a minority on either side. It cannot be turned into a belief that should inspire the two states to rise above their narrow interests, without each party's acquisition of material interest in the well-being of the other.

Many people have identified the steps on this alternative route. First of all the people should be allowed to revive cross-border friendships, regardless of what the spoilt sports in security agencies may say. The two states cannot build bridges of friendship so long as ordinary Indians and Pakistanis treat each other as irreconcilable enemies, straight out of their poison-laden history looks.

Besides, the two countries must develop a crash programme for cooperation in the field of agriculture. The farming communities, still the largest professional groups in both countries, can

learn much from one another and lay the foundations of a people's embankment against hostility and conflict. It is these peasant groups that provide the canon fodder when the two neighbours choose to follow the warmongers.

The possibilities of increasing cooperation in the economic field have already been documented. There will be problems in the beginning because the two countries, Pakistan specially, have traditionally based their economic planning on the assumption that the twains shall never meet, but all authorities on the subject agree that close economic cooperation will greatly benefit the people on both sides.

Once the people of India and Pakistan have imbibed the elixir of friendship and laid the foundations of peace it will be possible to solve the disputes that appear insoluble today. At least the environment will be free of elements and factors that have been derailing the peace process so far. However, it will be necessary to bear in mind the verdict of time – that remedies to 20<sup>th</sup> century problems that might have been effective when these problems arose will not be efficacious in the 21<sup>st</sup> century; for each issue a solution in accord with the contemporary reality will have to found and the climate of goodwill will make its acceptance possible.

There are weighty reasons why India and Pakistan should take this alternative route. Any other path will lead to greater human suffering not only in the two countries but also across the whole of South Asia. How long will India and Pakistan be comfortable while bearing the stigma of depriving South Asia of the opportunities of being good to its teeming millions and also playing its due role in the comity of nations?

India and Pakistan have no right to allow their bilateral wrangling to undermine South Asia's future. Quite plainly India-Pakistan standoff is not merely a bilateral matter, it is a South Asian issue of the first order.



Kashmir war refugees displaced by ongoing India - Pakistan dispute attend outdoor school in Skardu, Northern Pakistan - Amazon.com

# An Interview with Kuldip Nayar

Kuldip Nayar talks to Dhananjay Tripathi on Challenges to Peace in South Asia

## **What are the main challenges before South Asia?**

**KN:** The main challenge is how to fight poverty. The people in this area are so poor that at least 70 % of them are below what we term the poverty line. I am sure 1/3<sup>rd</sup> of the population goes without food in the night. The biggest challenge is on how to combat poverty and to bring these people above their current level of so that they at least get secure meals.

## **How far do Indo-Pak relations affect the prospect of regional cooperation?**

**KN:** Lack of good relations between India and Pakistan has left the entire South Asia disunited and not being able to assert as one South Asia as many regions of the world have. Africa, Europe and Latin America have their identity as a group of countries of a region but because of rivalry between India and Pakistan this is not possible.

## **Is there is any hope that in future these two countries will be able to sort out their differences?**

**KN:** There is every hope and I am quite positive that effect of neighbourliness, demands of trade and economic cooperation will definitely push them to face the reality of a situation where they would have to normalize the relations. After all they are separated under an agreement. Both India and Pakistan accepted partition and they must face the fact. I feel that it will begin to happen very slowly but perceptibly.

## **What can unite us – culture, economics or politics?**

**KN:** What can unite us is culture and economics. Whether we like it or not there is a cultural unity from Afghanistan to Sri Lanka. One thread is running. i.e. our past history, our way of living, our customs and traditions – what has come as an eastern point of view.

Economically there is no alternative to cooperation. The produce of one country goes to another; we are dependent on export and import. Our economies tally and we can develop into a common market. The only thing which we have to see is that in comparison to India, Pakistan is a developing country and in comparison to Pakistan, Bangladesh is a developing country. We have to see that the terms of excise, customs and tariff duties are kept in a way so that goods from one country do not have a disadvantage over another.

Politically it is the deeper democracy which would be better for the people of this region. It should not be ashamed of democracy but should realise that the people's participation is important and the people should feel that they are governing themselves. We have to see that sovereignty lies with the individual.

