

**Regional Discussion Meeting on Security and Law:
South Asian perspective**
August 19-20, 2006
Organised By: Odhikar
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Report on Discussion on Security and Law: South Asian Perspective

A far reaching plan of action on national and human security issues has been produced following a two day regional discussion meeting on 'Security and Law: South Asian Perspective', organised jointly by Odhikar and the South Asian Network against Torture and Impunity (SANTI). New breeds of threats to security are rapidly emerging during the twenty-first century and the challenge of maintaining a balance between national and individual security is becoming an increasingly difficult task for states across the region. The rights of the individual must be fully protected regardless and proposals were therefore made for understandings to be reached on the conceptual scope of the notion 'security', analysis of legal frameworks in the security and human rights context, improved multilateral cooperation and networking and new advocacy and awareness-raising initiatives.

The aggressive approach taken by states in the post-9/11 era, partly in response to UN Security Council resolutions, is having a profound impact on the protection of the rights of individuals. Discussants at the meeting highlighted how terrorists have effectively set the agenda on recent national security issues and the largely reactive response being taken across the region has resulted in numerous disproportionate security measures being implemented. Although conventional wisdom suggests that the state is the most important actor in the international system, it is clear that a secure state does not necessarily mean secure citizens as security laws often result in consideration of the impact of measures on the individual being sidelined.

The challenge for states is to balance their approach to national security issues with the social and economic rights of their citizens. This conflict between the political and socio-economic spheres is evident in the legal frameworks of countries across the region and the inherent focus on political equality rather than economic and social inequalities can be witnessed in even the most modern, democratic constitutions. Minority issues cannot be properly addressed while this situation continues and proposals have therefore been made for gaps in the legal and constitutional frameworks of South Asian countries to be identified in the context of security and human rights. Recommendations have also been made for security laws from across South Asia to be compiled and for a mechanism be established to monitor these laws in terms of their compatibility with international norms.

Human security is a relatively new concept and one that is constantly developing as the global environment and the challenges it presents evolve. Although conflicts exist regarding the precise scope of the term, it is generally accepted that it refers to complex interrelated threats to economic, political, nutritional, environmental and personal security. Discussants at the meeting highlighted how more people have been killed by their own governments in the last 100 years than by foreign armies and that yet larger numbers are affected by hunger, disease and natural disasters every year. Given that it is one of the principal duties of states to protect their nationals and those living within their borders, common agreement must be reached on the conceptual scope of 'security'. Recommendations have therefore been made for analysis to be undertaken and a common regional understanding of the term to be reached. Participants also proposed increasing actions in respects of third generation rights relating to environmental, ecological and livelihood issues.

A number of cross-cutting themes were identified during the course of the meeting. Extra-judicial killings, in particular of political opponents, are a common phenomenon across the region and

widespread impunity is a major characteristic in this regard. The situations in Bangladesh, where extra-judicial killings have plagued the country since the time of independence, and Nepal, where the armed conflict of 1996 and the regime under King Gyanendra led to the illegal killing of several thousands of people, are indicative of the problems faced across South Asia. Recommendations have therefore been made for new monitoring and campaign programmes to be established in order to curb the excessive use of state force and promote accountability of the perpetrators of such crimes.

Increased militarisation of internal security forces is another concern in this context and discussants at the meeting stressed how the deployment of armed forces under civilian or military authority is recognised as having a negative impact on the practice of civil and political liberties. The situation becomes particularly acute where governments fail to take appropriate actions against personnel responsible for torture and killings. Participants therefore recommended that detailed examination of the role of internal security forces across the region be undertaken in light of current national and human security concerns.

Increasing threats from terrorism, globalisation and environmental and ecological destruction are making the challenges faced by human rights defenders ever more complex and dangerous. Discussants at the meeting highlighted how human rights defenders frequently find themselves caught between issues of national and individual security and how particular challenges arise in small weak states. Human rights defenders are a key component in the movement for change and recommendations have therefore been made for more effective mechanisms to be established to ensure their safety and security.

Improved cooperation is required in order to tackle threats to security and human rights more effectively. Historically, human rights organisations have tended to stand against governments but participants at the meeting stressed the importance of working together to facilitate the proper functioning of states within the context of human rights. It was therefore proposed that a Committee on Law, Security and Human Rights be established in Bangladesh's Parliament. The importance of engaging the media in human rights and security issues was also examined and recommendations were made to identify measures to increase cooperation and sensitisation on the issues.

The need for solidarity and a single spirit of human rights to be promoted across the region was also emphasised. Participants recommended that a South Asian Festival on Peace and Justice be organised to provide exciting opportunities for human rights defenders to share their knowledge and experiences and promote campaigns across the South Asian region.

This meeting, which was held in Dhaka on 19 and 20 August 2006, was facilitated by the Academy of Educational Development (AED) of the United States Agency for International Development (USAID).

*** Report prepared by Odhikar, a human rights organisation in Bangladesh**