

2ND PEOPLE'S SUMMIT REPORT

BACKGROUND OF SAARC

The South Asian Association for Regional Cooperation (SAARC) was established when its Charter was formally adopted on December 8, 1985 by the Heads of State or Government of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

SAARC provides a platform for the peoples of South Asia to work together in a spirit of friendship, trust and understanding. It aims to accelerate the process of economic and social development in Member States.

Cooperation in SAARC is based on respect for the principles of sovereign equality, territorial integrity, political independence, non-interference in the internal affairs of the Member States, and mutual benefit. Regional cooperation is seen as a complement to the bilateral and multilateral relations of its Member States.

Decisions are taken on the basis of unanimity. Bilateral and contentious issues are excluded from the deliberations of SAARC. Preparatory meetings were held in advance of the First Summit in Dhaka at the level of Foreign Secretaries in 1981 in Colombo, and in 1983 at the level of Foreign Ministers in New Delhi to identify areas in which regional cooperation could be promoted. The areas of cooperation which are now pursued in SAARC's Integrated Programme of Action through Technical Committees are Agriculture and Rural Development; Social Development; Environment, Meteorology and Forestry; Science and Technology; Human Resource Development; Transport and Communications; and Energy.

Summits, which are the highest authority in SAARC, are held annually. The country hosting the Summit holds office as Chairperson of the Association until the next Summit. Thus, Sri Lanka which hosted the Tenth Summit in 1998 chairs the Association until the Eleventh Summit in Kathmandu when Nepal assumes the Chair.

The Council of Ministers comprising Foreign Ministers, meets at least twice a year. Its functions include formulating policy, reviewing progress of regional cooperation, identifying new areas of cooperation, and establishing additional mechanisms that may be necessary.

The Standing Committee comprising Foreign Secretaries, monitors and coordinates SAARC programmes of cooperation, approves projects including their manner of financing, and mobilizes regional and external resources. It meets at least twice a year and reports to and refers policy matters for decision to the Council of Ministers.

SAARC also convenes meetings at Ministerial Level on specialized subject-specific themes such as commerce, international economic issues, environment, housing, tourism, information, communications, women and youth.

Other *Specialized Committees* also function in SAARC. These include, *inter-alia*, the Committee on Economic Cooperation consisting of Secretaries of Commerce.

A SAARC Preferential Trading Arrangement (SAPTA) has been established and negotiations are continuing on the reduction of tariffs and other impediments to a more free flow of trade within the region.

Following decisions at the Tenth SAARC Summit, negotiations are also proceeding in a Committee of Experts to draft a Treaty for the establishment of a South Asian Free Trade Area (SAFTA).

The South Asian States have adopted Conventions on the Suppression of Terrorism as well as on Narcotic Drugs and Psychotropic Substances. Texts of Conventions Against the Trafficking of Women and on the Protection of Children, respectively, are finalized and are expected to be signed at the Eleventh Summit.

SAARC has undertaken high level Regional Studies on trade, manufactures and services, environment as well as on the alleviation of poverty.

A dialogue with other Regional Organisations such as the Association of South-East Asian Nations (ASEAN) and the European Commission (EC) has been developed by SAARC and interaction takes place annually.

Memoranda of Understanding and other arrangements have been established with UNCTAD (United Nations Conference on Trade and Development), UNICEF (United Nations Children's Fund), UNDP (United Nations Development Programme) ESCAP (Economic and Social Commission for Asia and Pacific), UNDCP (United Nations Drug Control Programme), ITU (International Telecommunications Union), APT (Asia Pacific Telecommunity) and WHO (World Health Organisation).

In addition, Memoranda have been signed with CIDA (Canadian International Development Agency), EC (European Commission) and with the Japanese Government. Cooperative projects and programmes are being worked out in terms of these Memoranda. SAARC discusses multilateral issues which are of common concern to its members and has identified areas on which collective positions could be projected and promoted in international forums. These include world trade and financial issues, environmental issues, disarmament and development issues.

The SAARC Secretariat is based in Kathmandu, and coordinates and monitors implementation of SAARC activities, prepares for and services SAARC meetings, and serves as a channel of communication between the Association and other regional organizations and inter-governmental institutions.

The Objectives of the Association as defined in the Charter are:

- to promote the welfare of the peoples of South Asia and to improve their quality of life;
- to accelerate economic growth, social progress and cultural development in the region and to provide all individuals the opportunity to live in dignity and to realize their full potential;
- to promote and strengthen collective self-reliance among the countries of South Asia;

- to contribute to mutual trust, understanding and appreciation of one another's problems;
- to promote active collaboration and mutual assistance in the economic, social, cultural, technical and scientific fields;
- to strengthen cooperation with other developing countries;
- to strengthen cooperation among themselves in international forums on matters of common interests; and
- to cooperate with international and regional organisations with similar aims and

SAARC SUMMITS HELD SINCE 1985:

- 1st SAARC Summit 7-8 December 1985 Dhaka
 2nd SAARC Summit 16-17 November 1986 Bangalore
 3rd SAARC Summit 2-4 November 1987 Kathmandu
 4th SAARC Summit 29-31 December 1988 Islamabad
 5th SAARC Summit 21-23 November 1990 Male'
 6th SAARC Summit 21 December 1991 Colombo
 7th SAARC Summit 10-11 April 1993 Dhaka
 8th SAARC Summit 2-4 May 1995 New Delhi
 9th SAARC Summit 12-14 May 1997 Male'
 10th SAARC Summit 29-31 July 1998 Colombo

MOUs signed with other Organisations:

- | | |
|---------------|---------------|
| UNCTAD (1993) | UNICEF (1993) |
| APT (1994) | ESCAP (1994) |
| UNDP (1995) | UNDCP (1995) |
| EC (1996) | ITU (1997) |
| CIDA (1997) | WHO (2000) |

SECOND SOUTH ASIAN PEOPLE SUMMIT
INAUGURAL PUBLIC MEETING
JANUARY 3, 2002

The Inaugural Public Meeting of the second South Asian People Summit was held on January 3rd, 2002 at Hotel Blue Star, Kathmandu – Nepal.

The Honorable Minister of Environment – Mr. P.L.Singh was the Chief Guest.

