



Peace, Security and Protection of Human Rights at Borders in South Asia

A Round Table Discussion

Kathmandu, Nepal 7-8 July 2017

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Objectives and Purpose

The Peace, Security and Protection of Human Rights at Borders in South Asia: A Round Table Discussion was organised by South Asians for Human Rights (SAHR) on 7 and 8 July 2017 with the objective of facilitating discussions on national activism on borders at the regional level. SAHR, as a regional network of human rights defenders, aims to bring national issues to a regional platform and provide regional advocacy for national issues.

This round table was built on the success of three South Asian Peace Missions where Human Rights Defenders, mostly women, went from country to country promoting peace as well as promoting inclusivity of women in security discourse. The round table further builds on knowledge from research for the publication '*Nation State Boundaries and Human Rights of People*

in South Asia' (SAHR, 2016), which focuses on border issues in the region from a human rights perspective.

The round table was organised with the following objectives:

- Facilitate a systematic discussion at the regional level on border issues to see how national activism can be promoted to a regional level;
- Identify other priority issues in the region beyond the research report to enhance the research;
- Promote meaningful contribution of women in the security discourse;
- Release a declaration and develop a region-wide advocacy strategy and plan to address border related issues.

Border issues in South Asia: An Overview

When considering the conventional means to the resolution of the issues arising in the borderlands, there are at least two triads that are considered. One is diplomacy, security and politics, and their interrelationship as a means of interpreting and responding to conflicts of various kinds. The second triad is trade, development and economics. This is often pushed by a different set of actors as a way forward towards dealing with intra-regional tensions and conflicts. When measured by trade across national borders, South Asia is the least integrated region in the world. The influence of both these triads could be understood in light of their historical examples of the European Union. Although the importance of the aforementioned two triads cannot be discounted, a third triad that may be suggested includes rights, solidarity and democracy.

Land borders created after the partition of the Indian subcontinent in 1947 are largely artificial.¹ They are the creations of colonialism for administrative purposes.² However the decades following 1947 reflect the failure of post-colonialism to re-examine the nation state project - the failure to forge a unified nation within the boundaries of the state and the failure to recast the state form by envisioning a larger South Asian political community, which would have been consistent with the commonalities of the people of South Asia. Instead the State form has been colonised by majoritarian ethnic nationalism banishing minorities to the political economic and social margins.

Related to the concept of the nation state is State sovereignty. Concepts of territorial integrity, non-interference or autonomy over domestic structures, institutions, processes and policies are integral to it. It could be suggested that State sovereignty has been no defence against neoliberalism, structural adjustment, and corporate globalisation which attack social welfare and the living standards of the exploited. Today it seems to be deployed by the state management against people that the state has failed to assimilate into the nation. Sovereignty is invoked by the states against claims for internal self-determination and the operation of international human rights norms that run counter to domestic laws and policies.

Another concept related to the nation state is national security. The ideology of national security is toxic in the body politics of the South Asian states. It confers a blanket of immunity for impunity for all abuses against citizens' fundamental freedoms and political and democratic rights. It is the mainstream media that faithfully reproduces media narratives presented to them by the security apparatus, in the name of national security.

As the region begins to develop a regional consciousness that is larger than national identity, there is a need to examine and reflect on the priority issues that arise from the border regions, including trafficking and labour migration, contraband trade, territorial integrity versus self-determination, marine resources and livelihood, refugees and stateless people, resource extraction and energy, women's livelihood and bodies, India's regional hegemony, nationalism, populism and state-building and finally bilateral and multilateral mechanisms and their uses and limits.

A series of proposals is mapped out in the SAHR publication that adopts a human rights approach:³

1. The mandate of the National Human Rights Institutions in South Asia needs to be increased to promote and protect human rights within the region.
2. A regional human rights mechanism needs to be established in the region, supplemented by efforts to work with Civil Society Organisations (CSOs) and other actors to help foster a regional consciousness.
3. The South Asian Association for Regional Cooperation (SAARC) needs to be made effective so that it can take regional advocacy forward.

¹ The Anglo-Nepal War of 1814 and the subsequent treaty of peace signed between Nepal and the East India Company on December 8, 1816, resulted in the delimitation and delineation of Nepal-India border.

² "Border Management in South Asia: Volatile, Violent and Porous by D Suba Chandran." *Institute of Peace & Conflict Studies* - Web. <<http://www.ipcs.org/article/south-asia/border-management-in-south-asia-volatile-violent-and-porous-4096.html>>.