## **What according to you should be the role of the civil society in South Asia, particularly in the context of one South Asia?**

**KN:** The civil society is sensitive to the problems of their own country but does not transcend borders. Civil society has to see that countries which are mired with terrorism, plagued with lack of law and order are retrieved. One South Asia is possible, with sovereignty of different countries to be intact only if we have three things- Democracy, Plurality and Egalitarianism.

## **What role can India play in the war against terrorism especially as a nuclear power?**

**KN:** As a nuclear power it can see that it does not proliferate, but is also not faulted. For example, I still remember when I interviewed A Q Kahn he told me that if there is a war between India and Pakistan we should use the bomb.

Terrorism is associated with fundamentalism and steps have to be taken by every country so that the people move away from terrorism and recognize that all religions have their identity and no religion is superior to the other. I also feel that India should initiate steps where all SAARC countries join in an effort to combat terrorism. In the last SAARC meeting steps were taken, but countries have to go together.

## **You are amongst the founders of SAHR. Please suggest to us as to how we should improve our functioning?**

**KN:** Each country chapter should become the focal point of human right activities. i.e. SAHR should network with all the human rights organizations so that the activities are directed and ideas are polled. I am also of the opinion that SAHR has made the mistake of ousting familiar faces in the region in the name of rotation/elections. New faces are alright but old faces should be kept as they will attract crowds and attention.

## Discussion on Best Practices in the South Asian Region on Free and Fair Elections

SAHR held a series of consultations on the need for an Inclusive Electoral Process in 2008 which brought together leading experts from national election commissions, elected leaders, human rights defenders, election monitors and others to identify indicators and guidelines for making the electoral process more meaningful. The outcome of these consultations was the publication of a report entitled *An Inclusive Electoral Process*. Building on its regional work, SAHR in 2009 organised a discussion on “Best Practices in the South Asian Region on Free and Fair Elections” which brought together a group of Sri Lankan experts to discuss the means to an inclusive electoral process in the country and measures that could be taken towards electoral reforms to ensure free and fair elections.

This was held on 17 December 2009 at the Kobbakkaduwa Centre, Sri Lanka. Participants included members from international, regional and local non-governmental organizations, media personnel and undergraduate students. The panel of speakers consisted of Mr. J C Weliamuna from Transparency International Sri Lanka, Mr. Rohana Hettiarachchi from PAFFREL and Dr. Paikiasothy Saravanamuttu from Centre for Policy Alternatives, Sri Lanka.

Ms. Sharmin Murshid from Bangladesh spoke about the election held in Bangladesh in December 2008, and compared it with previous elections held in the country. Her presentation further focused on the measures taken by the relevant authorities to bring about this change and the contribution brought about by citizens’ activism. An overview of the Best Election Practices in the South Asian Region was given by Mr. Asanga Welikala after which Mr. J C Weliamuna discussed the state of Sri Lanka’s current situation, shortcomings of the current Sri Lankan electoral system and how Sri Lanka can learn from its South Asian counterparts. A brainstorming session on the Role of Civil Society in the short and long term moderated by Mr. K S Ratnavel, raised ideas and areas to be focused on towards free and fair elections in Sri Lanka. A documentary on this event was telecast on Young Asia Television.

To view the programme visit <http://www.southasianrights.org/?cat=73>



## Parliament Watch

In working towards our goal to build a more inclusive democratic order, SAHR has advocated for the citizens' Right to Transparent Governance (RTG). Its research, dialogues and exchanges have deepened understanding between participants representing public policy organisations, academia, the judiciary, the legal profession, media and citizens' groups. A consensus document which has emerged titled "Transparency in Parliament" will guide SAHR to monitor the effectiveness of Parliaments in South Asia for the next 3 years in enacting legislation that protects and promotes human rights through its Parliament Watch programme.

The programme has commenced with the partnership of Transparency International (TI) in Sri Lanka, Nepal and Pakistan, and also with the Human Rights Commission of Pakistan and the Centre for Legislative Research and Advocacy, India.