Dr. George Mathew, Honorary Secretary of South Asia Partnership - International undertook the chair of the meeting. At the commencement of the meeting, the chairperson introduced all the speakers for the meeting and asked them to take their seats in the dais.

Dr. Mathew in a brief general address about the goals of the summit, stated that the First South Asian People Summit, held in December 2000 in Colombo, Sri Lanka had been 'impactful' and had laid down the goals of South Asia Partnership – International. He further added that the Colombo Summit had had good media coverage. The Second South Asian People Summit occurring simultaneously with the Eleventh SAARC Summit presented a critical time necessitating appropriate efforts from the South Asian People Summit as a whole to work in the direction of the following goals:

- Supporting SAARC to combat against trafficking of women and children.
- Lobby with SAARC on the Illegal Trade of Small Arms and Light Weapons.
- Prioritizing the issues to consider.
- Lobbying for people's agenda.
- Strengthening co-operation and fostering solidarity among Civil Society Groups.

After the address, Dr. Mathew called upon Dr. Rohit Kumar Nepali, Executive Director, SAP-Nepal and organizing host of the summit to welcome the participants.

Dr. Nepali welcomed all the participants to Kathmandu and to the Second South Asian People Summit 2002. He expressed his optimism that the Summit as a unified collaboration of civil society groups from the member states of the SAARC, could lobby, support, encourage and help the SAARC in dealing with the problems of trafficking; illicit trade of small arms and light weapons and globalization & regional co-operation. He wished all the participants a productive and successful summit and expressed his hope that the Second South Asian People Summit 2002 would be able to engender a feeling of solidarity among all the civil society groups working for the development and progress of South Asia as a whole.

The opening remarks for the meeting were put forth by Ms. Jezima Ismail, Chairperson, SAP-International who stressed that in all the efforts of the summit as well as in the ordinary workings of the Civil Society Groups, the focus should be centered on people. She asserted the lack of a mass people's movement and stated that what the South Asia Partnership, as the coordinating body of the South Asian People Summit envisioned of the summit was:

“A cohesive federation of countries of South Asia, in diversity and respect for each other, promoting understanding and solidarity to institute measures in eliminating and minimizing deprivation and discrimination”.

Ms. Ismail also called for efforts to revive the dignity that had been lost because of various means.

After the opening remarks by Ms. Jezima Ismail on the Summit, the chairperson, then asked to speakers to present their views on the topics that would be discussed during the period of the Summit.

The first speaker for the evening was Ms. Durga Ghimire, ABC-Nepal, Nepal who put forth her views on trafficking.

Citing examples of a number of articles from the SAARC Convention and the UN Convention, Ms. Ghimire enunciated the global existence of the problem of trafficking. She characterized trafficking of women or children as sexual exploitation, and a heinous violation of their human rights.

The recommendations, with reference to the Draft SAARC Convention in particular and trafficking as an issue in general, and as outlined by Ms. Ghimire were:

- Trafficking needs to be defined properly
- Issues like legal or illegal marriages; urban trade; camel jockeys etc. need to be addressed
- The autonomy of the victims should be respected.
- Regular progress report on the initiatives taken to combat trafficking should be presented to the SAARC
- Capital Punishment should be meted out to traffickers or partners in the crime

Ms. Ghimire closed her discourse by saying that the problem of trafficking was a stigma to society and the human civilization and posed a challenge to civil society.

The next speaker for the evening was Mr. Laxman Gunasekera, the editor of ‘Social Action’ and a social activist who talked about the role of Media and Regional Co-operation.

According to Mr. Gunasekera, his interest in the particular subject stems from the degree of political violence and the war already prevailing in South Asia and the potential for an even greater scale of warfare. He stated that Mass Media in South Asia is nation-based and primarily state-linked or state-biased, thereby shaping its definitive role in all the cross-border tensions and conflicts that occur in the South Asia region.

The media also plays a central yet subtle part in engendering social distinctions that are the mainstay of South Asian societies. Furthermore, mass media has been unable to properly express and articulate the opinions, feeling, frustrations, aspirations and demands of the large, marginalized and deprived sections of our general populace. All in all, Mr. Gunasekera reiterated that it is important that the mass media as a dominant communications instrument in every South Asian

country plays a responsible and competent role in generating solidarity and regional co-operation.

The third speaker, Mr. Jagdananda expressed his concern that with reference to a number of countries in the South Asia region, after fifty years of independence, we still did not know where we are heading or where we stand. Regional development has only heightened the inter-regional disparities in the South Asia region. Furthermore, the crisis in the agricultural sector and the lack of rural development has only helped the problem of poverty grow and rendered economic growth stagnant.

The WTO and the opening of the Chinese market have adversely affected the agricultural and small-scale sectors. He said that malnutrition and poverty are co-existing in the South Asia region and what is required is micro-economic and social development. Mr. Jagdananda added that it was time to build cohesion to create a synergy to influence public policies.

Lastly, Mr. Jagdananda urged all participants to:

- Institutionalize dialogue between people and government
- Develop innovative tools and techniques
- Address co-issues that affect people regionally
- Include social mobilization and take pro-poor perspective to another level and dimension
- Focus on commerce and finance in all efforts

The fourth speaker in the inaugural public meeting was Ms. Leyla Tegmo Reddy from the International Labour Organization.

In a brief comment on the issue of trafficking, the fifth speaker for the evening Ms. Chandani Joshi from UNIFEM said that the three principal issues of the summit, namely,

1. Peace
 2. Trafficking
 3. Coping and Surviving in Globalization,
- require Trans-national co-operation.

Speaking about trafficking, she said that trafficking was another form of terrorism. She also mentioned the Memorandum of Understanding (MoU) that had been recently signed by the SAARC Secretariat and UNIFEM which, she felt would be instrumental in dealing with the rampant problem of trafficking.

After all the guest speakers had put forth their views and opinions, the chair, Mr. George Mathew asked the chief guest, Mr. P.L.Singh to give his comments. The chief guest in his brief speech, maintained that the ways of dealing with terrorism had global significance and the present summit would provide valuable contributions to the issues as well as new insight to member states on combating trafficking of women and children. He also encouraged the People's summit to focus on sustainable development and poverty alleviation. Wishing the participants a fruitful summit, the chief guest ended his speech.