³ Shomona Khanna, 2017. Nation State Boundaries and Human Rights of People in South Asia, <http://www.southasianrights.org/wp-content/uploads/2017/07/NATION-STATE-BOUNDARIES-AND-HUMAN-RIGHTS-OF-PEOPLE-IN-SOUTH-ASIA-1.pdf>

Priority issues arising from the border regions

Imprisonment, killings, trafficking, labour migration and illicit trade

Labour migration and trafficking are predominant issues in South Asia. The effective governance of labour migration is shaped by powerful socio-economic and political factors. Maldives is a destination country for majority of the migrant workers from South Asian countries such as Bangladesh, India, Sri Lanka and Nepal as well as South East Asian countries such as Indonesia, Thailand and the Philippines. There are approximately 60,000 undocumented migrants in Maldives and there is no way to regulate this at present.⁴ A lack of governance of migration in the region has meant that these labour migrants, including mostly unskilled labourers, living in undesirable conditions, work in vulnerable conditions and are severely exploited, thus often becoming victims of human trafficking. Moreover, cases of wage withholding, non-payment of wages, confiscated documents, unfair dismissals and other human rights violations are rampant in the country. These migrant workers do not have access to justice and health facilities. In 2015 and 2016 Maldives was placed in the tier 2 watch list of the Trafficking in Persons Report by the US State Department and removed in 2017.⁵ Although there are efforts from the Government of Maldives to promote effective governance of labour migration by working with CSOs, there is a need to amplify these efforts and advocacy campaigns to better address the issue. The implementation of policies and laws still has gaps in both countries of destination and origin. The countries of origin and destination need to protect and promote the rights of the migrant workers, which therefore demand regional endeavours to address the governance of migration in South Asia.

Unregulated migration can also pave the path for other human rights abuses, including cross-border killings and imprisonment. For example, deaths along the Bangladesh-India border occur throughout the year

because of those attempting to cross into India from Bangladesh. Surrounded by India and Myanmar, a core problem that the Bangladesh-India border faces includes the illegal entry of persons, trafficking of persons, and human smuggling as well as smuggling goods. To add to this plight, Bangladesh recurrently faces grim tales of abuse and killings by India's Border Security Force (BSF), charged with guarding India's land border during peacetime and preventing transnational crime. A prominent case that emerged includes the killing of a teenage girl, Felani Khatun, who was shot and killed by India's BSF. Although a special court was set up by the BSF to examine the case, the prime accused was not found guilty.⁶

It is not just Bangladesh and India that continue to pay the price of the division created in 1947; the entire sub-continent is paying a price for the legacy of partition which continues to foster hostility in the region. This is especially true for the India-Pakistan borders, with tensions brewing around the Jammu and Kashmir (J&K) region and border fences tearing apart the social fabric of the society. The insecurities and victimisation of people have been transferred from one generation to the next, as what happened seventy years ago has transitioned into a national policy that has shaped the fate of the two countries. In the J&K region, forced displacements occur at large scales - as the Chamb area or Ladkhak have shifted from once being Indian territory to Pakistani and vice-versa. The demographics of the villages continue to change as the people along the border zones face multiple victimisation on both sides of the border.⁷ A sense of displacement among the people is rampant as they are psychologically affected. Furthermore, land mines across the Line of Control (LOC) in the J&K area have been maiming lives:⁸ the fact that neither India nor Pakistan are signatories to the Ottawa Treaty (also known as the Mine Ban Treaty) makes it further difficult to regulate the issue.⁹

⁴ Country Narratives J- M, Trafficking of Persons Report 2017, <https://www.state.gov/documents/organization/271343.pdf>; "Maldives Taken off US Human Trafficking Watch List." *Maldives Independent*. Web. <<http://maldivesindependent.com/society/maldives-taken-off-us-human-trafficking-watch-list-131315>>.

⁵ *ibid*

⁶ "Felani Killing: Justice Denied, Border Killings Continue." *The Daily Star*. N.p., 07 Jan. 2016. Web. <<http://www.thedailystar.net/country/felani-killing-justice-denied-border-killings-continue-198391>>.

⁷ "1971 War: Memories of the Chamb Battle." *Indian Defence Review*. Web. <<http://www.indiandefencereview.com/spotlights/1971-war-memories-of-the-chamb-battle/>>.

⁸ "Use Of Anti-Personnel Landmines Along Jammu And Kashmir Border - Analysis." *Eurasia Review*. 07 Feb. 2016. Web. <<http://www.eurasiareview.com/08022016-use-of-anti-personnel-landmines-along-jammu-and-kashmir-border-analysis/>>.

⁹ *International Campaign to Ban Landmines - Treaty Status | The Treaty | ICBL*. N.p., n.d. Web. <<http://www.icbl.org/en-gb/the-treaty/treaty-status.aspx>>.

Borderlands have been viewed as militarised zones that need to be defended. At the heart of the problem is the creation of borders in 1947 and the emotional ties that transcend them, as there are families separated by national identities, weakened by a lack of people-to-people contact enforced by complicated visa regimes. In the process of crossing borders, it is very often the women, children and the marginalised who are the victims. There is a great need to understand that borderlands are places where people live, and that these lives are not disposable.

Fisheries and maritime boundaries

The issue of marine borders is an important, but often forgotten one. In South Asia, at least five countries are directly affected by regional tensions arising out of marine borders. In the water border between India and Pakistan, the constant arrests of fishermen in large numbers have become a concern. There are over 400 Indian fishermen languishing in Pakistani prisons¹⁰ and over 100 Pakistani fishermen in Indian prisons.¹¹ Pakistan has very recently released 78 imprisoned fishermen who would return to India.¹² The Indian side of the waters remains polluted because of the industrialisation on the Gujarat coast.¹³ This therefore propels the Indian fishermen to come to the Pakistani side, which ultimately leads to their imprisonment. Despite the existence of visitation rights for the prisoners of India and Pakistan, many families of the fishermen are not able to financially afford traveling to another country. In order to address these issues, SAARC can take a regional stance on the matter. Although another South Asian and South East Asian regional initiative, the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) exists, it does not include Pakistan in its cooperation. Thirdly, technology that enables video conferencing can be opted to virtually unite families.

