

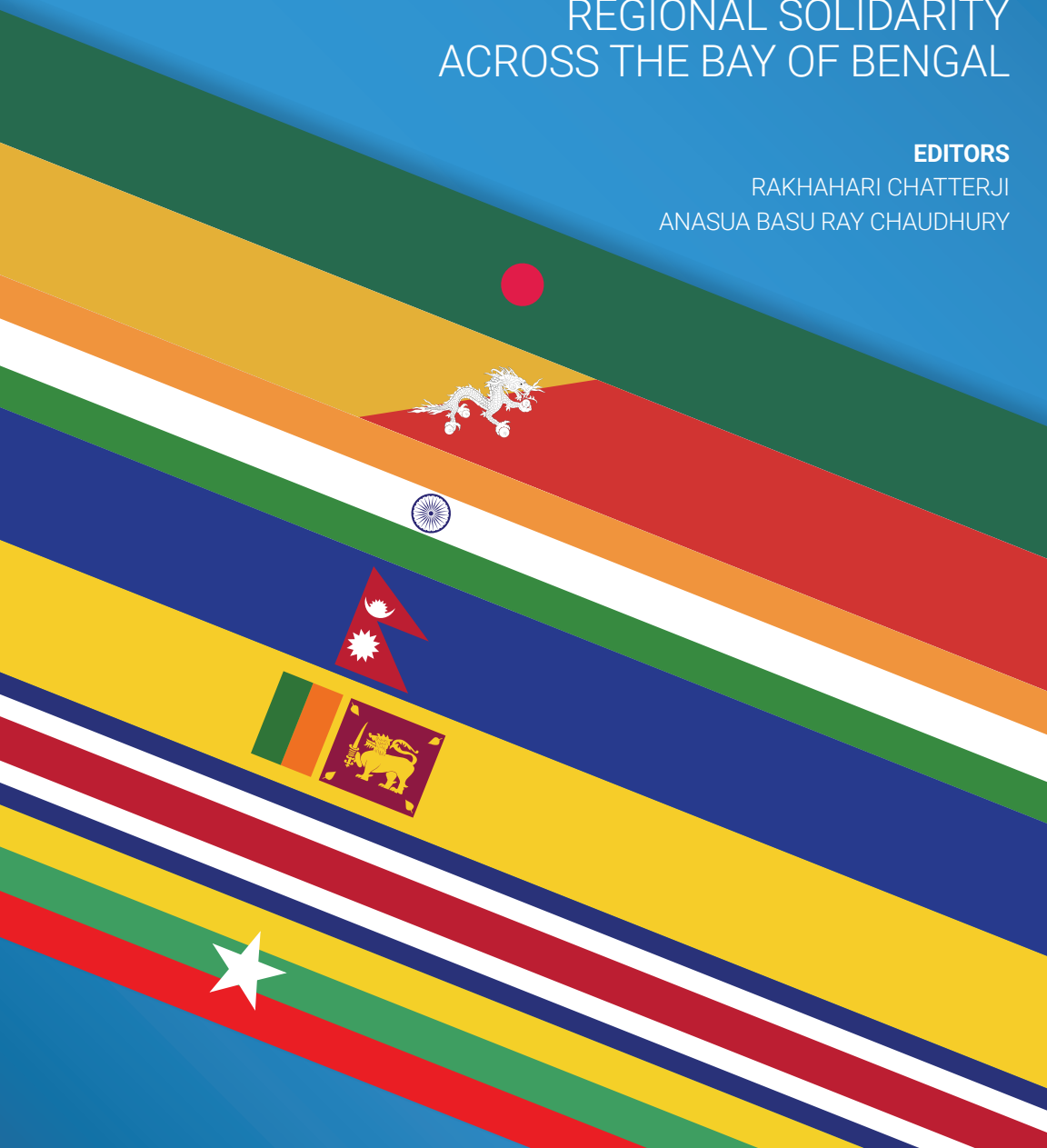
REIMAGINING BIMSTEC

STRENGTHENING
REGIONAL SOLIDARITY
ACROSS THE BAY OF BENGAL

EDITORS

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Towards Greater BIMSTEC Cooperation: The Need for Values Connectivity

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The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) lacks a clear human right and values framework, which is necessary if the grouping is to transcend being merely a vehicle for connectivity on functional lines. Such a values framework is found in the Sustainable Development Goals (SDGs), which has been adopted by all countries and encompasses the aspirations of BIMSTEC. Although it is not specifically stated, the SDGs aim to achieve fundamental human rights goals, which must be at the centre of all BIMSTEC endeavours under the purview of BIMSTEC.