The Chairperson, Dr. James Arputharaj extended a Vote of Thanks to the Chief Guest, all the speakers, the sponsors and the participants and adjourned the Inaugural Public Meeting of the second South Asian People Summit 2002.

The meeting was followed by a reception dinner.

The Second South Asia Partnership People's Summit was held from January 4th-6th, 2001 at the Hotel Blue Star, Kathmandu - Nepal and took place simultaneously with the Eleventh SAARC Summit.

Focusing on trafficking and Small Arms, the main agenda of the three-day summit was identifying lobbying and critiques of the two primary topics of the concurrent SAARC Summit, namely the Convention against Trafficking of Women and Children for Prostitution and the Illegal Trade of Small Arms and Light Weapons. The third topic of discussion was how the South Asian countries as a cohesive body could regionally co-operate in combating the growing

Second South Asian People Summit

KATHMANDU

January 4 -

SECOND SOUTH ASIAN PEOPLE SUMMIT
PROCEEDINGS OF FIRST DAY
JANUARY 4, 2002

The first day of the Second South Asian People's Summit was the 4th January 2002.

The day's proceeding was divided into three sessions and incorporated general discussions on the three major themes to be discussed in the course of the days of the summit, namely:

1. Trafficking,
2. Small Arms and Light Weapons,
3. Globalisation and Regional Co-operation.

The meeting commenced with an update by Mr. Jagdananda on the breakfast meeting that had taken place earlier in the morning. According to Mr. Jagdananda, the main concerns as expressed in the meeting were:

- Sustenance of the People's Summit
- Institutionalising an interface between official and non-official parts of SAARC
- Themes for Regional dialogue
- Convergence of South Asia Partnership and SAARC

Apart from the above, volunteers were encouraged to initiate discussions on the following topics during the course of the summit discussions:

1. Disaster Management
2. Poverty Alleviation
3. Ageing
4. Civil Society Networks

The Breakfast meeting concluded with an agenda to formulate a concrete plan for a 'Plan of Action'.

After the update, the first session for the day on trafficking started.

Dr. Sujan Bhatia chaired the session and the panellists were Ms. Sangita Thapa from UNIFEM; Ms. Meena Poudel representing OXFAM and Ms. Tina Staermos from the International Labour Organization (ILO).

Rita Bhadra from SAP-Nepal presented a paper titled Regional Instrument on Combating Trafficking in Women and Children for Prostitution.

Discussing the geo-social characteristics of the South Asian countries, Bhadra highlighted the diversity that exists in the South Asian region. Migration patterns with prospects for better livelihood and economic opportunities, she stated, are some of the reasons that render displaced women and children most vulnerable and easy targets to trafficking.

Defining Trafficking according to the SAARC Convention and the Coalition to abolish slavery and trafficking, Bhadra asserted that victims of various forms of trafficking invariably end up in prostitution.

The main South Asian countries where trafficking of women and children was rampant were identified. India, the worst affected country was a destination and source country. The existence of the problem in other countries like Bangladesh, Pakistan, Sri Lanka and Nepal was also discussed. Bhutan and Maldives did not figure in the list of affected countries due to the lack of any data to support the existence of the problem in these two countries.

The problem of trafficking in the South Asian region was attributed to the following reasons:

1. Poverty with high aspiration for a better life
2. Unemployment
3. Lucrative Business in Trafficking
4. Sex Tourism
5. Traditional and Cultural Practices
6. Weak law enforcement and political commitment to the cause
7. Porous borders
8. Family Disruptions
9. Gender discrimination
10. Ignorance and lack of education
11. Urbanisation and globalisation

Bhadra notified the efforts of the UN Convention on the Right of the Child; The Convention on the Elimination of all forms of Discrimination against Women and the ILO Convention 182, on preventing and combating trafficking.

She held that keeping in mind the need of the hour, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution was drafted.

The basic recommendations in meeting the challenge of trafficking of women and children as put forward by Rita Bhadra were:

1. Political Commitment and Law Enforcement: The commitment of the political bodies and the political agenda for dealing with trafficking needs to be re-enforced. Law Enforcement also requires strengthening and appropriate implementation.
2. Awareness and Skill: A campaign should be designed and developed to increase awareness at all levels of the society. Furthermore, comprehensive studies and researches should be carried out to identify factors that affect and contribute to trafficking.
3. Socio-economic Issues: The socio-economic implications of trafficking and the ways to deal with it should be examined. The equation between social evils and economic disparities need to be recognised and suitably worked upon.

4. Co-ordination and Collaboration: Co-ordination efforts require execution through collaboration within the country and between countries of the SAARC region in order to deal with the problem of trafficking.

After the presentation of the paper by Ms. Rita Bhadra, the panellists gave their comments on the issue of trafficking.

Ms. Sangita Thapa from UNIFEM stated that the debate on trafficking needs to be broadened. She further felt that structural adjustments are required and sustained lobbying needs to be maintained. She also remarked that a recent Memorandum of Understanding (MoU) signed between the SAARC Secretariat and UNIFEM would be an important instrument in taking the issue of trafficking further.

Ms. Meena Poudel from OXFAM stressed that a major contributing factor to the problem of trafficking was the manipulation of immigration and migration policies. She called for a collective effort or campaign to support the rights of women and children. Four major steps to adopt, according to Poudel were:

1. Clearly defining the term trafficking and incorporating all variations of it.
2. Creating a linkage internationally and regionally and developing common strategies to combat trafficking.
3. Developing a regional mechanism to address the problem of trafficking.
4. Assigning a Regional Rapporteur to assess initiatives in trafficking

Ms. Tina Staermos from ILO reiterated ILO's commitment to combat trafficking. She called for a broader definition of trafficking and added that dysfunctional families were yet another contributing factor to children running away from their homes and ultimately landing up in prostitution. She also requested the participants to lobby for the inclusion of the ILO Convention 182 into the SAARC Convention.

Subsequent to the comments from the panellists the floor was declared open for discussion by the chairperson, Dr. Bhatia.

The observations of the participants expressed in the floor discussion were:

Prabha Thacker from Manushi asked if there was scope for a strategic convergence of the UN Mandate and other International agencies with Civil Society Groups.

