

*A
Feminist Vision
of a People's
Union of
South Asia*



Sangat
South Asian Feminist Network

A Feminist Vision of a People's Union of South Asia

Many of us are dreaming of a People's Union of South Asia in spite of the immense pain and anger suffered by millions due to partitions, liberation struggles and other conflicts based on ethnic, religious, linguistic, regional and other identities. With hostility, conflict, jingoism and assertion of narrow national identities, the idea of a Union of South Asian peoples is in deed courageous and ambitious. It also demands creative imagination and visionary leaders, and the ability to transcend and transform pain, hatred and anger into positive energy, progressive identities and collaboration. It is and will be a painful process, but all change is painful. We have to leave the hurt and pain of the past to create a better future. Our courageous dream and actions towards creating a South Asian People's Union will require that all of us give up something to gain something. If the gain is more, if it is good for most of us, if it makes us better human beings and our societies more just and peaceful, then it is worth giving up the past and building a future on it. This is essentially a process of transformation of negative into positive passions. This can be an enriching and positive struggle for all of us.

What is exciting about our dream of People's Union of South Asia and is that we are in it together to turn the dream into reality. This is a collective project that connects us across borders. It is a dream whose time has come. It is historically grounded and already partly actualized in the ongoing efforts of millions of South Asians who want a peaceful South Asia and who are actively working towards it.

The July/August 2008 meeting of our governments, constituted as the South Asia Association for Regional Cooperation (SAARC), has generated a great deal of discussion among people's movements and civil society organizations about whether a vision of a common South Asian future is a vision that we, as South Asian people committed to principles of social justice, peace and democracy in the region, desire to embrace.

In the discussions on a South Asian Union/People's Union of South Asia, there appear to be two positions being some-

what juxtaposed as opposites. As feminists and activists in South Asia who have worked long and hard over the years to develop a feminist agenda for ourselves as South Asians and as feminists, we feel that the opposition that is being articulated between a South Asian Union and a People's Union for South Asia is in fact missing the point and creating a false division.

Rather than get into debates on terminology and semantics, we propose to build on a vision that has long been held by South Asian activists for peace and democracy, that a union of the states of South Asia would hold the promise of a dream fulfilled for all its peoples, a dream of prosperity, equality, justice, rights and dignity. **Such a dream cannot be based on any idea of a union that is state-centric, a union that represents the interests of our political and economic elites, a union that is imposed on the peoples of South Asia by force and driven by greed for power.**

1. We should consider the history of the creation of regional bodies that seek to bring about the economic and political integration of countries in geographic contiguity. There are many such examples throughout the southern hemisphere, especially in the historical period that followed the Second World War and the creation of the United Nations, and nations moved into the post-colonial era. We mention some key ones below to help locate our discussion.

The original regional groupings were based on the vision of leaders who were driven by their resistance to 'empire'. For example, Simon Bolivar of Venezuela, a key leader of the struggle for independence from Spain, who, in 1826, articulated the vision of a South American union. He originally proposed a federation between all the newly independent republics, with a government that would recognize and uphold individual rights, and overcome the pressures of specific interests throughout the region. The political debates of the time reveal the tensions between groups who defined different forms of federalism, those who supported a more centralist model and those who were more radical and wanted a structure that would greatly reduce the powers of the central administration. Today Hugo Chavez embraces what he calls 'Bolivarianism' in a tribute to Bolivar's dreams of regional union.

In the context of the American region at present, we have the **Organization of American States**, created in 1948 on the basis of a collective search for social and economic development for the people of the 34 member states, an

Inter-American Commission on Human Rights established in 1959, the ratification of an American Convention on Human Rights in 1978, and the creation of an inter-American Court of Human Rights in 1979.

Kwame Nkrumah, the West African political leader of the 1950s and 1960s, who welded the various parts of the 'Gold Coast' that had been ruled by British, German, Danish, Dutch, Portuguese and Swedish gold companies into the post-colonial nation of Ghana and who articulated a dream of Pan-Africanism, is another such leader of more modern times. His proposals for regional union led to the creation of the **Organization of African Unity** (OAU) in 1963. The OAU transformed into the African Union in 1986 and today embraces 53 states from the continent. At the time of its formation, the OAU witnessed tensions between Nkrumah's political vision, derived from his understanding of what he termed 'African Socialism' and challenged by Leopold Senghor of Senegal who sought a framework for economic cooperation alone. Today, the African Union has adopted an **African Charter**, a Charter on Human and People's Rights and created an **African Commission on Human and People's Rights**.

