

Appendix

SAARC CONSTITUTION

PREAMBLE

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We, the Heads of State or Government of BANGLADESH, BHUTAN, INDIA, MALDIVES, NEPAL, PAKISTAN and SRI LANKA

- Desirous of promoting peace, stability, amity and progress in the region through strict adherence to the principles of the UNITED NATIONS CHARTER and NON – ALIGNMENT, especially respect for the principles of sovereign equality, territorial integrity, national independence, non – use of force and non – interference in the internal affairs of other States and peaceful settlement of all disputes.

- Conscious that in an increasingly interdependent world, the objectives of peace, freedom, social justice and economic prosperity are

best achieved in the SOUTH ASIAN region by fostering mutual understanding, good neighbourly relations and meaningful cooperation and Member States which are bound by history and culture.

- Aware of the common problems, interests and aspirations of the peoples of ASIA and the requirement for joint action and enhanced cooperation within their re political and economic systems and traditions.
- Convinced that regional cooperation among the countries of SOUTH ASIA is mutually advantageous, desirable and necessary for promoting the welfare and improve quality of life of the people of the region.
- Convinced further that economic, social and technical cooperation among the countries of the SOUTH ASIA would contribute significantly to national and collective self – reliance.
- Recalling the DECLARATION signed by their Foreign Ministers in NEW DELHI on August 2, 1983 and noting the progress achieved in regional cooperation.
- Reaffirming their determination to promote such cooperation with an institutional framework:

DO HEREBY AGREE to establish an organization to be known as SOUTH ASIAN ASSOCITATION FOR REGIONAL COOPERATION hereinafter referred to as the ASSCIATION, with the following objectives, principles, institutional and financial arrangement:

Article I : Objectives

The purposes of the ASSOCIATION shall be:

- To promote the welfare of the people of SOUTH ASIA and improve their quality of life;

- To increase economic growth, social progress and cultural development in the region and to provide all individuals the opportunity to live in dignity and to realize their full potentials:

- To contribute to mutual trust, understanding and appreciation of one another's problems;

- To promote active collaboration and mutual help in the economic, social, cultural, technical and scientific spheres;

- To strengthen cooperation with other developing countries;

- To strengthen cooperation among themselves in international forums on matters of common interests; and

- To cooperation with international and regional organizations with similar aims and purposes.

Article II : Principles

- Cooperation within the framework of the ASSOCIATION shall be based on respect for the principles of sovereign equality, territorial integrity, political independence, non – interference in the internal affairs of other States and mutual benefit.

- Such cooperation shall not be a substitute for bilateral and multilateral cooperation but shall complement them.

- Such cooperation shall not be inconsistent with bilateral and multilateral obligations.

Article III : Meeting of the Heads of State or Government

- The Heads of State or Government shall meet once a year or more often as and when considered important by the Member States.

Article IV : Council of Ministers

1. A Council of Minister consisting of the Foreign Minister of the Member State shall be established with following functions:

- Formulation of the policies of the ASSOCIATION;
- Review of the progress of the cooperation under the ASSOCIATION;
- Decision on new areas of cooperation;
- Setting up of additional mechanism under the ASSOCIATION as deemed necessary;
- Decision on other matters of general interest to the ASSOCIATION.

2. The Council of Minister shall meet twice a year. Extraordinary sessions of the Council may be held by agreement among the Member States.

Article V : Standing Committee

1. The Standing Committee comprising the Foreign Secretaries shall have these functions

- Overall monitoring and coordination of programme of cooperation;
- Approval of projects and programmes, and modalities of their financing;

- Determination of inter – sect oral priorities;
- Mobilization of regional and external resources;
- Recognition of new areas of cooperation based on appropriate studies.

2. The Standing Committee shall meet as often as deemed necessary.

3. The Standing Committee shall submit reports to the Council of Ministers and make reference to it as and when essential for decisions on policy matters.

Article VI : Technical Committees

1. Technical Committees comprising representatives of Member States shall be responsible for the implementation, coordination and monitoring of the programmes in their respective areas of cooperation.