The most economical solution however, would be to lobby for a no-arrest policy in the region. Despite the fact that the fishing community are scared to trespass the maritime borders, they are compelled to do so as the males are often the sole breadwinners in the family and therefore risk their lives to earn their livelihood.

The Indian-Sri-Lankan waters are also equally troubled. Sri Lanka regularly arrests fishermen for violating the International Maritime Boundary Line (IMBL).¹⁴ In 2014 it was reported that an estimated 2,000 trawlers engaged in Illegal, Unreported and Unregulated (IUU) fishing using the bottom trawling method, where fishermen from Tamil Nadu enter Sri Lankan waters at least three days of the week.¹⁵ When the Sri Lankan civil war ended, the Navy found a swarm of trawlers from Tamil Nadu trespassing on the IMBL to fish in Sri Lankan waters. By 2012 it became a grave problem. According to navy records, Tamil Nadu trawlers made 282,864 illegal fishing trips into Sri Lankan waters between the end of the conflict in 2009 and December 2016. 15,374 trawlers fishing illegally in Sri Lankan waters were individually identified and their Identity numbers communicated to the Indian High Commission in Colombo, according to navy sources.¹⁶

This has severely affected the lives of the fishing community in the North and the East as these people are deprived of their fishing harvest. As they are unable to earn their income through fishing, their standard of living has slowly decreased. Additionally, hundreds of Tamil Nadu fish workers have been detained because of relentless IUU fishing. In order to combat this, the Fisheries (regulation of Foreign Fishing Boat) Act (No. 59 of 1979) has to be amended so that it can be used at the local level at Magistrates' Courts. The Fisheries and Aquatic Resources Act, No. 2 of 1996 was amended in order to ban bottom trawling in Sri Lanka.¹⁷

¹⁰ "518 Indians, including 463 Fishermen, in Pakistan Jails." *The Hindu*. 01 July 2016. Web. <<http://www.thehindu.com/news/international/518-Indians-including-463-fishermen-in-pakistan-jails/article14465377.ece>>.

¹¹ "135 Pakistani Fishermen Currently in Indian Jails: Foreign Office Report." *The Hindu*, 15 Jan. 2017. Web. <<http://www.hindustantimes.com/india-news/135-pakistani-fishermen-currently-in-indian-jails-foreign-office-report/story-3cUifCOG3lgw4nQYERKZ9UL.html>>.

¹² Rana, Yudhvir. "Pakistan NGO Helps 78 Fishermen Return to India - Times of India." *The Times of India*. India, 12 July 2017. Web. <<http://timesofindia.indiatimes.com/india/pakistan-ngo-helps-78-fishermen-return-to-india/articleshow/59569911.cms>>.

¹³ "Industrialisation along Kutch Coastal Area in Gujarat Has Adversely Affected Livelihood Options of Local Villagers: IRMA Study." *COUNTERVIEW. ORG*. N.p., 03 Dec. 2013. Web. <<https://counterview.org/2013/12/03/industrialization-along-kutch-coastal-area-in-gujarat-has-adversely-affected-livelihood-options-of-local-villagers-irma-study/>>.

¹⁴ "3 Tamil Nadu Fishermen Arrested by Sri Lankan Navy." *Hindustan Times* 09 July 2017. Web. <<http://www.hindustantimes.com/india-news/3-tamil-nadu-fishermen-arrested-by-sri-lankan-navy/story-82qBJal4RskVfTjrK6X7mM.html>>.

¹⁵ "Fishing Trespasses: A Legal Insight for Better Economics." *Daily Financial Times - Sri Lanka's Latest Local and Global Business, Stock Market, Financial Analysis, Sports and Lifestyle New.*, 05 Nov. 2014. Web. <<http://www.ft.lk/2014/11/05/fishing-trespasses-a-legal-insight-for-better-economics/>>.

¹⁶ Creech, Steve, Dr. "Enforce SL Laws As A Means Of Stopping Indians Poaching In Our Waters." *PressReader.com - Connecting People Through News*. Web. <<https://www.pressreader.com/sri-lanka/daily-mirror-sri-lanka/20160517/282763470861397>>.

¹⁷ Srinivasan, M. Sri Lanka bans Bottom-trawling, 7 July, 2017, *The Hindu*, <http://www.thehindu.com/news/national/tamil-nadu/sri-lanka-bans-bottom-trawling/article19227034.ece>

Refugees, stateless persons, left out communities and open borders

The creation of bordered nation states has, by default, led to the creation of refugees and the stateless. As long as boundaries are core to the concept of nation state, the plight of refugees will continue to dictate current times. When the British left the region, they created a divide that continues to haunt South Asia - people who were once part of the region instantly became refugees or stateless in their own areas. The total number of refugees produced by South Asia accounts to approximately five million - there are approximately 1.8 Afghan refugees in Iran, 1.6 million Afghan refugees in Pakistan, nearly 600,000 in India and nearly 300,000 in Bangladesh. Moreover nearly 72,000 Bhutanese live in Nepal, and nearly 125,000 Sri Lankans in India.¹⁸ As a region that produces large numbers of refugees, there is a need for regional understanding to ensure the rights of refugees.