There has been no scholarly writing on the values dimension—specifically, fundamental human rights—of BIMSTEC, although some have discussed culture as an “expression of Values”.¹ This is a glaring lacuna for a region that home to over 1.5 billion people (or 22 percent of the global population), with a combined gross domestic product worth US\$2.5 trillion.²

An analysis of the BIMSTEC instruments, documents from the SDG process, and other relevant documents will establish how the grouping lacks a values and rights based framework. This will also help lay out a roadmap for how to align BIMSTEC with such an overarching values-based system.

Absence of Values Based Connectivity

BIMSTEC's key instruments and summits have seldom articulated a shared vision around core human rights values. While the non-littoral states appear to be embracing certain core values in pursuit of their strategic objectives through the Indo-Pacific concept, BIMSTEC is lagging in this area.

The absence of a values-based connectivity was evident from the grouping's inception. The founding Bangkok Declaration provided two key rules—1) cooperation within BIMSTEC will be based on respect for the principle of sovereign equality, territorial integrity, political independence, non-interference in internal affairs, peaceful co-existence and mutual benefit; and 2) cooperation within BIMSTEC will constitute an addition to and not be a substitute for bilateral, regional or multilateral cooperation involving the member states.³

The 2014 Memorandum of Association on the Establishment of the Permanent Secretariat, located in Dhaka, provided for an office whose function was to coordinate the grouping's increased activities.⁴ No guiding values or principles were articulated in this document.

The 2018 Memorandum of Understanding for the Establishment of the BIMSTEC Grid Interconnection recognised the need to enhance energy development in the region, specifically grid interconnection for the trade of electricity. It contains a nominal reference to “sustainable development” but does not adequately elaborate on this.⁵

The four BIMSTEC summits also did not articulate a shared set of values. At the first summit in Bangkok in 2004, BIMSTEC leaders resolved to foster a sense of community that will lead to the economic and social development of the entire region.⁶ They agreed to enhance “people-to-people contact” and to explore “the expansion of BIMSTEC cooperation into the areas of culture, education...” and other areas.⁷ The second summit in New Delhi in 2008 saw an agreement “to continue and strengthen our cooperation on poverty alleviation in the context of ensuring food security for the vulnerable people in the region”, “to

expand cooperation in culture to include cultural values, diversity and heritage...” and to “augment our efforts to further promote people-to-people contacts among our States and decide that India will take the lead to establish a BIMSTEC Network of Policy Think Tanks.”⁸ At the third summit in Nay Pyi Taw, Myanmar, in 2014, the member states again agreed to enhance people-to-people contact and cultural cooperation, with a deal to establish the BIMSTEC Cultural Industries Commission and BIMSTEC Cultural Industries Observatory.⁹

It took until the last summit in Kathmandu, Nepal, in 2018 for an affirmation of the “solemn commitment to making the Bay of Bengal Region peaceful, prosperous and sustainable by building on our common strengths through our collective efforts,” the recognition that “the eradication of poverty is the greatest regional challenge in realization of development objectives and expressing firm commitment to working together for the implementation of the Agenda 2030 for Sustainable Development.” The member countries also stated their “faith unequivocally in the principles and purposes of the Charter of the United Nations” and agreed to work together to present a united voice to safeguard collective interests for a just, rules-based, equitable and transparent world order. They also noted their commitment to the eradication poverty in the Bay of Bengal Region by 2030 in line with the 2030 Agenda for Sustainable Development, called for the effective implementation of the BIMSTEC Poverty Plan of Action and to gear up efforts of all sectors to contribute to the overarching goal of poverty alleviation.¹⁰

Ministerial declarations held between 1997 and 2018 also do not reveal any concern for values and rights.¹¹ Instead, the engagement centered on the 14 identified sectors of cooperation— trade, technology, energy, transport, tourism, fisheries, agriculture, public health, poverty alleviation, counter-terrorism, environment, culture, people-to-people contact, and climate change.