2. They shall have the following terms of reference;

- Determination the potential and the scope of regional cooperation in agreed areas;
- Formulation of programmes and preparation of projects;
- Determination of financial implications of sectoral programmes;
- Formulation of recommendations in regard to apportionment of costs;
- Monitoring of progress in implementation.

3. The Technical Committees shall submit periodic reports to the Standing Committee.

4. The Chairmanship of the Technical Committee shall normally rotate among Member State in alphabetical order every two years.

5. The Technical Committees may, into – alia, use these mechanisms and modalities, if and when considered essential:

- meeting of heads of nations technical agencies;
- meeting of experts in specific fields;
- contact amongst recognized centers of excellence in the region.

Article VII : Action Committees

- The Standing Committee may establish Committee comprising Members concerned with implementation of projects involving more than two but not all Member States.

Integrated Program of Action (IPA)

The IPA is the basic component of the SAARC's functions. It now comprises 11 areas of cooperation, each covered by a Technical Committee:

- Agriculture
- Communications
- Education, Culture and Sports
- Environment and Meteorology
- Health and Population Activities
- Prevention of Drug Trafficking and Drug Abuse

- Rural Development
- Science and Technology
- Tourism
- Transport
- Women in Development

Trade and Economic Cooperation

Agreement on SAPTA (South Asian Preferential Trading Arrangement) signed during the Seventh SAARC Summit in Dhaka: SAPTA came into being on 7 December 1995 when all Member States met the necessary conditions. Under this agreement, the gradual reduction and eventual elimination of tariffs within SAARC is envisaged.

SAPTA is considered to be a step on the road to creating a SAFTA (South Free Trade Area), which is still at the stage of discussion. Initiatives taken towards promoting trade cooperation within SAARC include:

- Cooperation in the spheres of Handicrafts and Cottage Industries.
- Study on Transport Infrastructure and Transit Facilities.

Member countries have also implemented bilateral and multilateral initiatives to promote economic cooperation.

Poverty Eradication

1991: Sixth SAARC Summit (Colombo took decision to establish an Independent South Asian Commission on Poverty Alleviation (ISACPA).

1993: Seventh SAARC Summit (Dhaka) adopted consensus on poverty eradication.

Poverty remains a defining feature of the SAARC region. However, the establishment of SAARC has at least helped to get governments talking on plans on plans to remove and eradicate poverty.

Promoting People – to – People Contact

1986: Second SAARC Summit (Bangalore) laid special stress on promoting people-to-people contact in the region and approved the following five initiatives:

- SAARC Audio – Visual Exchange (SAVE) Program.
- SAARC Documentation Center (SDC)
- SAARC Scheme for Promotion of Organizing Tourism.
- SAARC Chairs, Fellowship and Scholarship Scheme.
- SAARC Youth Volunteers Program (SYVOP).

Other initiatives comprise:

- SAARC Visa Exemption Scheme (initiated in 1988)
- South Asian Festival (9-24 October 1992, India)
- Non – Governmental Organization (NGOs)
- Association of SAARC Speakers and Parliamentarians
- SAARC Chamber of Commerce and Industries (SCCI)
- SAARC LAW

The easing of travel and business restrictions within the SAARC region is a visible and enduring achievement of SAARC. This has

directly and indirectly resulted in increased economic and social advantages to people in all member countries.

- **SAARC Regional Institutions**
- SAARC Agricultural Information Center (SIAC), Dhaka/Bangladesh.
- SAARC Tuberculosis Center (STC), Baktapur/Nepal.
- SAARC Meteorological Research Center (SMRC), Dhaka/Bangladesh.
- SAARC Documentation Center (SDC), New Delhi/India.