A growing sense of nationalism, insurgencies and religious extremism are serving as drivers for creating refugees and stateless people, posing dangers of ruptures which lead to political and ethnic conflicts. Moreover it is often the same marginalised ethnic groups who are victims of repetitive expulsion. The plight of refugees is common in Sri Lanka as well as in Bangladesh. There have been several events in Bangladesh that have pushed people out: the Kaptai dam, in the Chittagong Hill Tracts (CHT) of Bangladesh, displaced some 100,000 people; the conversion of the CHT into a Muslim majority area further drove people out.¹⁹ These events lead to mass human expulsions from Bangladesh to India and Burma. In addition to these push factors, a continuous trickle of out migration of Bengalis is often attributed to communal conflict and land grabbing in the CHT. Although Chittagong was an area that had enjoyed tremendous peace until the Kaptai dam burst in the 1960s, the counter insurgency was launched in 1979 sending reverberations throughout other countries and the region.

Another prominent issue that is creating reverberations throughout the world, albeit with very little effect, is the issue of Rohingyas. A Muslim group in the historically contested Rakhine State in Myanmar, this group has been denied citizenship rights, subjected to forced labour and widely been labeled as the world's "most persecuted group."²⁰ The problem in the region is that refugees and the stateless are given no rights as states turn a blind eye to them. On the one hand, the states disregard them and businesses seek to derive profits out of them. As businesses view Rohingyas as cheap labour who are willing to work for much less than the average Bengali worker, there are flaring tensions between the Bengalis and the stateless group. This pattern has fuelled a nationalist and xenophobic reaction among the Bengali people.

Left out communities include urban refugees. The urban refugees are a group of refugees forced to flee their country on various grounds. They live in cities as opposed to camps and are vulnerable to exploitation, arrest or detention as they most likely live anonymously. UNHCR estimates over 60 per cent of the world's 19.5 million refugees and 80 per cent of 34 million Internally Displaced Persons (IDPs) live in urban environments.²¹ Despite the existence of this issue, ample attention has not been given to it. Furthermore, people from Tibet, or Sri Lankan Tamil refugees in India, are viewed as people of special interests and therefore not categorised as refugees. Therefore, the ground on which people are classified as either refugees or not is very controversial and demands attention.

A growing body of literature to address the causes and potential solutions to the refugees and the stateless can go a long way in curbing the situation. To complement the endeavours for a comprehensive research, it is imperative that the South Asian states sign the 1951 Refugee Convention and the 1967 Protocol to the Refugee Convention. As of now, none of the SAARC members except Afghanistan have ratified them.

A pattern that is observed is that unregulated border areas can invite complex situations. Where parts of South Asia are grappling with tensions arising out of closed borders, the Nepal-India open border is tackling

¹⁸ Transcribed extraction from the presentation by Lakshan Dias.

¹⁹ "International Journal of Water Resources Development." *Taylor and Francis Online*. Web. <<http://www.tandfonline.com/doi/pdf/10.1080/07900620220121756?needAccess=true>>.

²⁰ "The Rohingya Migrant Crisis." Council on Foreign Relations. *Council on Foreign Relations*, Web. <<https://www.cfr.org/backgrounder/rohingya-migrant-crisis>>.

²¹ United Nations High Commissioner for Refugees. "Urban Refugees." *UNHCR*. Web. <<http://www.unhcr.org/urban-refugees.html>>.

the issue of an unregulated open border.²² Indeed in many ways, the open border is a celebrated affair for both countries. However, concerns over the misuse of the open border are increasing as there is a rise in the third country infiltration of people, smuggling of currency as well as gold, and fostering criminal networks which deal in small arms and abduction. Therefore growing demands are being placed on proper use and regulation of the open borders. This asserts the need to increase the accountability at the borders. Digitised identity cards have been proposed by governments as a potential way of surveillance on the free flow of human beings from country to country. While activists state that digitised surveillance violates human rights of those who cross borders, some believe it is crucial in preventing cross border crimes such as human trafficking, drug peddling and smuggling of goods. A regulated and open border could allow for increased cooperation between countries.

Rampal issue, Nepal blockade and water issues

The proposed Rampal power plant has generated a lot of concern and controversy, both nationally and internationally, for the potential irreversible damage to the unique eco-system, the Sundarbans.²³ The Rampal power plant, a joint venture between the governments of India and Bangladesh, will produce toxic waste on a daily basis, thereby degrading the environment. Incidents of oil spills and capsizing of coal cargo contaminating the water routes and the forest environment, as well as the loss of livelihood of the people in the area have been an obvious consequence of the construction of the power plant.²⁴ The land area around the Sundarbans has already been sold, thereby raising concerns not only of the impact on the environment, but also on the livelihood options. The UNESCO World Heritage Centre and the International

Union for Conservation of Nature (IUCN) have warned against the development of the power plant.²⁵ As the issue continues to gain attention from citizens and environment experts at the national, regional and global level, the Bangladeshi government's insistence for continued advancement of this project despite the environmental and socio-economic issues highlighted, is quite problematic. There is scope for this nationally rooted issue to gain regional traction.