While no values dimension is provided in BIMSTEC, one can note a concern for sustainable development, poverty alleviation and for upholding the UN Charter. These are useful building blocks on which to craft a values framework.

Need for Rights Framework in Indo-Pacific Community

In the impending ‘Cold War’ between China and the US, battles over human rights will take a prominent place. There have been calls for an alliance of democracies to lead the world and counter the rise of autocratic global powers. According to former NATO Secretary General Anders Fogh Rasmussen, a “D10,” akin to the G7 and including Australia, India and South Korea, is necessary because “authoritarian forces, such as in Russia and China.... geopolitically they have the wind in their sails. Free societies put the individual and freedom first; but autocracies put the regime first.”¹² BIMSTEC cannot avoid this tussle and must clearly articulate a human rights framework to establish where it stands.

BIMSTEC is a growing sub-regional organisation whose members are located in the Indo-Pacific area, which embraces countries including India, Sri Lanka, the ten Association of Southeast Asian Nations (ASEAN) members, Australia, New Zealand, South Korea and Japan. India and ASEAN have embraced the concept, as has the US, which is intended to counter the Chinese political model and Beijing’s assertive influence in the region.

Countries in the Indo-Pacific are committed to democracy, human rights and the rule of law. While these countries may experience many rights challenges, most are strong or emerging democracies and fundamental human rights are part of their political culture. Despite a rocky road, the ASEAN Charter (2007) has helped its members, including Myanmar and Thailand, to follow the path towards democracy, rule of law, human rights and good governance.

Upholding human rights will play a key role in India’s attempts to counter Chinese influence in the region, especially in the Bay of Bengal. It is no coincidence that India took the initiative to reinvigorate a stalled BIMSTEC in 2016, by indicating an interest in making the grouping the locus of regional cooperation and moving away from the Association of South Asian Cooperation. While highlighting this geostrategic shift in June 2017, Indian Prime Minister Narendra Modi noted the “..shared

values, histories, ways of life, and destinies that are interlinked” and that BIMSTEC represents a common space for peace and development”. For India, “it is a natural platform to fulfill our key foreign policy priorities of “Neighborhood First” and “Act East” [emphasis added].¹³

In this geopolitical tussle, in which New Delhi seeks to counter Beijing’s Belt and Road Initiative, India, as the most powerful player in BIMSTEC, will need to forge relationships with the other Indo-Pacific partners (Australia, Japan, the US) and thus advance the protection of human rights across the region.

This calls for the elaboration of a values framework, based on fundamental rights. This may seem a tall ask, given that many developing countries have been uncomfortable with explicit commitments to human rights protection and seek to protect themselves from external criticism. The elaboration of SDGs clearly reflected this discomfort but holds a promising basis on which to develop a values framework.

SDGs’ Values Framework

At the 2016 Leaders Retreat in Goa, India, BIMSTEC members exchanged views on important global and regional issues, including the UN 2030 Agenda for Sustainable Development.¹⁴ Although the SDGs (adopted in 2015) were not framed in human rights terms, with the exception of SDG 16 (peace, justice and strong institutions), they still seek to achieve the fundamental goals of the international human rights regime. All BIMSTEC and ASEAN member states enthusiastically endorsed the SDGs.

The SDGs hold the potential to complement the regional rights regime, which is centered on the ASEAN Intergovernmental Commission on Human Rights and the ASEAN Declaration of Human Rights. The SDGs make some important connections between sustainable development and existing individual human rights obligations—SDG 2.1 (ending hunger and access to safe nutrition) reiterates obligations in Article 11 of the International Covenant on Civil and Political Rights (ICESCR); and new

goals regarding global health in SDG 3, “roughly” resemble the right to health in Article 12 of ICESCR.¹⁵ The Danish Institute for Human Rights also concluded that 156 of the 169 SDG targets reflect human rights and basic labour standards.¹⁶