Regional Conventions/Agreements

- Agreement on Establishing the SAARC Food Security Reserve (SFSR) – Third SAARC Summit (Kathmandu, 1987).
- SAARC Regional Convention on Suppression of Terrorism – Third SAARC Summit (Kathmandu, 1987).
- SAARC Convention on Narcotic Drugs and Psychotropic Substances – Fifth SAARC Summit (Male, 1990).
- Agreement on SAARC Preferential Trading Arrangement (SAPTA) – Seventh SAARC Summit (Dhaka, 1993) has been ratified by all Member States.

SAARC Funds

- SAARC Fund for Regional Projects (SFRP) established in 1991.
- SAARC – Japan Special Fund – established on 27 September 1993, Kathmandu.

Article VIII :

- There shall be a Secretariat of the ASSOCIATION.

Article IX : Financial Arrangements

- The contribution of each Member State towards financing of the activities of the ASSOCIATION shall be voluntary.

- Each Technical Committee shall make recommendations for the appointment of costs of implementing the programmers proposed by it.

- In case sufficient financial resources cannot be mobilized within the region for funding activities of the ASSOCIATION, external financing from appropriate sources may be mobilized with the approval of or by the Standing Committee.

Article X : General Provision

- Decisions at all levels shall be taken on the basis of unanimity.

- Bilateral and contentious issues shall be excluded from the deliberations.

IN FAITH WHERE OF WE HAVE Set Our Hands And Seals Here unto.

DONE In DHAKA, BANGLADESH, On This The Eighth Day Of December Of Year One Thousand Nine Hundred Eighty Five.

(Signed by Heads of State or of Government of the member countries)

- South Asian Development Fund (SADF) approved by the Fifteenth Session of the Council of Minister (New Delhi, 1995).

SAARC Regional Convention on Combating Extremism

The Member States of the South Asian Association or Regional Cooperation (SAARC);

Mindful of the principles of cooperation enshrined in the SAARC Charter; State or Government of the Member States of the SAARC recognized the seriousness of the problem of terrorism as it affects the security and stability of the region;

Also referring the Bangalore Summit Declaration of 17 November 1986, in which the Heads of State or Government of SAARC agreed that cooperation among SAARC states was vital if terrorism was to be wiped out from the region; unequivocally condemned all acts, methods and practices of terrorism as criminal and deplored their impact on life and property, socio – economic development, political stability, regional and international of peace and cooperation; and recognized the importance of the principles laid down in UN Resolution 2625 (XXV) which among other required that each state should abstain from organizing, instigation, assisting or participating in acts of civil strife or terrorist acts in another state or acquiescing in organized activities within its territory directed towards the commission of such acts;

Aware of the danger posed by the spread of terrorism and its impact on peace, cooperation, friendship and good neighborly relations and which could also jeopardize the sovereign and territorial integrity of states;

Have resolved to take effective measures to ensure that perpetrators of terrorist acts do not escape prosecution and punishment by providing for their extradition or prosecution, and to this end, Have Agreed as follows:

Article – I

Subject to the overall requirements of the law of extradition, conduct constituting any of the following offences, according to the law of the Contracting State, shall be regarded as terroristic and for the purpose of extradition shall not be regarded as a political offence connected with a political offence or as an offence inspired by political motives:

- (a) An offence within the scope of the Convention for the Suppression of Unlawful of Aircraft, signed at The Hague on December 16, 1970;
- (b) An offence within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on September 23, 1971;
- (c) An offence within the scope of any Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York on December 14, 1973;
- (d) An offence within the scope of any Convention to which the SAARC member States concerned are parties and which obliges the parties to prosecute or grant extradition;
- (e) Murder, manslaughter, as such causing bodily harm, kidnapping, hostage – taking and offences relating to firearms, weapons,

explosives and dangerous substances when used as a means to perpetrate indiscriminate violence involving death or serious bodily injury to persons or serious damage to property;

- (f) An attempt or conspiracy to commit an offence described in sub – paragraph (a) to (e), aiding, abetting or counseling the commission of such an offence or participating as an accomplice in the offences so described.

Article – II

For the purpose of extradition between SAARC Member States, any two or more Contracting States may, by agreement, decide to include any other serious offence involving violence, which shall not be regarded with a political offence or an offence inspired by political motives.