It is a similar case for the Nepal blockade imposed by India. A recuperating Nepal, after the destructive earthquake, went through a struggle as India unofficially imposed upon it restrictions on transportation of goods, water, medicine, food supply among other basic human necessities.²⁶ The blockade had a huge impact on the Gross Domestic Product of the country, leading to a severely affected economy. A report by the UNICEF showed that approximately 1.6 million children were out of school for a period of six months because of the blockade.²⁷ It severely curtailed human rights of citizens, violating various international human rights laws and international laws. It had far-reaching impact on the Nepalese people, stirring up nationalist sentiments and even leading to a "back-off-India" social movement in the aftermath of the earthquake in the land-locked country.²⁸

²² "Nepal-India Open Border: Prospects, Problems and Challenges." Web. <http://www.nepaldemocracy.org/documents/treaties_agreements/nep_india_open_border.htm>.

²³ "UNESCO Investigates Environmental Impact of Sundarbans Coal Plant." *The Third Pole*, 31 Mar. 2016. Web. <<https://www.thethirdpole.net/2016/03/31/unesco-investigates-environmental-impact-of-sundarbans-coal-plant/>>.

²⁴ "Rampal Electricity Plant and Our Environmental Consciousness." *Alal O Dulal*, 09 Dec. 2014. Web. <<https://alalodulal.org/2013/08/29/rampal/>>; SAHR advocates the government of Bangladesh to immediately abandon the construction of the Rampal coal power plant in the proximity of Sundarbans, 30 September 2016, <http://www.southasianrights.org/?p=9807>

²⁵ "World Heritage Centre and IUCN Call for Relocation of Rampal Power Plant, a Serious Threat to the Sundarbans." *UNESCO World Heritage Centre*. N.p., n.d. Web. <<http://whc.unesco.org/en/news/1573/>>.

²⁶ "Nepal Blockade: Six Ways It Affects the Country." *BBC News*. BBC, 12 Dec. 2015. Web. <<http://www.bbc.com/news/world-asia-35041366>>; SAHR 2016. Nepal Blockade: A humanitarian crisis amidst diplomatic kerfuffle, <http://www.southasianrights.org/wp-content/uploads/2016/06/Report-on-the-Fact-Finding-Mission-to-Nepal.pdf>

²⁷ "Nepal Appeals to U.N. to Help Lift Economic Blockade." N.p., n.d. Web. <<http://www.ipsnews.net/2015/10/nepal-appeals-to-u-n-to-help-lift-economic-blockade/>>.

²⁸ Dhungel, Bidushi. "Blockade Blues | One To Many." *Nepali Times*. Web. <<http://nepalitimes.com/regular-columns/One-To-Many/unexpected-move-at-crucial-time,581>>.

A third area where bilateral politics need to be addressed through a regional forum is the Indus Water Treaty between India and Pakistan. The treaty was brokered by the World Bank, which stated that India would have control over the three “eastern” rivers - the Beas, the Ravi and the Sutlej, while Pakistan would have control over the three “western” rivers - the Indus, the Chenab and the Jhelum.²⁹ This treaty is considered to be successful because since the ratification of the treaty in 1960, there have been no water wars between India and Pakistan.³⁰ The fact that the rivers are clearly divided between the two countries is seen as a success of this treaty. However in its success also lie its failures as there has not been enough cooperation and trust on the issue.

The treaty is controversial as Pakistan’s rivers flow through India first, generating fear among Pakistanis that India could potentially create droughts and famines in Pakistan. This situation is aggravated with India’s claims to build more dams along the eastern rivers. Furthermore, the Jammu and Kashmir region does not view the treaty favourably, as they feel left out of the benefits the treaty could yield. A potential solution may be to revise the treaty so that it is a win-win for both sides, taking into account the new threats that are emerging.

Similarly, sharing of river waters and treaties that consider the interests of both upper riparian as well as lower riparian countries continues to remain contentious and decelerated due to narrow political and parochial interests of concerned countries in the region; Bangladesh being a prime example.

²⁹ “Fact Sheet: The Indus Waters Treaty 1960 and the World Bank.” *World Bank*. Web. <<http://www.worldbank.org/en/region/sar/brief/fact-sheet-the-indus-waters-treaty-1960-and-the-world-bank>>.

³⁰ Roychowdhury, Adrija. “What Is Indus Water Treaty: All You Need to Know about India, Pakistan Water Dispute.” *The Indian Express*., 20 Mar. 2017. Web. <<http://indianexpress.com/article/what-is/indus-water-treaty-all-you-need-to-know-about-india-pakistan-water-dispute-4577403/>>.