Ms. Sangeeta Thapa from UNIFEM answered that there is scope for convergence and UNIFEM extends its support to organisations working on the issue.

Dr. Gokhale asked if there was empirical data to support the statement by Ms. Poudel that developmental strategies and immigration rules result or fuel trafficking?

Ms. Meena Poudel from OXFAM stated that there is quasi-qualified data to support it but no mathematical data.

Dr Arputharaj's concern was whether steps were being taken to incorporate organisations in carrying forward the Yokohama Declaration?

Ms. Tina Staermos, ILO said that the ILO is chairing the Declaration and would be glad to do it at the regional level.

J B Shrestha asked if the definition of regional convention is violating the mobility of women and children and how we can protect the right to mobility of women?

Dr. Sujan Bhatia stated that mobility of women and children would not be violated and eliminating all possibilities of involuntary movement would protect their right to mobility.

After the questions were answered, the chairperson, Dr. Bhatia adjourned the session and the gathering broke for lunch.

The second session for the first day of the second South Asia Partnership People's Summit was on the Illegal Trade of Small Arms and Light Weapons.

Ms. Aminul Islam from the Society of Prevention of Poverty, Bangladesh, chaired the session. The panelists for the session were Dr James Arputharaj, Executive Director, SAP-International; and Mr. Kapil Shrestha, member of National Human Rights Commission - Nepal.

Advocate Sudeep Gautam from Centre for Legal Research and Resource Development (CeLRRd) presented a paper on the Illicit Trade in Small Arms and Light Weapons.

The summary of the paper presented by Advocate Gautam is as follows:

All nations affected by terrorism are concerned over the illicit manufacture, transfer and circulation of small arms and light weapons; and their excessive accumulation and uncontrolled spread in many regions of the world. These activities have led to a wide range of humanitarian and socio-economic consequences, causing a threat to world peace and stability. In reference to this United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Aspect was held in July last year. The conference recognized that close international cooperation was needed to prevent, combat and eradicate the illicit trade in these arms. Sri Lanka, Pakistan, Nepal and India had participated from the region. South Asia Partnership was also present on the occasion.

The SAARC Regional Convention on the Suppression of Terrorism was signed in Kathmandu on November 1987 during the third SAARC summit. The convention is based on the well-established principles of international law on terrorism with provisions such as member states required to extradite or prosecute alleged terrorists.

The illicit trade in small arms and light weapons has a direct relation to terrorism. Most terrorists give convincing justifications for the beginning of their campaigns. Many claim that they resorted to such acts due to the violation of human rights. Terrorist acts always go against humanity posing danger to the rights and interests of the community.

The SAARC countries are concerned over the implications that poverty and underdevelopment will have a direct or indirect relation to the illicit trade of such

arms. They need to work for a strong regional coalition against the armed conflict created by any revolutionary groups.

These SAARC nations should reaffirm their respect for the commitment of international law and the principles enshrined in the Charter of the United Nations. However, there should be no violations of the fundamental human rights of minority people or ethnic communities in other countries.

Now time has come to recognize the importance of the contribution of the civil society to this cause.

To combat and eradicate the illicit trade in small arms and light weapons the SAARC nations should:

1. Strengthen the agreed norms and measures at the global, regional and the national levels.
2. Implement those agreed norms.
3. Cooperate towards these ends and raise awareness of the character and seriousness of the interrelated problems associated with the illicit manufacturing of and trafficking of these weapons.

In addition, Advocate Gautam stated that the State at the national level should:

1. Formulate adequate laws, regulations and administrative procedures to exercise effective control over the production of these arms within their jurisdiction;
2. Adopt appropriate measures to control the export, import, transit or re-transfer of such weapons;
3. Establish national coordination agencies and an institutional infrastructure responsible for policy guidance, research and monitoring of efforts to combat illicit trade in such arms;
4. Have a mechanism for appropriate markings on each weapon;
5. Accurate record keeping on the manufacture, holding and transfer of such arms within the state's jurisdiction.

Furthermore, Gautam felt that the State at the regional level should establish a point of contact for the coordination of matters related to the implementation of the Programme of Action. There should be trans-border customs cooperation and network for information sharing.

With regard to the role of civil society in combating the illicit trade in small arms and light weapons, Advocate Gautam declared that the civil society could advocate against the use of arms by various groups who are resorting to violence as a means to achieve their goals. They can even mediate between opposing parties to reduce the conflict within and outside nations. SAP-International can

play the role of mediator between conflicting parties. Initiatives from the civil society groups can help the policy makers to formulate policies and sensitize the warring parties. NGOs can help the government to draft agreements against the use of arms and weapons to fight deviant behavior that is linked to the illicit trade of such arms.

SAARC countries should try to resolve the illicit trade in such small arms by strengthening and implementing agreed norms and measures at the national, regional and international level that would reinforce and further coordinate efforts to prevent such trade. There is a need for SAARC to create a strong regional coalition against the armed conflict by any revolutionary groups.

The third session of the day was on globalization.

Anil K. Singh presented a short paper titled Challenges before South Asian Countries. He focused on poverty as one of the dominant problems of the region. Natural Calamities like flood, cyclones, earthquakes, drought, erosion, landslides etc were creating a barrier to social and economic development in the region. He identified Poverty Alleviation is the need of the hour. Speaking on the impact of globalisation, Singh said the principles of globalisation is based on poverty eradication but unfortunately, the process of globalisation has accentuated the pangs of poverty in developing countries. South Asian Countries are the worst affected by globalisation. The impact of globalisation is shaped and dominated by the world economic process. Moreover, globalisation has resulted in the marginalisation of people in the lower strata of society. He said that poverty is a created phenomenon and is created by by an uncaring international community, government and societies. Socio-economic disparities also result in the inadequate representation and participation of the poor. Furthermore, in situations of armed conflicts, women, children and the poor become vulnerable targets of discrimination.

Mr. Singh stated that co-operation between countries in the South Asia region is necessary and the areas for co-operation are:

- Sustainable Development
- Trade and Business
- Strengthening of the Democratic process

Mr. Joachim was a panellist and he gave his remarks with regard to globalisation and regional co-operation. The effects of globalisation are according to Joachim:

- Environmental Degradation
- Unemployment and increasing poverty
- Social and Cultural Degradation
- Corruption of value systems
- Youth and crime.