The African Union also has a **Charter on Women's Rights** and a Special Rapporteur on the rights of Women. Women's organisations in Africa have effectively used this platform to challenge the focus of the African Charter on traditional values, arguing that this encouraged traditional practices that were harmful to women, such as female genital mutilation and forced marriage. They have used the space provided by the Charter and its mechanisms to push for the expansion of rights for women in relation to customary inheritance laws and the treatment of widows. When national laws fail to guarantee the rights of women, it is possible to appeal to the AU.

Within these continental groupings, the impact of globalization has led to the formation of many different sub-regional groupings, such as **SADEC** (the Southern African Development Community), **MERCOSUR** (a Union of the Southern states in Latin America), and the **EAC** (East African Community).

2. In the Asian region, the **Association of South-East Asian Nations** (ASEAN) was created in 1967 with the shared goals of economic growth and social progress. In 2007, 40 years after its inception, ASEAN is committed to a legally binding Charter that is based on 'geography, common ob-

jectives and a shared destiny'. Among the objectives are the creation of a Nuclear Free Zone in SE Asia, the creation of a Human Rights body and a Dispute Resolution mechanism. It has set up the Commission on the Promotion and Protection of the Rights of Women and Children. There is a discussion going on within ASEAN that targets the creation of a South East Asian Economic Community by 2015.

The **South Asian Association for Regional Cooperation (SAARC)** is a relative late-comer to these processes largely due to the political and military tensions between the countries that share geographical borders in this region, which are, in part, a colonial legacy. The proposal for a South Asian union came from Bangladeshi President Ziaur Rahman in the late 1970s, and was formalised with 7 states in August 1983¹. There was agreement on five areas of cooperation: Agriculture and Rural Development; Telecommunications, Science, Technology and Meteorology; Health and Population Activities; Transport; Human Resource Development.

In more recent years, there has been the development of regional frameworks on trafficking, on anti-terrorism and on trade. In 2006, the **South Asia Free Trade Agreement (SAFTA)** was signed, with a commitment to lowering duties and tariffs on trade between the countries of the region. A SAARC Development Fund and SAARC Food Bank have been set up while there are on-going discussions on the creation of a South Asian Economic Union.

This is why we feel it is a most appropriate time for us to unite our voices in a call for the vision of a People's Union of South Asia. Our states have been moving towards an ever-expanding union of economic and political interests that do not have the well-being of our people at heart. Our call for a People's Union of South Asia can and must be juxtaposed against these moves by our states and must result in collective actions across nation-state borders that can help us all realize our aspirations.

3. It is clear that there have always been **tensions** in each of the frameworks for regional cooperation.

A key issue has always been, and continues to be, the **issue of state sovereignty**. Most regional bodies base themselves on the principle of non-interference in internal

¹We have to note that it is President Ziaur Rahman who initiated communal (also anti-Indian) politics in Bangladesh and his party BNP is still the champion of the cause taking Jamat I Islami as their main ally.

matters of a member state. This is why for example the African Union finds itself incapable of denouncing the anti-democratic manner in which Robert Mugabe has remained the President of Zimbabwe and ASEAN continues to support the military regime in Myanmar.

In the South Asian context, this is why contentious issues such as Kashmir, Sri Lanka, the North-East of India remain off the main agenda, as do issues of migration and trafficking that is NOT related to prostitution.

Geo-political pressures also play a role in re-aligning power relations among different countries within South Asia (for example, the India-US nuclear pact and the treaties with individual countries to fight the so-called War on Terror).

4. It appears that it is easier for nation states to reach agreement on regional integration in the economic arena, through trade agreements, common practices in terms of customs barriers, a common currency, and easier travel and visa regulations. Being able to present a common bargaining position in major global trade and economic arenas is also a crucial factor in this era of globalization and expansion of neo-liberal economic agendas worldwide.

What we must take note of is the fact that the way in which most of these regional frameworks are actually engaged in inter-capitalist rivalry to gain access to global markets and **espouse the neo-liberal economic agenda** themselves. They do not challenge the application of a 'growth' based model of development with a 'redistribution of economic resources' model of development. They use the same indicators and resist the politics of re-distributive justice.

5. In many of the discussions on regional integration, we find ourselves referring to the **European Union** as a possible model. Created in 1993, the EU was established on the basis of agreement among 27 European countries on four freedoms: freedom of movement (hence the birth of the Schengen visa), of goods, of services and of capital (hence the birth of the Euro). Over the years the EU has gained recognition as a representative body and participates in meeting of the UN, the WTO and the G8 as a full member.

The EU has a proliferation of mechanisms of which the 3 key institutions are:

- the European Commission, which is the implementing agency and executive arm of the EU;
- the European Parliament, consisting of 785 MEPs (Member of the European Parliament) elected by citizens of the EU once every 5 years; each member state has a number of seats in the Parliament allocated to it;
- the Council of Europe, which provides the political leadership of the EU and consists of a Forum of Ministers, one per member state; this body determines the security and foreign policy for the EU.

The EU has a legal system that is defined by a series of Treaties signed and ratified by member States.

The key feature of the EU which make it most interesting for us in our discussions of a possible South Asian Union is its hybrid form, that combines the inter-governmental, in which there are agreements between member states, with the supra-national, which enables it to act alone without the agreement of member states.

In 2007, the EU ratified the Treaty of Lisbon through which it hoped to amend the existing treaties and create a Constitution for Europe. However, one condition for its entering into force is ratification by ALL member states. Ireland demanded a Referendum, and conducted it in May 2008. The people of Ireland rejected the Treaty of Lisbon (it should be noted that the opposition came from very different interest groups- the church for instance due to its stand on abortion) and so the entire debate about a European Constitution has once more returned to the drawing board. Many people feel that this exercise was a demonstration of the truly participatory process of decision-making that has come about within the EU while others point to the fact that the form of the EU at present allows for a single country to act as an obstacle to developments endorsed by all the others.

In terms of the advancement of women's rights and women's equality, the EU has strong directives on equal pay, equal treatment in working conditions and equal treatment in social security. The European Commission has pressed forward with specific, positive actions regarding women, both within and outside the workplace, ranging from child care and affirmative action to questions of women in leadership and of violence against women. However, EU policies on gender tend to focus mainly on economic and

work dimensions and therefore provide for formal equality rather than legal measures for substantive equality.

Alternative Regional Formations

In 2005, South American nations decided to merge the two major regional groupings, the Andean Community and Mercosur into one regional body called the **Union of South American Nations (UNASUR)**. This initiative was led by Presidents Lula of Brazil and Chavez of Venezuela, who have defined it as a countervailing force to US hegemony in the Latin American region. In May, 2008 the Constitutive Treaty of the UNASUR was signed.

UNASUR, led by critics of neo-liberalism, will be modelled on the European Union, and will work towards the formation of a trade block designed to be competitive with the European and North American markets. In addition, it will lead to the creation of a South American Parliament, a common central bank and a new common currency, as well as a common Passport for all citizens of the region. As a first step towards liberalizing travel within Latin America under UNASUR, since 2006, citizens of Latin American countries can travel within the region using a National Identity Card and do not require Passports to cross borders within the region. A significant development alongside is the formation of the **Bank of the South** as an alternative to the World Bank and the IMF.

In all these cases, there are always tensions between the jurisdiction and sovereignty of an individual member state and the jurisdiction and sovereignty of the collective regional body. These are inevitable. As these mechanisms continue to function, they evolve and expand, and the boundaries between the individual and the collective are continually re-defined.

It is important to look at the chequered and short history of UNASUR with care to discern how tensions and potential tensions within member countries, for example, most recently between Colombia and Ecuador, can act as an obstacle to the advancement of the aims of the regional body as a whole.

In the case of **South Asia**, we know very well that the **tensions between India and Pakistan** have often blocked progress on collective regional strategies. This leads us to consider very seriously the dominant role played by India in the economics and politics of South Asia. It is important

to recognize and confront it in a very direct manner if we are to generate a genuine discourse about a South Asian unity of any form that will represent the voices and interests of South Asian people.

Potential Arenas of Struggle: Challenges and Resistance

History teaches us that all moves to secure state-centric and capitalist processes of regional and sub-regional integration have been consistently resisted and opposed by people's movements in each country as well as at the regional level. Similarly calls by fascist forces that have an expansionist agenda (for instance Hindutva's call for an Akhand Bharat) need to be exposed and fought against. **We cannot let them hijack our desires for linkages, solidarity, peace and a sustainable redistributive model of development in the region.**

As feminist activists opposing the neo-liberal model of economic development, and the varied forms of militarization, political authoritarianism that religious fundamentalisms assume, we have been an integral part of these struggles all over the world, since we know that these structures have an adverse, if not retrograde, impact on the lives of all women (see South Asian Feminist Declaration 2006).

Our commitment is to radical democracy, participatory and consultative processes of decision-making and to non-violent and negotiated processes of conflict resolution.