The potential for the SDGs, especially Goal 16, to advance human rights protection was captured by the Organisation for Economic Co-operation and Development, which, commenting after the adoption of the SDGs, noted that “The novelty factor is heightened because this is no drab vision of institutions, but one that touches centrally on the connection between the structures of power and the people that they should serve.”¹⁷ Goal 16 marks a step forward inasmuch as it recognises the roles that peace, justice and good governance have to play in development. The UN Economic and Social Commission for the Asia Pacific has noted that SDG 16 provides “the framework for peace, justice for all, and strong institutions – which are fundamental for accelerating progress of other SDGs.”¹⁸

The SDGs are consistent with states’ preference for engagement in dialogue rather than confrontation over substantive and controversial rights issues. Dialogue is also the basic modus operandi of the Universal Periodic Review of the UN Human Rights Council, to which all states report every five years.¹⁹

Roadmap to a Values-Based Regime

BIMSTEC members ought to explicitly ground their functionalist agenda in the SDGs. In doing so, they will move closer to a human rights vision. The SDGs may be seen as a global moral responsibility and can provide states with a standard of appropriate behaviour.²⁰ How can this be achieved?

International institutions can shape the behaviour of states and steer them towards desired outcomes, such as the promotion and protection of human rights.²¹ As BIMSTEC becomes more institutionalised and assumes a greater coordination role, it must initiate a dialogue on

mainstreaming the SDGs into its core instruments, in its summits and in ministerial discussions. Several steps can be taken towards achieving this goal:

First, the BIMSTEC Secretary General must exercise leadership in initiating a dialogue on the SDGs. The Secretary General can discreetly consult with member states on wrapping BIMSTEC in a ‘SDG blanket’.

Second, the Secretary General should call upon the BIMSTEC Network of Policy Think Tanks, established at the third Summit, to draft a concept note for discussion in workshops and conferences. In doing so, they can make linkages between each of the 14 sectoral areas of cooperation and the following SDGs that are directly relevant and can help establish a rights and values framework:

- SDG 1: No poverty
- SDG 7: Affordable and clean energy
- SDG 8: Decent Work and Economic Growth
- SDG 9: Industry, Innovation and Infrastructure
- SDG 11: Sustainable Cities and Communities
- SDG 13: Climate Action
- SDG 16: Peace, Justice and Strong Institutions

Third, the Secretary General should offer the refined concept note for deliberation at a leaders’ retreat. India can play a leadership role given that it “accords utmost priority to BIMSTEC. It fulfills our key foreign policy priorities of “Neighbourhood First” and ‘Act East’”.²²

Fourth, summits, ministerial declarations and reporting should be framed explicitly in terms of progress towards achieving the SDGs. In so doing, a locally generated rights-oriented framework will emerge that firmly anchors BIMSTEC in the emerging Indo-Pacific order.

Conclusion

If BIMSTEC can develop a values dimension grounded in the SDGs, then developing a human rights framework in the wider geopolitical context should not be too much of a stretch. All BIMSTEC members are

democracies that have declared their adherence to fundamental rights and feature electoral political systems, however imperfect in some cases. They have all committed to core international rights conventions and hold obligations under international human rights law. Human rights values are not 'foreign' impositions but part of Asian values. India, after all, was a key drafter of the Universal Declaration of Human Rights (1948), along with several other Asian states.²³

The collective development of an SDG values-based organisation should start with the elaboration of a declaration of principles on the implementation of SDG 16. Over time, BIMSTEC could pursue cooperative efforts focused on the protection of the rights of children, women and migrants; the implementation of the UN Universal Periodic Review system; the implementation of the right to development; the enhancement of national human rights institutions; the implementation of UN human rights treaties; the promotion of equality and non-discrimination; the protection of vulnerable groups; the prevention of conflicts and crises; and safeguarding human rights during natural and human-made disasters.

As part of this process, it is important to involve civil society organisations and national human rights institutions to elaborate and monitor the values framework. Business organisations, which will drive connectivity, must also be involved in upholding the UN Guiding Principles on Business and Human Rights. Together, these will lend greater credibility to this undertaking, are vital to its ultimate success and will follow internationally recognised good practices.

About the author

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