Article – III

1. The provisions of all extradition treaties and an arrangement application between Contracting States are hereby amended as between Contracting States to the extent that they are incompatible with this Convention.

2. For the purpose of this Convention and the extent that any offence referred to in Article I or agreed to in terms of Article II is not listed as an extraditable offence in any extradition treaty existing between Contracting States, it shall be deemed to be included as such therein.

3. Contracting States undertake to include these offences as extraditable offences in any future extradition treaty to be concluded between them.

4. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another

Contracting State with which it has no extradition treaty, the requested State may, at its option, consider this convention as the basis for extradition in respect of the offences set forth in Article I or agreed to in terms of Article II. Extradition shall be subject to the law of the requested State.

5. Contracting States, which do not make extradition conditional on the existence of a treaty, shall recognize the offences set forth in Article I or agreed to in terms of Article II as extraditable offences between themselves, subject to the law of the requested State.

Article – IV

A Contracting State in whose territory a person suspected of having committed an offence referred to in Article I or agreed to in terms of Article II is found and which has received a request for extradition from another Contracting State, shall, if it does extradite that person, submit the case without exception and without delay, to its competent authorities, so that prosecution may be considered. These authorities shall take their decisions in the same manner as in the case of any offence of a serious nature under the law of that State.

Article – V

For the purpose of Article IV, each Contracting State may take such measures, as it deems appropriate, consistent with its national laws, subject to reciprocity, to exercise its jurisdiction in the case of an offence under Article I or agreed to in terms of Article II.

Article – VI

A contracting State in whose territory an alleged offender is found, shall, upon receiving a request for extradition from another Contracting

State, take appropriate measures, subject to its national laws, so as to ensure his presence for purposes of extradition or prosecution. Such measures shall immediately be notified to the requesting State.

Article – VII

Contracting States shall not be obliged to extradite, if it appears to the requested state that by reason of the request for the surrender or return of a fugitive offender not being made in good faith or in the interests of justice or for any other reason it is unjust or inexpedient to surrender or return the fugitive offender.

Article – VIII

1. Contracting States shall, subject to their national laws, afford one another the greatest measure brought in assistance in connection with proceedings brought in respect of the offences referred to in Article I or agreed to in terms of Article II, including the supply of all evidence at their disposal necessary for the proceedings.

2. Contracting States shall cooperate among themselves, to the extent permitted by their national laws, through consultations between appropriate agencies, exchange of information, intelligence and expertise and such other cooperative measures as may be appropriate, with a view to preventing terroristic activities through precautionary measures.

Article – IX

1. The Convention shall be open for signature by the member States of SAARC at the SAARC Secretariat in Kathmandu.

2. It shall be subject to ratification. Instruments or Ratification shall be deposited with Secretary – General of SAARC.

Article – X

This Convention shall enter into force on the fifteenth day following the date of the deposit of the seventh Instrument of Ratification with the Secretary – General of SAARC.

Article – XI

The Secretary – General of SAARC shall be the depository of this Convention and shall notify member States of signature to this Convention and all deposits of Instruments of Ratification. The Secretary – General shall transmit certified copies of such Instruments to each Member State. The Secretary – General shall also inform member States of the date on which this convention will have entered force in accordance with Article X. In Witness where of the undersigned, begin duly authorized thereto by their respective Governments, have signed this Convention.

Done at Kathmandu on this Fourth Day of November, One Thousand Nine Hundred and Eighty Seven, in eight originals, in the English Language, all texts being equally authentic.