Women and Border Issues

Border issues have been affecting the rights of the most vulnerable across the region. Women and children who are seen as easily being able to escape petty crimes have been particularly susceptible to being used as “soft targets” and are prime suspects of smuggling. This has been true for most of the border zones in South Asia.

Women’s trafficking is rampant in India where reports of Bengali girls in Indian brothels have become a known fact that lacks action and attention.³¹ Child marriages of young Bengali brides to old Indian men are also a growing commonality today.³² Young girls are “consenting” to their own marriages to seek security. In such a case, there is a need to problematise the notion of consent and understand issues of citizenship, connectivity and trauma. A shift beyond the political economic perspective of borders must be made to address the psychological consequences of borders.

Borderlands in the postcolonial societies lack basic services and are very vulnerable. Afghanistan has been in conflict for the last four decades, and as the region of the conflict changes so too does its allies and adversaries. It is a similar story of the sufferings of the women along the Afghanistan-Pakistan border: research and practices both show that women suffer the most in cases of conflicts.³³ Women are struggling to keep their families alive with very little support or no support at all for themselves. In Pakistan, a rural-support programme along the Afghanistan-Pakistan border, to ensure the socio-economic rights of cross border communities, is being run. The programme is helping to increase women’s mobility and their access to basic human needs in the border zones. The rural-support programme is bridging the gap that governments had largely failed to address, keeping women at the heart of their work.

Women have become markers of the nation state, just like borders have also become markers of the nation state. In many ways, this is a failure of the nation state building project where bodies and borders have become objects to be protected. There needs to be a realisation that there are psychological consequences of border zones, beyond the political and economic consequences. The voices and the suffering of the women that has gone unnoticed must be addressed.

³¹ Zaman, Sheikh Shahariar. “Growing Number of Bangladeshi Women in Indian Brothels.” Web. <<http://www.dhakatribune.com/bangladesh/crime/2017/06/29/growing-number-bangladeshi-women-indian-brothels/>>.

³² Rashid, Toufiq Rashid Hindustan. “‘I Didn’t Have a Choice’: Kashmir’s Bengali Child Brides Trapped in Matrimony.” 21 Jan. 2017. Web. <<http://www.hindustantimes.com/weekend/outsider-brides-in-the-valley-story-of-an-unholy-union/story-fOquuoQJoZROFSPgFtj2TJ.html>>.

³³ “Women suffer disproportionately during and after war, Security Council told during day-long debate on women, peace and security | Meetings Coverage and Press Releases.” *United Nations*. United Nations, Web. <<http://www.un.org/press/en/2003/sc7908.doc.htm>>.

The Nation State Building Project, war and regional diplomacy

The entrenched concept of nation states has meant that there is a great preoccupation with strengthening the states, even if it at the expense of neighbouring states. The nation state building process is ongoing in South Asia.

In Afghanistan, frequent regime changes have resulted in the destruction of infrastructure, movement of populations such as IDPs and refugees, spread of the war economy and terrorism, gross violations of human rights and warlordism.³⁴ A new bureaucracy is established to complement every regime that has torn the social fabric of the society. Despite the proactive efforts of the Afghan Government in promoting and protecting human rights in the country as well as promoting women's role in the peace process there is a vigorous push for nation building. Much like in the rest of South Asia, nation building is an ongoing process in Nepal. Concepts like nationalism and the nation state have been exploited for the benefit of capital and business elites. Therefore there is a need to revisit our understanding of concepts like sovereignty and the nation state.

As South Asian nations continue to perpetuate the idea of the nation state, there is a need to focus on establishing and maintaining bilateral and multilateral relations with other countries, so that human rights are seen as a cornerstone for state building and nation building. The governments in the region must work collaboratively to promote and protect human rights in the region. Therefore peace efforts must seek justice and human rights at the core of their work, so that democracy and good governance can play a part in supporting peace and stability in the region.

Although a growing nationalism cannot be denied, a regional war remains unlikely because of the asymmetrical power dynamics in South Asia. India cuts across the region vastly, both in terms of geography as well as power. Secondly, the likelihood of a war in the region is diminished as India and Pakistan possess nuclear war heads. This means that mechanisms for regional diplomacy need to be strengthened.

Bangladesh, aware of the importance of regional solidarity, fathered the idea of SAARC.³⁵ The SAARC was launched in 1986 with the idea of strengthening communities and harnessing diversity. However, it did not live up to its vision and the regional body struggles to flourish under current leaders, like it did in the past. There is a need for a regional call for SAARC citizens to collectively advocate for an active SAARC. To this effect, it is important to explore opportunities to host regional conflict resolution centres in order to provide linkages between the CSOs and human rights group in different countries in the region. This dispute or conflict resolution centre could have non-state actors as the primary actors.

Existing bilateral and multilateral mechanisms

National and regional activism is connected. With rising national and regional tensions, the bilateral and multilateral mechanisms to address them must be discussed at the SAARC Summit. However, the regional body needs to undergo reform in order to effectively address the current concerns of the region.³⁶

A reformation of SAARC, based on the Association of Southeast Asian Nations (ASEAN) or the European model, is warranted. The regional body must take into account the voices of its citizens and set the date for the next SAARC summit as an immediate next-step. In order to complement the efforts of the reformed SAARC and strengthen the bilateral and regional mechanisms, a set of complementary activities including strengthening the Colombo Plan Initiative, strengthening missions to investigate human rights abuses, capacity-building and awareness raising activities, with a specific focus on the youth need to be carried out. Furthermore, the successes of the Regional Initiative for a South Asian Human Rights Mechanisms (RISAHRM) may be emulated for a strengthened region.