He added that these issues need to be properly and comprehensively discussed during the course of the summit to reach upon a consensus for a concrete plan of action.

Various participants voiced their suggestions and comments. Chief among them is:

Mr. Hemachandra Bassappa mentioned that the following topics should be deliberated upon- How do people living below the poverty line survive? What damage control can be done? He also felt that a lobby for the regional area needs to be created so that the body can represent and work for the interest of the area as a whole.

Shanta Mulmi, General Secretary of the NGO Federation of Nepal emphasised the need and importance of equal status, footing, and opportunities for all.

Dr. James Arputharaj said that the process of globalisation has come about because of poor governance. He further added that regional co-operation in regional markets should be a priority in dealing with globalisation.

SECOND SOUTH ASIAN PEOPLE SUMMIT
PROCEEDINGS OF SECOND DAY
JANUARY 5, 2002

The Second day of the Second SAP Peoples Summit 2002, on January 5th 2002 ensued with a joint discussion on the problem of Trafficking in the South Asian region.

The session was chaired by Dr. James Mathews whose main concern he explained was looking at trafficking from the human rights perspective and an ethical point of view.

The two panelists for the session were Rita Thapa from TEWA and Sapna Malla Pradhan from the Forum for Women, Law and Development.

Ms. Thapa put forth her remarks on trafficking. She stated that since a lot has already been said on the topic of trafficking, she would not dwell on it. However, she expressed the need to discuss the concerns of civil society groups in their struggle for social development. She identified lack of state responsibility as a major concern and felt that some hard talk or negotiations need to be done.

She mentioned that despite one decade of work against trafficking, the problem of trafficking had not gone down...so what was the crippling factor that hindered any progress in the fight against the problem?

Ms. Thapa said that the lacuna is the lack of assertion of human rights; Incidences of subjugation of women and Patriarchal societies.

She indicted that in Nepal and other countries in the region, civil society groups lacked independence because they were dominated by donors and the corporate world. She emphasized the importance of freedom in working towards what the civil society as a group believes in and wants to work for. She also added that all participants should feel that the purpose of participation is not to fulfil a job but for the interest and commitment for the cause of issues, that affects everyone. Structures of civil society groups, Thapa felt should reflect the work they do or have done and if it does not, then here has been no progress.

The next panelist, Ms. Sapna Malla Pradhan gave the participants a legal insight into the problem of trafficking.

The problems of trafficking as outlined by Ms. Pradhan were:

1. Human rights are not fundamental to women and children
2. Human Rights are continuously violated in the home environment
3. State-made laws are discriminatory.
4. Lack of registration of trafficking cases. For example, in the last 5 years not more than 150 cases were registered.

Keeping in mind the preceding problems, Ms. Pradhan further stated that a number of questions need to be answered:

- Why are cases not reported?
- Why is conviction so low?

- Why are so many cases pending in courts?
- Are state made laws discriminatory?
- Is the institutional environment intimidating to victims in courts?

She declared the lack of a regional instrument to deal with the problem as it is a cross border problem and said that the SAARC Convention is a positive step in creating a regional framework to deal with the problem of trafficking.

Ms. Pradhan summarized the following recommendations, which to her perspective were necessary steps to take in combating trafficking:

1. Trafficking is a punishable crime but the capital that finances and the buildings where such activities are hosted should also be 'criminalised'.
2. Impose a higher degree of punishment for higher level of a criminal...e.g corrupted high bureaucratic officials, government officers, syndicated criminal gangs etc.
3. Confidentiality should be rendered to the process of justice when dealing with trafficking cases.
4. Capacity building of enforcing bodies.
5. Care, treatment and rehabilitation for victims.
6. The title has to be amended.
7. SAARC needs to be amended, Protocol need to be adopted.
8. The Right of mobility of women should be looked into by the Convention.
9. The economic rights perspective of women should also be looked into.
10. Lack of a proper monitoring mechanism.
11. Lack of a treaty body to take reports, investigations and make recommendations to the state governments.
12. Need for a regional and national rapporteur who assess and inform the initiative of the government concerning the convention.
13. Lack of an extradition mechanism.
14. Trafficking has to be included in the treaty for extradition.
15. There is no mention of accountability of the recipient country. The demand side of trafficking needs to be tackled.
16. Right to self-determination has not been mentioned in the Convention and needs to be looked into.
17. Emigration and Immigration policies need to be revised.

After Ms. Pradhan elucidated the legal ramifications of the problem of trafficking, Dr. Matthews pronounced the floor open for discussion.

Open Floor Questions:

1. Padma Khatiwada /INSEC Nepal:
While talking about Trafficking in Nepal, data presented is primarily based on Indian data. Do we have data in Nepal? Do we have data to support Nepal sending girls to countries outside India

Ms. Thapa answered that data in Nepal was available and the data was from a study of ABC Nepal.

2. Dr. James Arputharaj said that the problem is the donors. We need to cut across donor networking/lines and become independent and keep our own

self-respect in dealing with addresses that affect local communities. Furthermore, he said that most funds are being utilized for relief and not for preventive actions. If the civil society needs to be free...then we should support people who are willing to work

3. Dr. Sujan Bhatia said that concerning changing the title of the Convention, in lieu of economic policies, the seventh stage of trafficking is prostitution and the whole process invariably ends up in it. Hence, protective conditions need to be created in economic development. It is also strategic to use gender neutral work.

Dr. James Matthew said that the problem of trafficking is a shame to South Asia and the most important step is to create public awareness in the minds of people and media. The problem is out of control and before it assumes monstrous proportions, the Civil Society needs to address it as top priority. Database needs to be created and mandated in order to deal with the problem.

The three problems to tackle, according to Dr. Matthews are:

1. Poverty - Human and economic development is required
2. Violence - Protection of human rights is necessary
3. Bad Governance - Good governance is needed from below not from the top. Strengthening of the community is required. Grassroots democracy at the grassroots can tackle these problems. It is only the people who can deal with the problem.

