SAARC AND IT’S SCOPE

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Defining SAARC

The signing of the SAARC Charter was done in Dhaka, Bangladesh on 8th December, 1985 by South Asian Association for Regional Cooperation (SAARC). The members states are:-

1. Afghanistan
2. Bangladesh
3. Bhutan
4. India
5. Pakistan
6. Maldives
7. Nepal
8. Sri Lanka

This organization was established to promote welfare of people of South Asia and to improve their quality of life, accelerate economic growth and many other.

The first proposal for establishment of a framework in South Asia for the regional cooperation was made on 2nd May, 1980 by the late President of Bangladesh, Ziaur Rahman. Nepal, Sri Lanka, the Maldives and Bhutan from the very beginning endorsed the Bangladesh proposal.

However, initially India and Pakistan were skeptical towards each other. The main concern of India was the reference to the security matters in South Asia. Further, India feared that the small neighbouring nations may get an opportunity to regionalise bilateral issues and together stand against India. Pakistan, however, was of the opinion that India was adopting the strategy to organise States in the South Asian region against Pakistan, with an intention to create regional market for products made in India, thereby strengthening economic dominance of India in the South Asian region. Hence, keeping the concerns of India and Pakistan in mind, a new draft was prepared in 1980 where references to security matters were dropped and only areas with no politics and/or controversies were suggested.

The SAARC comprising of seven States in the South Asian region is established with the aim of accelerating cultural and socio-economic development.

The Charter of SAARC defines the purpose and objectives of the association. Promotion and strengthening collective reliance among the member States; development of mutual trust and understanding of the problems of member States; promotion of collaboration and mutual assistance in various field like economic, social, cultural, technical and scientific; strengthening corporation with other third world countries; strengthening corporation among each other in international forums where matters are of common interest; co-operation with other international and/or regional organisations having similar aims and objectives are some of the objectives behind the establishment of the organisation.

The Agreement on SAPTA was signed in 1993. Further, in 2004, SAFTA was signed.
It was keeping these principles in mind that the Charter of Democracy was evolved and signed by all the contracting states to usher in capable governance with a soul aim to eradicate a social malaise a burning issue in the South Asian continent – Poverty. Keeping the democratic spirit in mind and to be maintained at all times, the member nations pledged to discourage any undemocratic or unrepresented governments that tend to undermine the Constitution, National Institutions and the Rule of Law. The elimination of poverty is a pre requisite to the promotion and strengthening of a democratic South Asian Continent and hence efforts were undertaken to encourage tolerance and aim to achieve a pluralistic democratic society where everybody would be heard and promotion of sustainable development is extended specifically to the weaker and underdeveloped nations where dominant members of the South Asian continent would contribute.

"Thrusting the economic agenda foremost should be all ours guiding force for our relationship. Our political agendas are never ending. We really need to come out of this and see how economic agendas can be prioritized."²

**SAARC Principles:-**

The principles of SAARC are based on theory of mutual coexistence sustainable development at par, interalia, amongst nations having due regard at the same time for the sovereign equanimity, territorial integrity, political and

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² Comment by: Shekhar Golcha, Senior VP of FNCCI, Nepal on the concluding day of the SAARC Conclave.
economic independence and finally a policy of non-interference in the internal matters of its member states. This implies that each and every constituent instrument of SAARC i.e., its member nation would be treated at par irrespective of its economic strength or geographical size. While at the same time giving full support to each of its member nations and also one member nation to another member nation wherever circumstances so warrant.

Problems which the SAARC nations face
SAARC has been a definite failure on all fronts. We make an attempt to further highlight this by sighting some basic issues:-

1. It is an open fact that 35% of the continental population thrives on a meagre income which is less than 1 dollar. SAARC has done nothing worthwhile to address this issue. It is to be concluded here that inefficient running of SAARC has been proved beyond credibility.

2. The next area where SAARC failed was to strengthen cooperation and collaboration between member nations on the economic, scientific, technological and political front. But, the inter-conflict between nations, interalia, have prevented this to happen due to the lack of cohesion nations and connectivity as compared to the other organisations like the EU.

3. Major peace and development initiative have not been taken in the right spirit by member nations and as a result SAARC has not been able to make much of a headway on strategic issues like development and security. Neither has it promoted peace and comity between member nations. The organisation failed to foster mutual trust and understanding among its constituent nations.

4. A sense of insecurity had seen to creep in the minds of some of the member nations because the more dominant nations in the South Asian community adopted a hegemonic stand where other countries were relatively left out from the power sphere. The SAARC has failed to reconcile differences between nations like India and Pakistan. Hence, it could be said that SAARC failed to usher mutual understanding and a sense of compassion between member nations.

5. Due to this absence of trust and understanding between each other they never dealt with the issue jointly. This created isolation from each other. SAARC had failed to resolve a position of deadlock on several conflicting issue in South Asia.

6. It can therefore be said that SAARC on the contrary created more problems than it could solve. It failed to address core issues in South Asia and it could not foster required trust or encourage satisfactory trade agreements due to these conflicts.

The Crisis of Refugees and IDP within the SAARC Nations
The Refugee scenario in South Asia and Refugee Rights in the Region with particular reference to SAARC LAW Guiding Principles and development in the legal protection of IDP’s with specific regard to India as a leading South Asian Nation briefed over here.

South Asia, similar to any part the world, is faced with the growing humanitarian, political and economic challenges due to
movements of forcibly displaced persons. It is held that, South Asian Region hosts around 1.5 million Refugees who have fled across international borders due to war, persecution and human right violations in their country of origin. These refugees are largely cared for by Governments and the Office of the United Nations High commissioner for Refugees. In addition, the SAARC region hosts large number of Internally Displaced Persons who have also fled their domiciles but remained within the boundaries of their state/country in refugee like conditions. As well, Stateless persons are another distinct group who have been subjected to forced movement across international borders, but may be unable to find acceptance and durable solutions to their problems. Refugees in South Asia account for nearly one tenth of the global refugee population, yet there is visible lack of a refugee regime in all the SAARC countries. Although by and large South Asian countries have been generous in granting asylum to refugees despite their strained resources, policies towards refugees have been based on ad hoc administrative decisions with no legislative framework to clearly define parameters.

None of the SAARC countries have acceded to the 1951 UN convention and the 1967 Protocol the status of Refugees, the main international instruments for protecting refugees. There is neither a regional treaty nor declaration on refugees, nor have any of the SAARC countries adopted a national legislation for the protection of refugees. The lack of an adequate legal regime to ensure the rights of refugees, who as aliens are in many situations subjected vulnerable members of society, is an ongoing problem. Already having lost the protection of their country of origin, refugees often lack legal recourse in host countries to ensure their basic human rights including the right to Non-Refoulement i.e. Non-expulsion to one's country of origin.

The most important direction of refugee flows has been within the Third World; from one South Country to the other. What has facilitated most of the South-South refugee flows are the factors like contiguous and porous borders, socio cultural identities of the people across the borders and encouragement by the neighboring states for strategic or humanitarian reasons.

If we look at the South Asian refugee situation in the long term perspective, taking into account nearly twenty million refugees that crossed newly created international borders between India and Pakistan between 1947 and 1950, about 10 million refugees that came to India from the then East Pakistan in 1970-71 during the emergence of Bangladesh, and more than 3.5 million Afghans who took refuge in Pakistan during the early Eighties in the wake of the then Soviet military intervention, the Region would clearly be one of the most persistently and seriously affected one. The traumatic birth of modern India resulted in large scale population movements, the likes of which had never before been witnessed in this part of the

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3 Non-refoulement is that fundamental principle of international law which restricts a nation which is receiving asylum seekers from letting them return to one such country where they are likely to be in danger of persecution which can be based on "religion, race, nationality, membership of a particular social group or political opinion"
world. While still recovering from the rehabilitation process, India gave refuge to Tibetans, who currently number over 100,000 and in 1971 India also provided temporary refuge to over ten million refugees from erstwhile East Pakistan until they returned home voluntarily to an independent Bangladesh. Today India hosts approximately 40,000 Chakma's from Bangladesh, 100,000 Sri Lankan Tamil refugees and over 17000 refugees of other nationalities, including Afghans. India has also facilitated the repatriation of a large number of Chakma & Sri Lankan refugees.

Most of the South Asian Countries have been receiving as well as generating refugees. Where ethno-cultural and religious moorings have been the major factors in Pashtuns, Lhotsampa's Tamils and Rohingya's relocating to the neighboring countries. India has been more of a refugee receiving than a generating country due to its easily accessible border, socio cultural identities, economic opportunities and a democratic and generally soft state, in relation to almost all the neighbors.

If the flow of refugees from East Pakistan in 1970-71 is discounted, Pakistan has also been on the receiving side of refugees, but then Pakistan does not have common border with any other South Asian Country except India. And most of the refugees received by Pakistan have not been from India but from Afghanistan, due primarily to geographical proximity and socio cultural identities. Sri Lanka's island status has spared it from being a host to asylum seekers.

Similarly Nepal, which has generally been a source of migrants to India and, to a much smaller extent, Bhutan, not only received refugees from Tibet, and has been complaining of large scale migrants from India and to a lesser extent from Bangladesh, since the late Seventies.

South Asia. Bhutan also had to accept Tibetan refugees but in the mid-eighties, it forced them out because of ethnic tensions between the Tibetans and local residents.

Refugee Rights in South Asian Region, however, none of the South Asian nations have ratified the 1951 UN Convention and the 1967 Protocol, at least three of them are the members of the EXCOM of the UNCHR. In the process, they have reduced the status of fleeing humanities to political arbitrariness. The grant of refugee status has been at the discretion of the political authorities. For example, Pakistan gives refugee status only to Afghans. Others are mostly declared as illegal immigrants not eligible for work permits or public

4 The Lhotshampa or Lhotsampa people are a heterogeneous Bhutanese people of Nepalese descent.
education.

No South Asian countries have any constitutional provisions to deal with the refugees. As a result most of them deal with them on an ad hoc basis. In many cases the refugees have been used as pawns in regional geo-politics. Each country has different arguments to offer for not ratifying the 1951 UN Convention and 1967 protocol. For instance, India does not agree with the very definition of the refugees and wants these Convention and Protocol to have strong provisions for insulating the refugee influx-prone developing countries against massive influx. In other words, it wants the affluent developed nations to share at least equitably the increasing refugee burdens. It is worried at the closing down of gates by the developed market economies.

On the other hand Pakistan tends to act without ratifying international instruments, it has been able to host and manage refugees in a scale much larger than the developed market economies. Many scholars have now started focusing on enabling national laws and organization like India Centre for Humanitarian Laws and Research has even drafted Model National law on refugees. At the regional level, the SAARC can play an instrumental role in formulating, a regional convention on refugees management. The SAARC already has two major conventions viz., Agreement on Establishing the SAARC Food Security Reserve (SFSR-1987) and a later Convention which embodies and gives a regional focus to many of the well-established principles of International Law in this respect. Under its provisions member States are committed to extradite or prosecute alleged terrorists thus preventing them from enjoying safe havens. This convention also envisages preventive action to combat terrorism.

SAARC-LAW taking lessons from other regional arrangements like that of organization of African Unity (1969) and Cartagena Declaration (1984) some kind of debate has been initiated in South Asia also towards a comprehensive regional convention that could incorporate the aspirations of the regional member countries in a more forthright and nondiscriminatory manner. This can in fact be realized through the SAARC forum using the SAARCLAW as the pressure group.

The SAARCLAW is an Association for persons of the legal communities of the SAARC countries, established in 1991 and is the first body (SAARC Chamber of Commerce and Industry—SCCI, 1992 was the second one recognized by SAARC as a regional apex body. The success brought about by the consistent pressure of the SCCI on the SAARC member countries in introducing South Asian Preferential Trading Arrangement (SAPTA) and South Asian Free Trade Are (SAFTA) by 2001 can be cited as a major breakthrough in the thinking process in South Asia. Therefore, the offices of the SAARCLAW stand to be most effective instrument in trying to evolve a regional convention on the refugees. This has three distinct immediate advantages. Firstly, this will pave the way for the member States in designing their own national laws. Secondly, it will also expedite the process of ratifying the 1951 UN Convention and the 1967 Protocol by the South Asian nations. And thirdly, regional approach may persuade the other
nations in the UNHCR to make the definition more comprehensive. In fact some of these countries are yet to examine the benefits these non-signatory nations have foregone as compared to the signatory nations and the price these non-signatory nations have to pay in not ratifying these instruments.

Environmental Issues in SAARC:-

One of the core areas which was prioritized by the SAARC as a common minimum program of all member nations was the area of environment and its protection. Degradation of environment has been very pronounced in the sub-continent and which could be attributed to air pollution, paucity of drinking water, deforestation and land erosion. These problems coupled with the high population growth, industrialisation, excessive application of Science & technology and acid rain. South Asia is an extremely vulnerable with range of climatic impacts starting from, melting glaciers as well as the water scarcity to the floods and rising levels of the sea. Also, with shifting monsoon patterns and heat waves at places noticeable stress upon South Asian countries where primary employment sector remains agriculture. Especially, floods and droughts have not only added regularity, but also more severe.

Study by the SIPRI\(^5\), shows that since 1987, in their Kathmandu Declaration, all the heads of states of SAARC have expressed their concern for the regional challenges related to environmental degradation and climate change. Recognising these challenges as 'severely undermining the development process and prospects of all the member countries' and conclusive to intensify regional cooperation with a suo moto object of strengthening their disaster management capabilities. To do so, SAARC had commissioned a study on the Protection and Preservation of the Environment and the Causes and Consequences of Natural Disasters, which got finalized in 1991. The Technical Committee on Environment, was established in 1992. It was subsequently tasked to identify such measures for immediate action and deciding modalities for implementation. Since then, its been a mandate which has been expanded to include forestry within its ambit.

In various declarations, SAARC has also expressed a concern for issues related to the environment which includes climate change. However, until 2005, i.e, in the aftermath of the tsunami in Indian Ocean in 2004, SAARC did not had its members agreeing upon concrete actions for addressing natural disasters. Though this event was not a result of climate change, but the frameworks which were established by the member states later addressed both natural as well as climate-related disasters. In fact the Comprehensive Framework on Disaster Management (2006–15) is aligned with the Hyogo Framework for Action (2005–15) of the UN International Strategy for Disaster Reduction (UNISDR). A part of the framework has also led to the establishment of the SAARC Disaster Management Centre (SDMC) in October 2006, for advising policy and facilitating capacity building. In 2008, SAARC further

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\(^5\) The Stockholm International Peace Research Institute
agreed on the Natural Disaster Rapid Response Mechanism, which was under the guidance of the SDMC, for adopting a coordinated as well as planned approach towards the natural disasters. In November 2016, the SDMC merged the SAARC Meteorological Research Centre, the SAARC Forestry Centre and the SAARC Coastal Zone Management Centre.

Security risks related to the Climate, which were beyond the natural disasters, were broadly emphasised in the Declaration made in the 14th SAARC Summit which was held in 2007, with the state heads expressing their 'deep concern over the issue of global climate change and the subsequent rise in the sea level and also its impact on lives and livelihoods in those region'. Further, they called for cooperation on action on climate, which included early warning as well as knowledge sharing for the purpose of 'pursuance of a climate resilient development in the South Asia'. This led to the three-year Programme in 2008, which identifies seven thematic areas of cooperation which included issues which does have impacts and risk with reference to climatic change-related security risk such as:

- adaptation,
- mitigation, and
- management

The SAARC Environment Ministers Dhaka Declaration on Climate Change had emphasised that 'climate change is the result of the emission of the greenhouse gas by the developed world for over two centuries'.

This very statement is also connected to the demand to receive international financial support, a common demand of many developing regions. In 2010, Thimphu Statement on Climate Change, SAARC led to the establishment of an Expert Group on Climate Change for ensuring policy direction as well as guidance for regional cooperation. Within most SAARC declarations, the role of UNFCCC and NAPA which emphasize upon a focal point i.e. climate action however, SAARC does not deliver climate-related financial aid to any member state which results in implementation of most of the climate-related projects at a national level through various funds within the UNFCCC framework.

SAARC propositions for Disaster Management issues and man-made calamities

SAARC further has some specific frameworks for the security of food, like the 1987 Agreement on Establishing the SAARC Food Security Reserve, which had many problems in its effective operation. In 2004, SAARC had endorsed a proposal for creating a Regional Food Bank, which was later established in 2007. In 2011 the member states of the SAARC agreed in establishing a SAARC Seed Bank. However, it later became dysfunctional and is till date only ratified by five member countries. Finally, the Framework for Material Transfer Agreement is an Annex to

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6 SAARC Action Plan on Climate Change in 2008
8 the UN Framework Convention on Climate Change
9 the National Adaptation Programmes of Action
the Seed Bank Agreement which establishes a mechanism to exchange seeds and other materials, for achieving food security and address natural as well as human-made disasters.

In most of the South Asian countries, policies related to the environment have been existence since the 1990s. However, many governments have not revised or updated them despite so much severe thinking and/or discussion on the sustainable development which is taking place in recent times. Bangladesh has the most recent policy framed in 2012, while India has had a policy since 2006, Pakistan had one in place a year earlier and Sri Lanka in 2003; Nepal still follows the one it adopted in 1992. While some may have updated their approaches to environmental problems in their periodic national plans and poverty reduction strategies and have also set targets in pursuit of the MDG/SDC goals, these do not follow a familiar pattern as each country has its peculiar issues with diverse impacts. Their environmental management structures are also different given the nature of their governmental system – some are federal with responsibilities divided between the national Government and states/provinces, while others are unitary with distinctive center-periphery relations.

The SAARC Disaster Management Center (SDMC) devised a Rapid Respond Mechanism for a coordinated approach to disaster emergencies in the region using existing arrangements – response facilities, search and rescue personnel and equipment, emergency medical facilities, relief material, and disaster management expertise and technology. Using a participatory process with country experts providing input, SDMC has been instrumental in formulating several protocols on different environmental issues and strategies for CCA and mitigation. Sustainable development calls for plans and actions that transcend nations and regions, and a partnership of equals would be ideal. One of the critical priorities of sustainable development, as mentioned before, is that to create a nexus in poverty reduction strategies and environmental protection mechanisms via "environmental mainstreaming" for long term sustainability. With over 40 percent of the developing world's low living belongs to South Asia, national development plans there need to incorporate strategies on environment and climate change with greater compulsion. Most of these plans do cover environmental issues and seek to make the growth process consistent with environmental sustainability.

The 12th FYP in India has set clear goals and targets for monitoring and these cover environmental protection, climate change, forests, ecosystems and biodiversity and body established in 1982 by the South Asian governments to promote and support protection, management and enhancement of the environment in the SAARC regions. Twelfth Five Year Plan (2012-2017) was launched with the objective of faster, sustainable and more inclusive growth. It aimed to increase the GDP at a faster pace such that each strata of the society is a part of and contributed to the growth and hence foster an environment of inclusive growth which is sustainable.
propose organizational, regulatory, investment and capacity building strategies. Speaking of regional cooperation, the Plan has proposed an institutional mechanism "for developing and implementing policies, laws and action plans". The Bangladesh sixth Financial Year Plan is also seeking to integrate "poverty, environment and climate change into the process of planning and budgeting". Like the Indian Plan and Sri Lankan "development framework" it focuses on control of air, industrial and noise pollution, conservation of ecosystem and biological diversities, and waste management. Pakistan's "Poverty Reduction Strategy Paper" also aims at "combining economic and social development with environmental integrity and poverty alleviation" and environmental concerns are inter-related to livelihoods, people's health and their vulnerability to natural disasters. A similar approach embraced in Nepal and there is a clear agenda to strengthen and integrate the economic, social and environmental pillars of sustainable development.

The 2004 Indian Ocean tsunami raised severe concerns about disaster preparedness and post-disaster relief and rehabilitation. The response of SAARC came in the form of a "Comprehensive Framework on Disaster Management" (CFDM) for the region in 2007. Reports of the "World Conference on Disaster Reduction" or the Hyogo Framework for Action (HFA), which promoted "a strategic and systematic approach to reducing vulnerabilities and risks to hazards" (United Nations, 2007, p. 1). CFDM's principal objectives are to establish and strengthen the regional disaster management system to reduce risks and to improve response and recovery management at all levels. DRR mainstreamed into national development policies, coordination and cooperation pursued at all levels, and resilience infused in communities to better cope with calamities through enhanced information, warning and reporting system. It set some clear strategic goals, such as adopting a professional approach to disaster management, strengthening institutional mechanisms at the community level and empowering women, the poor and the disadvantaged and creating national and regional networks involved in managing disasters and post-disaster activities.

However, the political, geographic and economic landscape of South Asia makes sustainable development a challenging issue. Relationships among most South Asian governments have not progressed to a stage where mutual trust and interest is evident. These nations vary in size and degree of influence and a preference for

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16 (Govt. Of Bangladesh, 2011, p. 439)
17 (see SLG, 2010) (Sri Lankan Goals)(2010)
19 (SAARC, 2007, p. 2).
bilateral approach does not allow participation of all stakeholders in critical decisions. The problem becomes more complex as efforts to combine technical issues with political and bureaucratic considerations to occur in practice scenarios. An emphasis on local and national interest, as opposed to a regional approach, results in isolated actions defying any practical intent.

The severe threat of climate change has been impacting upon the livelihood, lifestyle and location of citizens. The proximity of South Asian states allows climate change migrants to move quickly to neighboring countries, thus complicating relations among them. Numerous statements and agreements were reached over the years to promote environmental protection, but they remain neglected and seldom revised to address emerging issues. Inconsistencies in strategies and actions thus persist.

Environmental governance in most of South Asia has, by and large, been state-dominated with direct intervention mainly through regulatory strategies over the use and upkeep of environmental resources. While governmental approaches follow norms of sound governance in environmental matters exemplified in policy documents, more has to be done to create structures for stakeholder participation in the policy process, especially implementation and evaluation. Environmental governance within a country is perhaps progressively feeling its way. However, for the greater interest of regional sustainable development, other than the multilateral cooperation at the governmental level, intensified interaction amongst non-state environmental groups and the private entity is indispensable. Transboundary environmental governance (TEG) can simplify with direct inputs from non-governmental contributors from altered countries and external entities in coping with the impact of natural hazards and climate change, especially concerning measures for adaptation and mitigation, devising regulatory instruments as well as undertaking impact assessments. For instance, the partaking of water bodies, forests, natural habitats and biodiversity possession can have a more mutual and effective structure and norms of TEG, South Asia.

In disaster management, prevention and precaution have had a measure of success with improved outcome before and in the aftermath of natural disasters, a more holistic and integrated regional approach will be required to minimize dire consequences better. The sub-continent had never be wary of a clean environment culture and hence no pollution control measures were undertaken within the sub-continent since the last 5 decades. This huge back log of more than 50 years of pollution and eco-degradation/degradation of environment saddled with a careless application of technology made things even more serious. The perspective towards environment had to undergo a change where it would be viewed as a common asset to mankind and as is true for all assets that it is covered with a legal

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20 World Bank, UNEP, IUCN

21 (The principle of subsidiarity) effectiveness in SAARC guidelines to disaster management.
liability so should be the case as far as perspective towards indirect damage to the environment was concerned. There seems to be a logical relationship between erosion of environment and demographic trends. A large unaware demographic factor does tend to detrimentally affect natural resources of a region. This causes a depletion in the natural resources as well as denigration of the environment. Any demographic change in these countries would give rise to challenges in the environment. The demographic pressure aggravates the already precarious environmental condition also increase demand for wood used as fuel has resulted in large deforestation thereby putting the environment in further precocity.

Existing locus-standi of SAARC:- SAARC was created in 1985 with a lot of aplomb with a view to facilitating regional cooperation in area of social and economic upliftment. 34 years down the line one has to ironically state that SAARC could not contribute to its cause over the period under consideration as even after 34 years after its establishment. The continent of South Asia still remains one of the most illiterate and poorest regions of the world. This speaks volumes about the way SAARC has miserably failed in its mission to achieve overall peace and prosperity in the region. It is an open fact that many South Asian countries are crippled with basic issues such as malnutrition and gender inequality. The situation is alarming as is evident from the premise that the region which is still afflicted with basic problems like food, water, health cannot afford to think about reaching a state of economic inertia. This explains how associations having the a multi-national characteristics have failed to address even the burning issue of all round pervading poverty. Besides illiteracy, unemployment, poverty, explosion boom and low productivity have contributed to this aggravation.

CONSTITUTION
A Constitution is a document which possesses an extraordinary legal sanctity. It provides the framework and lays down the functions of various organs of the Government and the principles to govern the operation of these organs. It is the aggregate of basic or elemental principals which account for the legal basis of a State, Organisation, or any other entity. It further determines the procedure for governing the said entity.

Constitution concerns itself with various levels of organisation, which may either be sovereign countries, or companies or unincorporated associations. A treaty establishing an international organisation is considered to be its Constitution, as it defines the Constitution of that organisation.

If such principles are laid down in a document or set of documents, those documents may be considered as personifying a written constitution.

RECOMMENDATIONS:-
Should SAARC be treated as doomed or is there a way ahead?
A logical assessment from my side proposes three options for SAARC.

Preference 1:- It would be to restart the
activities of SAARC from scratch and simultaneously look for other possibilities like BIMSTEC (Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation) or any other new group.

Preference 2:- It would be to integrate SAARC at least on the economic front. Believers of the single currency for SAARC seem to adopt this.

Both these approaches have been considered to be inappropriate considering the geopolitical condition today. Though SAARC has belled expectations reposed in it by the member nations but nevertheless it provides opportunities for the leaders as well as the officials responsible for enacting those policies to have regular interaction and critically discuss issues which concern them on mutual basis. This alone proves the relevance of SAARC in today's time.

The way out then is that small calibrated steps have to be taken in the right direction with sincere efforts with regard to the holistic considerations of SAARC having due regard to the reality of the geo-political reasons. The first step in this direction would be to operationalize the dormant erstwhile schemes conceptualized by SAARC and to put them on a fast track mode. To start with 1 or 2 pilot projects at the sub-regional level should be identified and then implemented within a specific time bound programme.

India plays a pivotal role around which SAARC revolves, therefore the major responsibility of contributing success lies on India and hence India has to take excessive responsibilities as and when required.

The idea is to ensure concentration of SAARC activities in significant areas and not getting into too many activities at the same time.

CONCLUSION:

Through a comparative analysis of the countries of the SAARC nation, it can be held:

That there lies a nexus between the constitutional Laws as a whole but not the Constitution, Constitution of India, Maldives, Nepal, Bangladesh, Myanmar typically follows the similar agenda of fundamental right and having the federal form of Government which is most prominent in case of India, Bangladesh and Maldives.

1. That the ratification of the UDHR (Universal Declaration of Human Rights) by all the nation makes the implementation of human right in their state legislator compulsory nevertheless keeping an exception in case of Afghanistan, which gets predominantly ruled by militants and terrorist agencies and follows an orthodoxical law thus, abide factor gets eclipsed in most of the times by it again, The Pakistani Govt. gets influenced by the military general and in most state of affairs follows curfew law which in turn overturns a constitution based Government.

2. That Division of power among the three heads, namely legislature executive and Judiciary as a federal form and being followed in India, Maldives, Nepal, Bangladesh, Myanmar.
3. In case of a Disaster management issue, every member states are equal participants in cubing the problem of natural disasters like flood and Tsunami.

4. This similarities, however, does correlate the SAARC nations in a bond primarily aiming towards financial stability and growth of the economy.

5. After India's quit from RCEP, India became the economic hub for financial security and maintenance for other SAARC agendas. However, as previously mentioned that no funding is provided by any of the bodies of SAARC for any shorts of economic activities and the direct aid out of the nation's financial budget or fund this proposition lies at a very standstill situation.

6. Uniformity in terms of human rights does include providing the basic needs and amenities to all its citizens. However, certain rights get inexplicably detained at some of the other point of time. This might be because of changes in government bodies or amendments in Constitution or some other reason which get implementation nations because of electric reasons (external aggressions) (situation around in Afghanistan).

7. Time and again SAARC as an international organization aimed to bring stability among its member states like peace settlement with reference to India and Sri Lanka (IDP of Tamils) is a suitable example to be given out. Terrorist activities and internal and external aggressions are a huge lacuna for the SAARC bodies to perform in the maintenance of peace and security as this problem tranquillizes the life and property of the hampered state's citizens.

8. That Cross-border Seize fire which is very prominent between India and Pakistan in the POK and LOC either in the form of ceasefire or terrorist infiltration (India

Pakistan border).

9. That under certain circumstances the SAARC turned out to be extremely inefficient. The biggest malfunctioning among the SAARC countries is unfair trade practices and corruption within border militaries.

- Citation 1. Illegal cattle trade among India and Bangladesh via West Bengal.
- Citation 2. Illegal trade practice of adulterated medicines which not only causes economic depression but causes a severe threat for the consumers.
- Citation 3. Illegal trade of arms and ammunitions which are conducted on a daily basis between (Pakistan, Afghanistan, Pakistan, India, Bangladesh, which mainly promulgates terrorism and similar activities.)