Human Freedoms :
The South Asian Problematic

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Background Paper

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The Framework of Freedom

The essence of democracy lies in human freedoms. Great civilisations have only developed and prospered under freedom of thought, expression and continuous debates. Restrictions, whether by the state or religious authorities or ideological/vigilante groups on human freedoms, have quintessentially been responsible for lack of growth or, worse still, discriminations and deprivations whether economic, social, and above all, intellectual.

Human beings are indeed born as equals. It is the political, economic, social and cultural structures which either help or hinder equality and growth of the human being. Freedoms – Political, Economic, Social and Cultural – are the only means by which both society / nations and, even more importantly, human beings and civilisations have grown in the last five or six thousand years of history.

South Asia has been a great cradle of human civilisation, despite several inadequacies such as slavery, caste system etc. And the world's author of the first epic viz *Ramayana* was Valmiki – a hunter and a "low caste" by profession.

Despite the great civilisational history of South Asia in practically every branch of Knowledge, bulk of South Asia barring Nepal and Bhutan gained independence from 150 years of colonial rule only in 1947 and after. Even so, independence from foreign rulers has not brought the promise of Freedom to most of the people in South Asia over the last fifty eight years. For instance, despite a democratic Constitution that came into force in India in January, 1950 based on the "sovereignty of the people", most Indians do not enjoy full political freedoms and more than 400 million people live below the World Bank defined poverty level. Very simply, they do not have adequate economic freedom.

In his speech in the Constituent Assembly of India on 13 December, 1946, Jawaharlal Nehru said, "Governments do not come into being by State Papers.

Governments are in fact the expression of the will of the people". (Constituent Assembly Debates: 1946,57). In moving the Resolution regarding the Aims and Objects, Nehru specifically stated, " Wherein all power and authority of the Sovereign Independent India, its Constituent parts and organs of government are derived from the people" (Constituent Assembly Debates: 1946,59)

The Central Problemetic

The Central problemetic, as Nobel Laureate Amartya Sen points out, is that for the last five centuries, the dominant governing principle even in most democracies has been the "security of the state". The state, everywhere in South Asia, blatantly dominates the discourse and, despite the Constitutional provisions, lays down the "freedom quota". Using the ruse of "national security", the state places enormous restrictions on the "freedoms" of the people and most institutions of governance including the judiciary, acquiesce in these restrictions.

"Restricted Freedoms" whether political, economic, social or cultural, is the basic problematic in South Asia. It is worse in some other countries of Asia, if that offers any consolation.

As Amartya Sen points out, the world today is full of deprivation, destitution and oppression. He has emphasized "the role of freedoms of different kinds in countering these afflictions" and that it "is important to give simultaneous recognition to the centrality of individual freedom and to the force of social influences on the extent and reach of individual freedom". Sen is emphatic that "Expansion of freedom is both the primary end and the principal means of development" (Sen: 2000, xii)

Can South Asia move from what Amartya Sen calls the need for a shift from the "security of the state" to "the security of the people" or broadly defined as Human Security? This is the greatest historic challenge to the 1.4 billion people of South

Asia in 2005 going on to an eventual 2.6 billion by 2050.

There can be no illusion that such a transformation can take place in a decade or two. The five century old dogma of the security of the state has so much strength and such strong "adherents" that human freedoms will be a very long struggle, just as democracy itself was. And even democracy in the best of the cases as in the U.K. or U.S.A. is still far from ideal.

Understanding Freedoms

Freedom as an expression has both a normative and a positive connotation. In a normative sense, it reflects an ideal state of affairs that enables individuals to achieve his / her full potential. It symbolizes an environment, which helps individuals to make the best use of the opportunities available to them. In a positive context, it outlines a set of prerequisites that would help in attaining such desirable goals. It thereby delineates the gap between the promise of freedom and the social, economic and political realities that hinder them.

In a broad sense, "Freedom means the ability to think or act as one wishes". A distinction is often made between negative freedom and positive freedom. Negative freedom means non –interference: the external and internal constraints on the individual. The individual is thus at liberty to act as he or she wishes. Positive freedom is linked to achievement of some identifiable goals or benefit, usually personal development, self-realization or self-mastery' (Heywood: 2003, 300).

A distinction is also made in classifying freedoms in terms of the 'specific' type-referring to a particular variety of freedom such as freedom of speech and 'overall' freedom-connoting freedom in its holistic sense. The former refers to specific 'actions or types of actions that the agent is free to perform and the conditions for attaining the same may be different than in the case of overall freedoms (Carter :

1999,12).

All instrumental freedoms, while complementing each other and enhancing the general capacity of people get determined in turn by certain social influences which determine the reach and nature of individual freedoms. (Sen:2000,41). In the first instance, it is the social safeguards for liberty, tolerance, economic opportunity that crucially determine how effective the level of freedom is. Social domain offers the arena for judging the gap between the promise and the reality. Secondly, freedoms have to be backed by certain guarantees and facilities ensured by the state. The state is therefore seen as a significant influence in protecting fundamental freedoms. State and the society taken together have to provide the right conditions whereby fundamental freedoms can be enjoyed by the people.

Fundamental freedoms are hindered when either of the two lack in their respective ability to guarantee and protect the rights of individuals or communities, which are ultimate subjects of freedom. State may fail in either a) providing the adequate constitutional and legal guarantees for protecting freedoms or b) being unable to enforce and implement such guarantees despite specific provisions for them. Society may also fall short of ensuring fundamental freedoms by imposing constraints laid down by conservative tradition and erecting inhibiting social structures which may effectively deny whatever constitutional provisions exist.

The discourse on freedoms in the recent times has been enriched by the human development and the human security debate that has brought the individuals at the core of the developmental and security agenda. The United Nations Development Programme's Human Development Report 1991 brought out a human freedom index which listed a set of forty rights for the purposes of ranking countries on the basis of freedoms that the citizens enjoyed. Following a critical review of the method and the sources, the 1992 Human Development Report brought out a political freedom index focusing on five freedoms and scales ranging from 1-10

were given to countries on the basis of such freedoms enjoyed by the people. Though both these indicators were discarded because of contentions regarding verifiability and quantification of freedoms, they nevertheless initiated the urge for greater sensitivity to basic human capabilities and deprivations. Human Development in essence signifies the ability of people to enjoy freedom of thought and expression and live a long and healthy life, to be educated and to have resources needed for a decent standard of living. All these components went into the making of Human Development Index which includes longevity, knowledge and a decent standard of living (Human Development Centre: 2003, p.9)

It is quite apparent therefore, that protecting and promoting fundamental human freedoms provides the basis for reorienting the discourse on governance and development. Institutions of governance have to be instruments to serve people where their fundamental economic , political and social wants are met without any bias and injustice. Institutions detached from the public cause become agents of control and 'unfreedom'. Similarly developmental practices have to have the people at the focus where increase in growth rate in fact expands the opportunities available to people for their betterment and welfare. Growth should become the means and not the end in creating an enabling environment for people where they are able to lead a secure life, free from deprivation of all kinds.

The South Asian Situation

South Asia today finds itself in the midst of significant economic , social and political transformation both within and outside the region. These developments taken together have had a critical bearing on both the institutions and the processes that have affected the freedom of the people of South Asia.

The South Asian countries including Bangladesh, Bhutan, Nepal, India, Maldives, Sri Lanka and Pakistan together account for 22.6 percent of the global population and just 2 percent of the global income. Except for Maldives and Sri Lanka, the

rest of the South Asian Countries rank between 127 to 140 out of 177 in terms of Human Development Index.

There have been considerable achievements in South Asia in terms of overall growth-rate in the 1990s at about 5.5 percent, which has been much higher compared to earlier decades. Far-reaching economic reforms in the region have created impulses for growth which have the capacity to unleash the potential that has remained untapped in the region. There is a greater acceptance of the necessity to change in a globalising world where openness and resilience are together going to be the key in deciding the economic destiny of nations.

There are however challenges that remain. Economic reforms are yet to acquire an overarching impact and haven't yet bridged the intra-regional disparities that exist. At the same time they have to create a direct impact on well being of the common citizen and therefore have a human face especially for the bottom 500 million plus South Asians.

These economic realities have emerged against a political landscape that has not really provided the right environment for the nations to move on a sustainable growth path. Though there appears to be a consensus on economic reforms at the broader political spectrum, yet the political realities often resulting in instability and conflict have acted as a negative influence. South Asia has had mixed experiences with political institutions where the state has followed both democratic and authoritarian policies. Lack of a basic minimum political consensus and a detachment from the desires of the people have often led to a situation of persistent political turmoil with competing interests and influences. Politics therefore became a means to secure power rather than a medium to protect and enlarge the rights of the people.

As a result the region was easily divided on issues of ideology and identity where

a large number of conflicts based on ethnicity, autonomy, religious extremism affected the South Asian politics. Politics either became a victim or a medium to enhance such tendencies that led to greater political instability and violence in the region. Almost every country in South Asia has in the recent times seen a growing incidence of terrorism and violence which has altered the terms of political discourse. As a result, the states of South Asia spend enormous time and resources in countering the problems that emerge as a result rather than exploring the deeper causes that give rise to such situations. It deviates from its essential function of providing an enabling environment where people are guaranteed their basic freedoms, and thus leads to greater political deprivation.

One of the major sources of political deprivation is the inability of the people in becoming a participant in the decisions that directly affect them. Often, the decision making structures are far removed from the people where they have to make an impact . At one level this leads to a detachment of policy making from the concerns of the people. At the other end, it results in a lack of accountability and transparency in governance that further alienates the people from the institutions of governance. Such governance often leads to corruption, political patronage, low observance of rule of law and distorted delivery of public goods and services(Hussain: 2004, 62). Such a system often gets compounded due to political instability in the ruling coalitions as a system of effective checks and balances cannot be kept either on the political class or on the bureaucratic establishment which acquires an autonomy of its own. People therefore are deprived of their right to redressal as neither the people whom they directly elect nor the class which is meant to serve them performs their rightful role- i.e. serving the people as provided under the constitutional obligations of which they all are part of.

There is therefore large and inexcusable gap between the constitutional promise and the political reality that often leads to a greater political deprivation of the

people. This gap has existed at two levels. First, even though there do exist constitutional provisions relating to fundamental freedoms such as right to equality, freedom of expression, right to employment etc, when it comes to actual implementation, a lot remains to be accomplished. Governments have often failed in their ability to uphold some of these basic responsibilities by failing to enact appropriate legislations. Secondly, at times Constitution itself remains insufficient as it does not adequately address some of the fundamental issues. As a consequence, the basic premise that the ultimate sovereignty rests with the people is in effect negated.

Attaining Human Freedoms in South Asia

Achieving human freedoms has to be of central concern in South Asia if the region has to realize its true potential. Such freedoms must encompass the economic , political, social, and cultural domain where people are able to enjoy the benefits of unfettered expression and opportunities within the framework of the Constitution and the Rule of Law. This can only be achieved if people are at the core of the decision making process and the direct beneficiaries once these decisions are implemented. The institutions and processes of governance therefore have to have the people as the main focus. South Asia can be secure only if internal and external policies of member nations reflect a greater sensitivity towards aspirations and, more importantly, the freedoms of the people.

In order to provide a framework for "security of the people" approach, it may be useful to take a set of reference points through which the ultimate goal of human freedoms may be attained. These reference points may include 1) Democratization, 2) Peace and 3) Regional Cooperation in South Asia. These may be referred to as the pillars around which the people of South Asia move to the next phase of their evolution in the next fifty years or so.

Deepening Democratization

South Asian Countries have had a rather recent experience in democratization as compared to the developed democracies in the west. While it took a significant amount of time for democratization to consolidate in the west, for South Asian countries it was more in terms of adapting overnight to the constitutional-legal structure inspired by the west to meet the requirements of democratic consolidation. As a result while formal democracy in the form of institutions and practices did emerge in some South Asian countries, the essence of democracy in terms of the freedoms of the people has not yet borne fruit.

Democratization in South Asia faced challenges both internal and external. Internally, democratization often came to be associated with use of manipulative techniques for electoral mobilization and a growing lack of public accountability. Electoral process, which thrived on the use of money and muscle power, was further vitiated by the growing influence of ethnic and communal factors which sharpened the social divide. Besides there was also a near absence of the politics of consensus which could have provided the right base for democracy to take firm roots. Competing political interests often forced political parties to adopt a confrontational posture which hamper the healthy growth of democracy in South Asian countries. The political instability witnessed as a result of this enabled a host of external factors to determine in a major way the broad contours of political freedom in South Asia.

Authoritarian structures supported by the military permeated the political process in the name of providing stability and security in some countries which the political class appeared to be incapable of delivering. Bureaucracies became instruments of control and not of good governance, meaning "managing the affairs of the State, especially to improve the quality of life of the people", but to limit or

restrict the freedoms of the people.

In these circumstances success stories in South Asia have been few and isolated. There indeed has been a greater thrust towards increasing civil society participation on matters of public importance. Grassroots initiatives aimed at involving people in the decision making process and empowering them are being experimented with a fair degree of success. However, such instances are still in their incipient form and have to become more widespread and should become an intrinsic part of the democratization process.

Deepening democracy in South Asia would require greater awareness and action to ensure that democratization becomes an instrument to enhance the freedoms that people should enjoy. Thus effective democratization should become the cornerstone for attaining human freedoms in South Asia .

Towards Security of the People

The pillar on which the foundation of democracy and human freedom is to be built is the idea of Human Security, which talks of security of people or individuals rather than the territorial conception of security. Security debate in South Asia has focused for too long on security of the states and the geographical boundaries that the state represents. Under this paradigm, the security of the people was subsumed under the territorial notion of security. Therefore, South Asian countries spent enormously in creating massive external and internal security structures which were seen inevitable keeping in mind the severity of threats that some of the countries faced. But such an approach ignored the centrality of people as critical factors in these conflicts. Besides, very often, the social, political and economic context that often gave rise to such conflicts was ignored.

South Asia must therefore reorient its security paradigm by emphasizing more on Human security, where security of people from fear, hunger and want becomes a critical component. Such an approach will directly bring people into focus and shall regard them as the key factors in determining the security of the nations or more importantly of the world itself. In other words a nation can be secure only if its people are secure, and people can be secure only if their basic sources of insecurity are effectively dealt with. And the basis of such security   has to be universal access to education. Such an approach towards 'Human Security in South Asia' will therefore go a long way in strengthening fundamental human freedoms in South Asia.

Redefining Regional Cooperation

Regional Cooperation in south Asia has been characterized more by the state level initiatives that have taken place under the South Asian Association for Regional Cooperation (SAARC). Though the grouping completes two decades of its existence , its impact is still to be felt beyond these state level interactions . Despite having taken up the core objective of improving the well-being of people of South Asia and a very elaborate programme of economic, social and cultural cooperation in the region, SAARC is yet to make an impact on the lives of people of the region. Very often, the progress in the grouping is determined by the political factors that are dominating the region. The amount of attention given to people's interaction within formal SAARC deliberations is quite low if not insignificant.

There is therefore a need for redefining the emphasis of regional cooperation in South Asia. Regional Cooperation has to be seen as a vehicle for liberating the people of South Asia from the shackles created by excessive concern with "the security of the state". Besides it should also become a forum which fosters greater

people to people interaction. At present, there are independent people to people initiatives in the region which have played a useful role. But collectively they can provide a much-needed alternative voice, coming from the people of South Asia, which derives from their collective experiences and common concerns. The official SAARC process should be seen as encouraging such parallel interaction among the people of South Asia. The collective voice of people of South Asia, therefore will be a very strong force in articulating the agenda for human freedoms which will have to be taken note of by the states in south Asia

The Basic Agenda of Goa Conference

Focussing on the Central Issues of Freedoms of the People of South Asia

South Asia as a region faces enormous challenges and opportunities in the rapidly transforming global economic and political order. Its people are its biggest resource and unleashing their creative energies by ensuring freedoms should be the most important task on the agenda of South Asia. Such an agenda has to be built on certain fundamental values that define the guiding principles of such evolution.

The objective of attaining fundamental human freedoms in South Asia in the political, economic, social and cultural domain provides a very important framework for initiating a renewed people-centric discourse in South Asia. Democratisation, Peace and Regional Cooperation with their unique emphasis on people and their development alone can be the effective medium for enhancing such freedoms in South Asia. The essential issues before the people of South Asia therefore relate to four principal factors.

First of all the impediments placed on the people of South Asia with respect to their political, economic, social, and cultural freedoms and how to remove these impediments and enlarge freedoms. Until the impediments are clearly identified and removed, the freedoms of the people will always remain

restricted.

Secondly, how to ensure that the institutions of governance do indeed focus on the freedoms of the people of South Asia and help enlarge the freedoms than to restrict them. The Institutions whether the legislatures, the Executive or the Judiciary have not given the freedom of the people the centrality that it deserves.

Thirdly, on how to bring peace and security in South Asia so that the freedom of the people has an effective protective shield .

And fourthly, how to enable the people of South Asia to have adequate freedom to work together through regional cooperation for their peace, security and prosperity.

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