If these problems are dealt with, all other sundry and affiliated issues can be dealt with. With these comments, Dr. Mathew closed the session and the gathering adjourned for a tea break.

The second session for the day was on the Illicit Trade of Small Arms and Light Weapons.

The panelists for the session were Mr. Kapil Shrestha, member of the National Human Rights Commission; Dr. James Arputharaj, Executive Director, SAP-International and Mr. Ravi Raj Thapa, Deputy Inspector General of Police.

Mr. Kapil Shrestha presented his opinion on the Illicit Trade in Small Arms and Light Weapons.

According to Shrestha, taking up arms has become easy because of easy access to these arms. There is the surplus of small arms in the South Asia region, and that the controls of these arms have become difficult due to the nexus between the criminal groups and the politicians. The SAARC process should recognize the importance of the civil society role, which can complement the State in the control of the illicit trade in small arms. Civil Society don't support monopolization of force by the State and the Rebel groups resorting to arms. Violence should not be countered by violence.

Do we look at the proliferation of small arms from conventional or alternate way? Are we going for short term or long term strategy to solve the problem? Continuous erosion of democratic norms is encouraging various groups to resort

to violence. There is ideological proclivity among some to use violence and war to achieve objectives? Is it really necessary to resort to use of arms? Will this serve their purpose?

There is the manipulation of public and media by the terrorists. Media tend to glorify every act of terror, which makes them feel that their act is acceptable. Such acts should be discouraged.

SAARC has been a region of hostility, it has become a ritualized process. All leaders here are hypocrites; they don't come to reality. They would go on repeating same theme over and over again. State has become a source of the problem but they have very little solution to these problems alone.

After Mr. Shrestha, Dr James Arputharaj, Executive Director SAP- International also presented his views on the illegal trade of small arms and how it was a precursor to terrorism which has rendered the South Asia region instable.

Government of SAARC countries have committed to UN Program of Action adopted in July 2001. It is fashionable to sign these conventions, but the States need to focus on the implementation side. For the follow up on the UN conference, there is a conference going to be held in Japan on 23rd January. Five NGOs will be participating in the program in which SAP will be one of them.

In South Asia surplus weapons were available which led to its proliferation. Why are small arms a problem? More people are killed by the use of small arms than from the conventional wars. Most illegal arms come from the government itself. Government wants to re-import and export weapons, as they want to make money. Illegal protections to these small arms are the blessings of the government in power. Arms industries are the most profit making industries in the world. It is here the Foreign ministers become sales agent for their government. The situation of surplus arms is a dangerous scenario in the region. It is unjustified that much of the government money is spent on arms in such a region where most people are poor. Do we need food or gun? There is the tendency in the government side just to agree on conventions regarding disarmament, but they fail when it comes to its implementation.

There should be a national coordination agency for the control of such arms where not much effort is being taken. There should be marking in terms of manufacture of small arms so that one can know where these arms were manufactured? And there should be a legally binding instrument to check the proliferation of small arms where the civil society can play a vital role as a pressure group.

The insurgencies in various parts of the region have not been addressed properly. It is not only the non-state organs but also the state sources that are tampering in the trade of the illegal arms. There is the need to strengthen the Community Coping Mechanism, and the general public should get the feeling that the State should take care of its security. The problem should be tackled at the root level, and just saying that "no guns" would not simply solve the problem. To control the arms menace, the State should have a meaningful dialogue with various groups. There is the need for regional cooperation to fight the arms menace.

A south Asia Small Arms network (SASA-Net) has been established to campaign against the spread of small arms and light weapons and the impact of these weapons on human security. This could be achieved through advocacy, campaigning and lobbying with governments to have influence on policy developments that promote strict uniform legislation across the region on illegal manufacture of small arms, civilian possession of weapons, arms brokering, transfers, marking and tracing, destruction of weapons and other related issues.

The network is open to all organizations and activists in the region who are committed to a peaceful resolution of conflicts, combating small arms proliferation and working towards the common goal of promoting human security.

Finally, Deputy Inspector General of Police Ravi Raj Thapa presented his views on the illegal trade of small arms and its repercussions.

Taking up of arms should not be encouraged or glorified by the civil society especially media. The pre-requisites for arms control are adequate legislation and threat assessment. It is the task of the civil society to take pro-active measures. We should try to see crime as an organized one and not as something carried out by single individuals. So there is a need to target the source from where these arms are generated. There is the need to control economy to control crime.

Arms deals is like a organized crime like any other crime where the role of government becomes vital in controlling, monitoring, de-mobilization, and decommissioning. Initially rebel movements start with valid justifications but then it eventually loses its focus and the situation gets out of control, and finally it becomes the playground for the arm dealers. All social and political groups should discourage the use of violence resorting to arms as a means of protest in a democratic society. "Regional cooperation to deal with these should be encouraged in a bilateral and multi lateral basis irrespective of governments".

Civil societies can play a vital role in developing a pressure group to take strong initiatives in arms dealing.

The Group Discussion on Trafficking was chaired by Dr. Rohit Kumar Nepali, who welcomed the participants and highlighted the various questions that required to be deliberated upon and recommendations suggested.

The questions as mentioned by Dr. Nepali were:

- How do we address the issue of trafficking?
- What instrumental points can be considered when dealing with the problem of trafficking?
- What steps can be taken to combat trafficking?
- What recommendations can be made?

After the brief welcome address and notification of the fundamental points to consider during the course of the ensuing floor discussion, Dr. Nepali declared the floor open for group discussion.