³⁴ "Wars of Decline: Afghanistan, Iraq and Libya." *OpenDemocracy*. N.p., 29 July 2015. Web. <<https://www.opendemocracy.net/david-held-kristian-coates-ulrichsen/wars-of-decline-afghanistan-iraq-and-libya>>.

³⁵ SAARC Secretariat. Web. <<http://saarc-sec.org/about-saarc>>.

³⁶ Swamy, Subramanian. "A Case for SAARC Reforms." *The Hindu*. N.p., 24 Nov. 2014. Web. <<http://www.thehindu.com/opinion/lead/a-case-for-saarc-reforms/article6630591.ece>>.

Regional and national activism - the way forward

The following recommendations can be used as a guide for the way forward for regional and national activism:

Seek pragmatic solutions in order to bring structure to activism:

Pragmatic solutions focusing on a sober assessment based on capabilities will make activism effective. A focal point may be designated in each country to take the lead role in coordination and communication to make this a possibility.

Enhance the visibility of regional actions:

Any regional initiative proposed needs to increase its engagement on the ground and make the people of South Asia aware of its existence. Senior HRDs can work to enhance the regional visibility of such initiatives as this will help generate more momentum within the region.

Work hand-in-hand with the government:

A regional initiative/campaign cannot discount the importance of government structures in each of its member states. Working with the government will help achieve a better framework for securing human rights throughout the region. Therefore, regional networks can explore avenues to scale up activities at the policy level. HRDs can engage with the foreign secretaries across the region to hand over a common memorandum to the government. This activity should then be immediately followed by a press conference.

Gain media attention:

In order to gain media attention, it is important to engage with the media through press releases, press conferences, high profile interviews with international news agencies etc.

Form a core-group of working-members:

A core group comprising of focal points from the member states could be formed in the region. This group would then be responsible for taking issues of regional concern to national level governments and gaining support for the cause. An example of such a mechanism could be the Regional Initiative for South Asian Human Rights Mechanisms (RISAHRM).

Conduct follow-up activities of every action:

The follow-up actions would be integral in monitoring the impact created on the issue future areas of action.

Identify common areas for regional cooperation:

To increase regional accountability, it is important to identify common areas that require attention.

Conduct research to understand border issues and how it affects people on both sides:

Evidence-backed research may form a strong tool for advocacy. The research can guide action and can be used to sensitise people of the region. A qualitative research capturing the voices of women can better guide the advocacy work of a regional initiative while keeping women at the core. This will help address the data and information gap in the region through documentation. Therefore, research should be conducted with a two fold purpose: one, to better understand the issues at border zones; and two, to create an advocacy tool out of the evidence-backed work. This can be further supplemented by creating context specific fact sheets as an advocacy tool. This may also serve as a basis for policy analysis to generate robust policies in the region.

Build alliances:

It is important to work with other national, regional, or international human rights networks or like-minded networks in order to build alliances and create fact-based reporting. Using such reports as a basis to seek support from the mandate holders of the national and international protection system is a possibility. Furthermore, it is important to engage in dialogue with political parties to seek south-south cooperation.

Use technology for advocacy and dissemination of information:

Information Communication Technology and particularly social media, can be used as a tool for disseminating information, advocating for issues and to reach a wider audience as well.

Increase engagement with the SAARC:

Engagement with SAARC and the promotion of a Regional Human Rights Mechanism is vital towards addressing cross border issues. This effort will be strengthened if conducted in collaboration with other human rights networks.

Identify a channel of negotiation with the Indian Government:

There is a need to find a way to engage with the Indian government and to have them on board on certain issues. A potential avenue to do this may be to scale up work with the Indian CSOs via track II diplomacy.

Adopt novel solutions to problems:

In order to address existing problems, novel strategies including signature campaigns or using social media may be considered to generate momentum and support for the causes. Additionally, ideas like border *haats* (markets), schools or hospitals can be emulated in the region. This will help increase people-to-people contact in hospitable environment. To foster relations further, short human rights courses targeted to the people along the border zones can be conducted. Another novel strategy could be to use creative means such as writing, storytelling, art or drama in the border zones that challenge and break stereotypes.

Promote information sharing within the network/foster regional identity:

There is a need to foster trust and coexistence in South Asia. A regional identity must be honed in lieu of a national one. This may be possible through the implementation of a visa free South Asia to increase people-to-people contact in the region.

Annexure

Agenda	
Day 1: 7 July 2017	
09.00 am - 09.30 am	Registration
09.30 am - 09.40 am	Welcome Address and Introduction - <i>Deekshya Illangasinghe</i>
09.40 am - 10.10 am	An Overview on Border Issues in South Asia - <i>B. Skanthakumar</i>
10.10 am - 10.45 am	<p>Priority issues arising in the border regions - Cluster 1 <i>Imprisonment, killings, trafficking, labour migration and illicit trade</i></p> <p>Moderator: <i>Khushi Kabir</i></p> <p>Speakers: Human Trafficking and the Labour Migration: The Maldives' case - <i>Hassan Shafeeg</i></p> <p>Repeating the Cliché: Border Issues affecting Bangladesh - <i>Prof. Mizanur Rahman</i></p> <p>Borders: Human Insecurity, Casualties and Displacements (Reflections on India-Pakistan borders including the Line of Control in Jammu and Kashmir) - <i>Anuradha Bhasin</i></p>
10.45 am - 11.00 am	<i>Tea</i>
11.00 am - 11.20 am	<p>Priority issues arising in the border regions - Cluster 2 <i>Fisheries and maritime boundaries</i></p> <p>Moderator: <i>Khushi Kabir</i></p> <p>Speakers: Exploring Solution to Indo-Pak Fishermen Issue - <i>Jatin Desai</i></p> <p>Illegal, Unreported and Unregulated Fishing: Maritime border issue between India and Sri Lanka - <i>Anushaya Collure</i></p>
11.20 am - 11.30 am	Discussion on Clusters 1 and 2
11.30 am - 12.10 pm	<p>Priority issues arising in the border regions - Cluster 3 <i>Refugees, stateless persons, left out communities and open borders</i></p> <p>Moderator: <i>Khushi Kabir</i></p> <p>Speakers: Value of the Refugees and stateless people in Nation state Project - <i>Lakshan Dias</i></p> <p>Flux of Refugees in and out of Bangladesh - <i>Prof. Shapan Adnan</i></p> <p>Challenges to peace and security by the open border between Nepal and India - <i>Buddhi Narayan Shrestha</i></p>

<p>12.10 pm - 12.40 pm</p>	<p>Priority issues arising in the border regions - Cluster 4 <i>Rampal issue, Nepal blockade and water issues</i></p> <p>Moderator: <i>Jatin Desai</i></p> <p>Speakers: Development for Whom?: The Role of Government and the Curious Case of Coal Based Power plant at Rampal, Bangladesh - <i>Khushi Kabir</i></p> <p>Nepal Blockade: In the context of a Cross Border Issue - <i>Dr. Yubraj Sangroula</i></p> <p>Indus Water Treaty and India and Pakistan Water Disputes - <i>Bharat Bhushan</i></p>
<p>12.40 pm - 1.00 pm</p>	<p>Discussion on Clusters 3 and 4</p>
<p>1.00 pm - 2.00 pm</p>	<p><i>Lunch</i></p>
<p>2.00 pm - 2.30 pm</p>	<p>Priority issues arising in the border regions - Open Discussion <i>(this section will aim to highlight the other issues that have not been discussed above)</i></p>
<p>2.30 pm - 3.30 pm</p>	<p>Women and Border Issues</p> <p>Moderator: <i>B. Skanthakumar</i></p> <p>Speakers: The Rural Support Programmes of Pakistan: the Socio-Economic Rights of Cross Border Communities. (Case of Afghanistan - Pakistan border) - <i>Shandana Khan</i></p> <p>Borders and bodies: women across the Bangladesh India border - <i>Prof. Amena Mohsin</i></p> <p>A proxy war: A solution to the latent border issues between Afghanistan and Pakistan - <i>Palwasha Hassan</i></p>
<p>3.30 pm - 4.30 pm</p>	<p>The Nation State Building Project, war and regional diplomacy</p> <p>Moderator: <i>Mohamed Latheef</i></p> <p>Speakers: State Building and Protection of Human Rights in Afghanistan - <i>Fahim Hakim</i></p> <p>Regional Diplomacy: Investing in the people - <i>Nasim Firdaus</i></p> <p>Nationalist Populism and the Potential for War - <i>Kanak Dixit</i></p>
<p>4.30 pm - 4.45 pm</p>	<p><i>Tea</i></p>
<p>4.45 pm - 6.00 pm</p>	<p>Existing mechanisms (bilateral /multilateral) for addressing border related issues and their strength and weaknesses</p> <p>Moderator: <i>Jatin Desai</i></p> <p><i>(Open Discussion)</i></p>

DAY 2: 8 July 2017	
9.30 am - 9.40 am	Recap of first day discussions - <i>Mohamad Latheef</i>
9.40 am - 11.00 am	Regional/National Activism: The way of forward - Identifying areas of action at national and regional level <i>Moderator: Lakshan Dias</i> <i>(Open Discussion)</i>
11.00 am - 11.15 am	<i>Tea</i>
11.15 am - 12.45 pm	Adoption of conclusions and action plan <i>Moderator: Lakshan Dias</i> <i>(Open discussion)</i>
12.45 am - 1.00 pm	Concluding Remarks - <i>Mohamad Latheef</i>
1.00 pm	<i>Lunch</i>

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South Asians for Human Rights (SAHR)

345/18, Kuruppu Road (17/7 Kuruppu Lane), Colombo 08

Tel/Fax: +94-11-2695910

Email: sahr@southasianrights.org

Website: www.southasianrights.org