From our point of view, as feminist activists, we observe and study all proposals for regional integration in order to better understand how the **creation of institutional structures** in many of these bodies offer us **another platform for struggle and negotiation** in moving forward towards our goals of sustainable development and peace for all our peoples.

1. Regional integration calls for the development of a framework that creates a legal entity with a mandate for ensuring the welfare and well-being of all people living within the borders of all member states, and guarantees of accountability by states for their actions as a member of the collective body.

As feminist activists, we would struggle to ensure that this framework is imbued with the principles of human

rights, committed to equality and non-discrimination and focused on the achievement of human security and human dignity.

2. Regional integration can lead to the establishment of institutional structures and governance bodies such as regional legislative bodies that engage in creation of laws and policies that are applicable regionally. The European Parliament is one such example.

As feminist activists we would struggle to ensure that any legislative body we establish is representative of all the diversity of our peoples and will contain special enabling mechanisms and procedures that guarantee all groups that confront marginalization and social exclusion, including women, of full participation at every level of decision-making.

3. Regional integration can also lead to the **establishment of judicial bodies and mechanisms** that can adjudicate in disputes among member states and can also provide redress and relief to any citizen of a member state who feels that her or his rights have not been duly protected by her or his state. For instance the European Commission of Justice and the African Commission both include 'hard' laws (treaties and directives) as well as 'soft laws' (coordination and persuasion) and provide access to citizens and social movements in the region to invoke the union's regulatory powers against national governments. Direct access to civil society groups would lead to a more inclusive democratic process since it would enable the participation of marginalized groups.

As feminists activists we would struggle to ensure that these bodies will adjudicate on the basis of equality and non-discrimination and will take into consideration the principles of substantive equality that have been established by women's rights activists over the past decades.

4. Most critically, regional integration can lead to the establishment of **shared human rights standards and values** enshrined in a regional human rights treaty.

Other regional bodies have created their own agreements on human rights and fundamental freedoms – the European Union through the European Convention on Human Rights, the African Union by the Africa Convention on Human and People's Rights (the African Charter incorporates the right

to work, to housing and food and also recognises 'people's rights' which are absent in European or Inter-American regional human rights instruments) and by the Organization of American States through the Inter-American Convention on Human Rights – and created structures and mechanisms to ensure that the rights set out in the Conventions are justiciable. ASEAN is in the process of creating its own human rights body.

As feminists activists we would struggle to ensure conformity with internationally accepted norms and standards in human rights and guarantee equal access by all to these mechanisms and procedures.

In particular we would ensure that these human rights standards are inclusive, do not discriminate against any person or community on the basis of birth, descent, occupation, sexual orientation or gender identity. We will ensure guarantees for reproductive rights and sexual rights for all persons and for the abolition of the death penalty. We will also ensure guarantees of food sovereignty and of economic and social rights including the right to work, to have access to affordable and acceptable education, healthcare and housing, to a clean and stable environment, clean potable water and other natural resources without destroying the local communities which sustain these.

The challenges posed to our lives, livelihoods and environments by the forces of globalization, religious fundamentalisms and militarization are making the lives of our people ever more difficult. The increasing growth of impoverishment of the majority of people in our sub-continent is linked with ever-widening cycles of violence and intolerance. Identity-based politics and the growing politicization of religion and the manipulation of religion, ethnicity and culture for narrow political objectives is increasing our levels of insecurity and exposing us to conflicts that are barbaric and inhuman, and that threaten the underlying pluralism in our social fabric.

It is precisely to challenge these realities that we must explore the potential of a people's union of south Asia, even if only as a dream, as a part of our struggle to restore our humanity and expand our collective strength against the forces that are allied against us.

All of us need to discuss the following issues very carefully.

Would a regional human rights system for South Asia and a court of justice at a regional level provide a platform that can implement laws that guarantee and protect working people's entitlements across the region as a whole?

Would such a system enable all socially excluded groups to have access to justice and fair treatment?

Would a regional body address issues relating to laws and legal systems that institutionalise discrimination against women on the basis that matters relating to the 'family' or to 'personal life'- such as marriage, divorce, inheritance, maintenance and custody of children – are to be determined on the basis of religion and culture?

Would a regional body provide a platform to guarantee women's full rights as citizens, at the formal and substantive levels? Would a regional body enable the establishment of a package of regionally applicable gender just laws?

Would a regional body allow us to challenge the ways in which nation-states mask economic conflicts and conflicts over resource allocation and distribution as issues arising out of culture and tradition, or as issues of national security?

The potential for a regional Union such as PUSA to become an arena for inter-governmental negotiation and also a forum for decision-making in the interests of supra-national issues such as gender-based discrimination and violence against women is quite significant.

A vibrant debate among us on the possible shape and form of a future People's Union of South Asia would, we feel, open up **another arena of struggle and negotiation**. It would not be THE solution, but it would certainly be a part of a solution to the many common injustices and acts of violence that we face as a region and can strengthen the struggles all of us are engaged in, in our own countries.

What the Future Can Hold

Our experience of SAARC so far has been several grand declarations with little political will to implement them. For instance, the SAARC declaration in 2007 stated an agreement "to improve intra-regional connectivity, particularly

physical, economic and people-to-people connectivity."The vision of a South Asian community contained in the SAARC declaration was one in which there was smooth flow of goods, services, peoples, technologies, knowledge, capital, culture and ideas in the region."

SAARC has been fraught with issues of sovereignty that prevent it from engaging with relevant problems in a constructive manner, it is dominated by the India-Pakistan tension. It has failed to develop either a comprehensive charter of human rights or instituting a regional court of justice. Most importantly, SAARC has not kept in step with other regional organizations such as the African Union which has a charter of human rights. It has not sought to represent the will of the people of member countries. Unlike the UN practice of giving representation to civil society organisations in its various meetings (with full rights of participation and deliberation), SAARC has no such provisions. Like the governments of south Asia, SAARC too seems to be caught up in a nation-state mould that is dated and now seen as a major historical mistake.

However, what we have observed taking place has been only a connectivity of markets and trade. SAFTA facilitates the free flow of goods but these same states that are signatories to SAFTA block the free flow of people from one country to another with the most barbaric of security regimes. What has been facilitated is only that which benefits capitalists and entrepreneurs from all our countries, and even that is sometimes obstructed by raising the bogey of 'national interests'.

Our hope is that a South Asian regional entity should in fact be able to mitigate such circumstances in a way that the benefits of any agreement between the countries of SAARC are distributed evenly among all member nations, big and small.

We see the following as important challenges:

- Can we overcome our own national and other identities in the interests of our common regional identity?
- Can we overcome narrow individual interests of nation states with the broader interests of the peoples of our region?
- Can some of us sacrifice some of our advantages in order to ensure that all of us can enjoy a share?

- Can we overcome the obstacles of historical prejudice and of the forces of globalization to create a more equitable and just society in our region?
- Can we welcome a flow of people from our region to our nation states as workers, and as migrants, eliminating the violence and brutality of trafficking and forced displacement of peoples and instead creating a vision of solidarity and sharing?
- Can we create a theory and framework of **'regional human security'** that places the security of people at the centre rather than the security of the member state and their leaders and officials?

We need to reflect on what the People's SAARC has been able to achieve: exposure, 'naming and shaming' South Asian governments for violating people's rights and making demands to protect these rights and deliver a people oriented model of sustainable development; building South Asian solidarity etc . However is it not time to move further and demand the setting up of at least some institutional structures whereby these demands can be made judicable and implement-able at the South Asian level as a whole?

The structure we create for a South Asian regional entity **must address the very real and growing inequalities** between the different nation states of the region. It must challenge our states, and us, to **balance individual/national interests with collective/regional interests**. It must confront the reality that the **smaller nations** such as Bhutan, the Maldives and Sri Lanka will **have to be given advantages** that outweigh their size and share of the economic 'cake'. It must deal with the issue of representation by taking into consideration the issue of difference. It must **curtail and revert militarization** (aimed at the enemy both within and outside), and **stop the arms race**. The feminist discourse on substantive equality, as different from formal equality, should point to avenues for resolving these challenges.

Let us pledge this moment to work together across our region, to make the following a reality:

A South Asian Charter of People's rights (including a commitment to end discrimination, covering civil and political rights as well as economic, social and cultural rights, the right to work, food and shelter, including a comprehensive package of women's rights, rights of migrants etc) which is legally binding on all South Asian countries.

A South Asian Court of Justice, comprising citizens from different countries, to which people can appeal and which can provide access to justice for citizens and social movements in the region by providing frameworks within which they could invoke the Union's regulatory powers against discriminatory practices by national governments.

A South Asian vision that **promotes a regional identity** that goes beyond the politics of hegemony of nation states and that **rejects destructive parochial nationalisms**. A vision that confronts the historical inequalities among us, that understands how these inequalities are maintained and sustained, and that creates new and equitable ways of achieving transformation.

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