The recommendation that arose out of the group discussion on trafficking were:

1. When talking about trafficking, we should also focus on intra-country trafficking (trafficking from rural to urban areas).
2. Strong Governmental policy to take appropriate action in relation to trafficking.
3. Mass Awareness campaign should be developed. The campaign should go to the grassroots level and communities where trafficking begins and takes place.
4. Income generating activities should be carried out to deal with economic insufficiency that leads to trafficking.
5. Co-ordination between NGOs' working against trafficking should create a joint forum and network in order to create a stronger voice for the issue.
6. The Right of privacy for the victims of trafficking should be incorporated into the Convention.
7. More funds should be allocated in the budget for women, health and income generating activities.
8. A system of information sharing network should be developed between all countries in the SAARC region.
9. Preventive measures should be designed, developed and implemented.
10. Political education and lobbying should be done.
11. *Well- defined policy and legislation should be formulated including criminalization of all the actors involved in the process of trafficking.
12. Political commitment should not be confined to speeches but also in action reflected with enough resources allocation to combat trafficking of women and children effectively.
13. The law enforcement and other line agencies and NGO should be trained to work effectively on the issues of trafficking.
14. In order to combat trans-border trafficking border security systems on major trafficking routes should be strengthen through mobilization of law enforcement agencies and NGOs.
15. Effective lobbying and advocacy and advocacy program should be launched among different government and non-government agencies at SAARC level.
16. Awareness campaign should be launched at various levels (from policy to family/individual level) against trafficking of women and children.
17. *Vulnerable population of women and children should not only be made aware of the issues of trafficking but also provided with 'life-skills' to make appropriate decisions and negotiation in difficult circumstances.
18. In order to design effective programs, scientific researches should be carried out to identify magnitude, pattern, contributing factors pertaining to issues of trafficking of women and children and efforts made to control or minimize it.
19. Anti-trafficking programs should not only be integrated with economic interventions but program to alleviate poverty and unemployment should be launched without delay as poverty and unemployment are underlying causes.
20. *Bring the definition in line with the UN Protocol.
21. Create provision for reporting mechanism for the member countries for sharing roles among Police, Civil Societies and community.
22. *Insist on accountability of the recipient countries
23. *Provide for right to self determination for the victim

24. Envisage process for trafficking victims from SAARC countries in a Non SAARC Countries.
25. Envisage a regional fund in the convention.
26. Evolve a system of 'reward' and 'punishment' for the enforcement personnel.
27. Evolve a registration system for the abusers-pimps, brothel owners, labour countries, etc.
28. Respond to causes of vulnerability to migration: Access Development opportunities
29. Target the Traffickers
 - Big traffickers
 - Small traffickers
30. Enforce Laws Rigorously
31. Develop preventive education/action programs
32. Develop a Data Base on incidence/patterns of trafficking
33. Assess Quality of current responses for the victims
34. In depth study at micro and macro level on
 - Cause and effect of trafficking
 - Government policies their implication and gaps
 - Network and mechanism
 - Incidence and pattern of trafficking

After the group discussion, the proceeding of the day came to an end.

SECOND SOUTH ASIAN PEOPLE SUMMIT
PROCEEDINGS OF THIRD DAY
JANUARY 6, 2002

The third day of the second SAP Peoples Summit 2002 was held on January 6, 2002. The first half of the day consisted of three joint open floor discussion on the three topics:

1. Trafficking
2. Small Arms and Light Weapons
3. Civil Society Networking

The first of the three sessions was on trafficking.

Ms. Jezima Ismail chaired the session and the panelists for the session was Ms. Bushra Gohar; Dr. Rohit Kumar Nepali and Mr. Benedict.

Ms. Ismail said that it was heartwarming to see that all concerns of the Sap Peoples Summit 2002 figured in the agenda of SAARC. She expressed her optimism and good feeling about the forum that the present second SAP Peoples Summit 2002 would create in taking the cause of the issues of trafficking; small weapons and civil society networking and the SAARC Convention in general further.

Dr. Nepali notified the recommendations from the previous day's discussion to the participants.

Ms. Ismail then declared the floor open for additional recommendations that would be added to the present draft. The recommendations that were expressed by the participants were:

- In various situations, specific governments are not aware of intra-country trafficking. Therefore, the media should play an active role in informing the people about trafficking.
- How political criminalization can be reduced taking into consideration it's role in trafficking.
- Local authorities.
- Evolve a system of registration, which has to be done at the national level.
- There should be a co-relation between countries in enforcing the action.
- Effective Prosecution systems in co-ordination with civil society groups
- All levels of courts should be able to conduct hearings of such cases.
- There should be extradition and use of Interpol systems.
- Patriarchal societies affect the trafficking issue, so we should review the system.
- Rule of Procedure should be highlighted.
- The recipient countries should have relevant policies and a level of accountability for the girls trafficked.
- The forum should act like a watchdog in monitoring the implementation of the SAARC Convention.
- The nexus between the mafia and trafficking should be analyzed.
- Elaborate on what type of border security systems would be implemented.

- Concentrate on actions by South Asia as a whole and not only at the national level.

The open floor discussion on trafficking was followed by a discussion on small arms.

Addressing the joint session on small arms and girls trafficking just prior to the above seven agendas were endorsed, Ms Jezima Ismail, Chairperson of SAP-International, said that the recommendations drawn from the discussion would be sent to the SAARC Secretariat. "We should lobby back home with our foreign ministers," said Ms Ismail. She said that the proliferation of small arms obstruct the process of democracy. For example, she said, if law enforcing authorities and state authorities which are in charge of protecting citizens themselves use small arms to victimize, terrorize and destroy citizens then who is going to take responsibility for this destruction? It is the Civil Society who has to deal with the problem.

Dr James Arputharaj, Executive Director of SAP-International, said that a draft of a copy on how South Asian nations could go for the control in the proliferation in illicit arms and small weapons, would be presented to the SAARC Secretariat. Dr Arputharaj also said that the draft of 'Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons' would be taken as a model for the purpose.

"SAP-I would provide platform to people in the policy making process and facilitate all the NGOs to come together so that all the civil society would be able to give a single voice in next summit in Pakistan".

After the morning session of a general joint discussion and review of the previous day's recommendations for trafficking and the illicit trade of small arms and light weapons, the gathering adjourned for lunch.

The third session on the morning of the third day of the Summit was on Civil Society Networking.

Ms. Bushra Guhar presented her views on Civil Society Networking.

Ms. Bushra stated that networking on various issues exists. However, this networking is not presenting strong voice. They are probably not putting in adequate work and co-ordinating with each other, said Bushra.

The group discussion on civil society networking had arrived upon a number of recommendations. These recommendations would focus on special themes like:

- Peace
- Small arms
- Governance
- Human rights
- Women Development
- Trafficking

Busra called for the formation of a body and setting up networking by SAP and ICSW with SAP-International taking the focal role in taking forward the draft and the participants contributing in refinements further.