Humayun Rashed Choudhury

Minister of Foreign Affairs

Peoples Republic of Bangladesh

K. Natwar Singh

Minister of State for External

Affairs, Republic of India

Dawa Tsering

Minister of Foreign
Affairs

Kingdom of Bhutan

Fathulla Jameel

Minister of Foreign

Affairs Republic of

Maldives

Shailendra Kumar Upadhyaya
Minister for Foreign Affairs
and Land Reforms His Majesty's
Government of Nepal

Zain Noorani
Minister of State for
Foreign Affairs
Islamic Republic of
Pakistan

A.C. Hameed
Minister of Foreign Affairs
Democratic Socialist
Republic of Sri Lanka

AGREEMENT ON ESTABLISHING THE SAARC FOOD SECURITY RESERVE

Preamble

The Government of Bangladesh, Bhutan, India, Maldives, Nepal,
Pakistan and Sri Lanka;

Recalling the Declaration on South Asian Regional Cooperation
signed in New Delhi in August 1983, which called for cooperation action
with a view to promoting economic and social development in South
Asia;

Reaffirming their commitment to the realization of this objective
by joining together in the establishment of the South Asian Association
for Regional Cooperation and adopting a Charter in Dhaka in December
1985;

Reorganizing the importance and sub – regional collective self – reliance with respect to food security as a means of combating the adverse effect of natural and manmade calamities;

Recognizing further that the establishment of an emergency food security reserve by member countries of the South Asian Association for Regional Cooperation based on the principle of collective self – reliance would improve their food security;

Now therefore, in a spirit of solidarity and mutual cooperation, have agreed as follows:

Article – I

Establishment of the SAARC Food Security Reserve

1. The member countries hereby agree to establish a SAARC Food Security Reserve (hereinafter refer to as ‘the Reserve’) on the condition and for the purpose described in this Agreement.

2. The Reserve shall be administered by the SAARC Food Security Reserve Board (hereinafter referred to as ‘the Board’) provided for in ARTICLE VII.

Article - II

The Reserve

1. The Reserve shall consist of wheat or rice or a combination thereof (hereinafter referred to as ‘food grains’) earmarked by member countries exclusively for the purpose described in Article III. The food grains forming part of the Reserve shall remain the property of the member country that has earmarked them and shall be in addition to any national reserve that may be maintained by that member country.

2. Each member country undertakes to earmark as its share of Reserve the amount of food grains allocated to it in the schedule to this Agreement. The said Schedule shall be an integral part of this Agreement.

3. The member countries shall keep the Schedule under review and may amend it in the light of operating experience in accordance with the procedure laid down in Article XI.

4. A member country may, at time, voluntarily earmark for the purpose provided for in this agreement, food grains exceeding the amount allocated to it in the schedule. In such a case the member countries concerned may only withdraw the amount in excess of its allocation by giving six month's advance written notice to the Board.

5. The quality of all food grains earmarked by the member countries shall be at least of 'fair average quality', or comply with any other quality standards laid down by the board.

6. The member countries undertake to provide adequate storage facilities for the food grains that they have earmarked; to inspect the food grains periodically and to apply appropriate quality control measures, including turn – over of the food grains, if necessary, with a view to ensuring that at all times the food grains satisfy the required quality standards; and to replace forthwith any food grain that do not satisfy the said standards. In addition, the member countries agree to make every effort to comply with any guidelines on storage methods or quality control measures adopted by the Board.

Article – III

Withdrawal of Food grains in an Emergency

Each member countries shall be entitled, on the condition and in accordance with the procedures laid down in Article IV and/or Article VI, to draw on foodgrains forming part of the Reserve in the event of an emergency. An emergency shall mean a state or condition in which a member countries, having suffered a severs and unexpected natural or man – made calamity, is unable to cope with such state or condition by using its national reserve and is unable to procure foodgrains it requires through normal trading transaction on account of balance payment constraints.

Article – IV

Procedure for the Release of Food grains from the Reserve

1.The member country in need shall directly notify the other member country or countries of the emergency it is facing and the amount of food grains required.

2.The other member country or countries on being so requested shall take immediate steps to make necessary arrangements to ensure immediate and speedy release of the required food grains, subject to availability in the combination requested.

3.The prices, terms and conditions of payment in kind or otherwise in respect of the food grains so released shall be the subject of direct negotiations between the member countries concerned.

4.The requesting member country shall at the same time inform the Board of its request to the other member country or countries.

Article – V

Replenishment of the Reserve

1. A member country that has released all or part of the food grains forming its share of the Reserve shall replace such food grains as soon practicable and, in any event, not later than one calendar year following the date on which the release of the food grains took place.

2. A member country that has released all or part of the food grains forming its share of the Reserve shall notify the Board of such release, of the term and conditions on which it was effected, and the date on which the food grains that had released were replaced.

Article – VI

Procedures for Getting Food grains by a Member' Country From Its Own Share of the Reserve

1. A member country in need shall be entitled to withdraw food grains from its own share of the Reserve.

2. In doing so it shall inform the member countries and the Board of such withdraw.

3. It shall replace such food grains as soon as practicable and in any event not later than two calendar years following the date on which the release of the food grains took place.

Article – VII

The SAARC Food Security Board

1. There shall be a Board of which each member country shall be a member.

2. Decisions of the Board shall be taken on the basis of unanimity.

3. The Board shall elect a Chairman and vice – Chairman based on the principle of rotation among member countries whose terms of office shall be two years. Rules of procedure for the meetings of the Board shall be the same as for other SAARC meetings.

4. The Board shall meet at least once a year.

5. The Board shall normally meet at the same place and time as the Standing Committee, preceding the annual Summit.

Article – VIII

Functions of the Board

The functions of the Board shall include:

1. Undertaking a periodic review and assessment of the food situation and prospects in the region including factors such as production, consumption, trade, prices, quality and stocks of food grains. These periodic assessment reports shall be disseminated to all the member countries.

2. Examining immediate, short-term and long – term policy actions as may be considered necessary to ensure adequate supplies of basic food commodities in the region and to submit, on the basis of such examination, recommendations for appropriate action to the Council of Ministers:

3. Reviewing implementation of the provisions of the Agreement, calling for such information from member countries as may be necessary for the effective administration of the reserve and issuing of

guidelines on technical matters such as maintenance of stocks, storage conditions and control;

4. Keeping the Schedule to this Agreement under review;

5. Suggesting amendment to the Agreement, as and when considered necessary, in accordance with the procedure specified in Article XI.

Article – IX

Secretariat

The Board shall be assisted by the SARC Secretariat. The Secretariat's responsibilities shall include monitoring all matters relating to the release of food grains from the Reserve and convening and servicing meetings of the Board.

Article – X

Entry into Force

This Agreement shall enter into force on a date to be determined by the Council of Ministers provided that the member countries have collectively earmarked at least one hundred and twenty-five thousand metric tons of food grains of the purpose of this Agreement.

Article – XI

Amendment

1. A member country may propose any amendment of this agreement by submitting the proposed amendment to the Board through the SAARC Secretariat.

2. The Board may endorse the proposed amendment and submit it to the Council of Ministers for approval. Unless otherwise

specified, amendments shall enter into force as from the date of their approval by the Council of Ministers.

Article – XII

Depositary

1. An original of this Agreement shall be deposited in the SAARC Secretariat.

2. The Secretary-General shall be the depositary of this Agreement and amendments thereto.

In Witness whereof the undersigned plenipotentiaries being duly authorized thereto have signed this Agreement.

Signed at Kathmandu on the Fourth Day of November One Thousand Nine Hundred and Eighty Seven in Eight Originals in the English language.

Humayun Rasheed Choudhury

Minister of Foreign Affairs

People Republic of Bangladesh

K. Natwar Singh

Minister of State for External Affairs

Republic of India

Shailendra Kumar Upadhyaya

Minister for Foreign Affairs

And Land Reforms

Dawa Tsering

Minister of Foreign
Affairs

King of Bhutan

Minister of State for
External Affairs

Republic of Maldives

Zain Noorani

Minister of State for

Foreign Affairs

**His Majesty's Government
Of Nepal**

A.C. Shahul Hameed

Minister of Foreign Affairs

Democratic Socialist Republic of Sri Lanka

**Islamic Republic of
Pakistan**