The programme consists of two aspects.

**1st Aspect:** The first aspect involves rating Parliament for its transparency, accountability, integrity and independence against indicators derived from best practices in SAHR's RTG Guidelines and indicators suggested by TI's Research Department. Parliament's functioning will be analyzed in respect of these indicators, with special attention to the Rule Book of Parliament and how these provisions are practiced in reality. Such things as calendar of Parliament, calendar of business, record of business conducted, record of attendance, records of debates and discussions will be studied.

**2nd Aspect:** The second aspect involves the study of Parliament's role in legislating issues that reflect human rights concerns. Specific areas of interest to SAHR include minority rights, extra judicial killings, law enforcement, women's, children's and workers' rights, corruption etc.

*The monthly reports for Sri Lanka are available at <http://www.southasianrights.org/?cat=45>*

## Judicial Decisions

SAHR is in the process of compiling judgements on the issues of abuse of power by the executive, minority rights, torture, electoral abuses etc. These cases are currently being uploaded on the SAHR website and SAHR further plans to network with other organisations working along similar lines in order to facilitate sharing of judgements. This activity aims to provide information to citizens, lawyers and members of the judiciary in the region, so that they can strengthen their own cases in different countries and be equipped to combat state abuses.

## Status of Minorities 2009

SAHR firmly believes in the need to promote a culture of tolerance and peace, and respect for plural traditions in South Asia, as a basis for strengthening citizens' struggles for empowerment over their own lives and for defence of their rights. These reports for 2009 give an overview of the status of minorities in India, Pakistan and Bangladesh and have pointed out the need for corrective actions by states, governments and for stronger activism at the national and regional level.

*The reports are available at [http://www.southasianrights.org/?page\\_id=28](http://www.southasianrights.org/?page_id=28)*

## Regional Multilogue of Eminent Persons

SAHR believes that most problems in South Asian countries require South Asian perspectives and solutions. Narrow nationalism has not and cannot solve South Asian problems and lead South Asia towards welfare of its people, justice and peace. SAHR also believes that this is a time for us to discuss the nature of our problems with open minds, considering the new complexities and emerging challenges.

Towards this end, SAHR plans to bring 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 Multilogue is expected to be held at the India International Centre, New Delhi from the 13<sup>th</sup> to 15<sup>th</sup> September 2010.

Based on an in-depth analysis, this Multilogue will evolve guidelines and strategies aimed at 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.

This 3-day South Asian Multilogue will bring 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.

The following issues will be discussed at the Multilogue:

1. Challenge of Terrorism, Militancy & Religious Extremism
2. Tyranny of Majoritarianism & Divided Polities
3. Towards Sustainable Peace in Afghanistan
4. Counter Strategies of the State with reference to control regulations, impunity, disappearance and visa restrictions.
5. 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.

## Regional Consultation of Citizens' Voices

A regional consultation planned for November, would encapsulate all of SAHR's work in the areas of State, Democracy and Citizens Participation, Social, Economic and Cultural Rights, Impunity and Conflict. The declaration put forward by eminent South Asians would feed into the consultation, so that the consensus for peace and cooperation is broadened and acts as a pressure on governments and other institutions in South Asia.

The consultation, which would include around 100 – 150 individuals including SAHR members from Afghanistan, Bangladesh, India, Maldives, Nepal, Pakistan and Sri Lanka who would represent a wide range of South Asian experiences; notably the legal profession, judiciary, political leaders and activists, experts in international studies, policy makers, media and human rights defenders. SAHR plans to hold this consultation in Nepal in November 2010.

### *SAHR Secretariat*

*345/18, Kuruppu Road, Colombo 08, Sri Lanka*

*Tel - 94-11-2695910, 94-11-5049183*

*Email - sahr@sltnet.lk*

*Web - www.southasianrights.org*

*SAHR Bangladesh – irfath@southasianrights.org*

*SAHR India – dhananjay@southasianrights.org*

*SAHR Nepal – silpakar@yahoo.com*

*SAHR Paksitan – hina@southasianrights.org*

*SAHR Sri Lanka – brindhini@southasianrights.org*