The general recommendations of the civil society networking discussion group were:

- Facilitate a people to people networking with the support of already existing organizations and networks in the region.
- Consolidate resources and strengths of civil society organizations in the region to have a greater impact of development interventions. Involve media as a strong mechanism. SAFNA can be considered to play the media role for the group
- General or focused civil society strengthening structure can be adopted for the purpose
- Networking under two major themes other sub-themes can be incorporated:
 - I Peace and regional cooperation: small arms, governance, human rights
 - II Human Development: trafficking, health, aging, disaster management, children and youth, empowerment of women
- The structure can be an informal body comprising of a committee, coordinating and promoting linkages among people and networks.
- The International Council on Social Welfare (ICSW) and South Asia Partnership can act as the umbrella organizations facilitating the process. SAP-International can anchor for the process. The initial responsibility of the facilitating body will be to draft a tentative structure for the forum. The first draft to be finalized by the first week of February 2002 and should include some activities to initiate the process.
- Date for the final plan of action: March 30, 2002 and by April the committee will start mobilizing the groups
- Comments on the plan of action and mechanism will be welcomed throughout the next year
- Other civil society organizations can volunteer to identify networks and build linkages on the themes and sub-themes. Existing regional networks: SAP, ICSW, SAFMA, CASAC, PIFP+D
- Organizations volunteering to take of the responsibility for an evolutionary build up of the forum under the two themes:

Themes	Organizations	Responsible persons
<u>A. Peace and Regional Cooperation</u>	1. ICSW and SAP-International 2. SAP-Nepal 3. Alliance of Human Rights Nepal	1. Bushra Gohar Jezima Ismail 2. Rohit Nepali 3. Gauri Pradhan
B. Human development	1. CASP-India 2. VANI 3. SEED trust 4. SAHDF	1. Dr. SD Gokhale 2. Anil Singh 3. KG Ratchaganathan 4. Anisha
Children	1. CRC 2. Plan International 3. Save the Children alliance 4. SEP	1. ?? 1. Dr. Gokhale 2. Bholu Ghimire 3. Aminul Islam

- Networks responsibilities (for building linkages with regional organizations)
 1. SAP-PK – Small arms and peace
 2. CASP India – Aging Health
 3. VANI – Disaster management
 4. ICSW and SAP-India - Governance

After the comments by Ms. Bushra, the meeting broke for lunch.

The second half of the third day of the Summit consisted of simultaneous group discussions on trafficking and illicit trade of small arms and light weapons.

The group discussion on trafficking was chaired by Bushra Guhar and was conducted with a line to line reading of the Draft SAARC Convention and discussion on the recommendations to suggest in lieu with every article read.

The recommendations as produced from this group discussion are:

1. Change the title and forfeit the end part 'for prostitution' to make it more applicable to all forms of trafficking.
2. Contradictions in terms of the scope of the convention - Article III Number 1
3. Article III - Include Number I in the priority actions.
4. When national policies are drafted, they should be in consultation with the national policies of other countries because extradition would also be included.
5. Group Work - Include punishment for those in public office directly or indirectly, knowing or 'unknowing' or even facilitating such action should be liable for punishment.
6. Group Work - Priority Recommendation: identify the ministry and department which will deal with the problem.

7. Priority 2 - Incorporate in the preamble of the Convention (weaknesses and priorities)
8. Allocate adequate funds for it by Ministry and Department. (under priorities)
9. Priority Action 7 under A-weaknesses - main paragraph.....align the to UN Protocol.
10. Priority Action B - Main Paragraph.....SAARC should evolve a mechanism for regular review and monitoring. Task Force should include members of the ministry and civil society representatives working on the issue.
11. Remove the Right to confidentiality from the group recommendations.
12. Mutual legal assistance - Article 6 - SAARC will be the focal point and this should be binding on all states. - SAARC should evolve a regional code on the lines of ICC to address trafficking and other issues.
13. Article 7 - Contradiction in 2 and 3 (add under priorities) - Convention should eliminate contradictions within the document for clarity. The contradiction evidences the urgent need for a regional court to mete out justice for all states. Till as such time, all costs should be borne by SAARC in this process of extradition.
14. Article 8 - Number 4..delete prostitution.
15. Congratulate for the comprehensiveness and the lucidity of article 8
16. Article 9, Number 1 should include number 2 of priority action.
17. Article 9 is good - but funds should be allocated care, treatment, rehabilitation and repatriation for the victims.
18. Article 8 should be included in article 3 in Priority Actions.
19. Evolve a mechanism for monitoring the flow of people's movement in the region without restricting the freedom of movement of the average citizen.
20. Article 8 number 8 add priority action number 6.
21. Recipient accountability should be clearly defined by laws and procedures and should be regularly reviewed and monitored. Include in Article 6 as point i (next bullet)

The group discussion on the Illicit trade of small arms and light weapons was chaired by.....

After extensive discussions, seven agendas were passed as "declarations" regarding the control of the illicit proliferation of small arms and light weapons.

These seven declarations are:

1. We are concerned at the continued violence and the killings of people, especially women and children through the use of illegal arms. The response of the State will further escalate the situation by violating the fundamental rights of the people at large.
2. We call upon the South Asian Civil Society to become more aware of this situation and impress upon their government of this menace.
3. To promote peace and harmony among SAARC nations, the media can play a vital role of educating the people and governments on the evil effects and consequences of the use of small arms, and to play a vital role in the peace building process.

4. We call on the Governments to promote a culture of peace and tolerance and reflect the same in educational curriculum in their countries and curb the depiction and glorification of weapons in public and media (film, cartoon)
5. We call upon the Governments of South Asia to involve the civil society and establish mechanisms for community participation for the recovery, de-weaponisation and destruction of illegal weapons.
6. We demand the Governments to take stringent actions against illegal production of small arms.
7. Finally, we call upon the South Asian Governments to mandate the SAARC Secretariat to draft and propose legally binding regional instruments necessary for eradicating the illicit proliferation, circulation and trafficking of small arms and light weapons, and establish the co-ordination agencies to monitor and review the same.

After the sessions on trafficking and the illicit trade of small arms and light weapons, the memorandums to be presented the SAARC Secretariat were prepared by both the discussion groups. The memorandum is as given under: