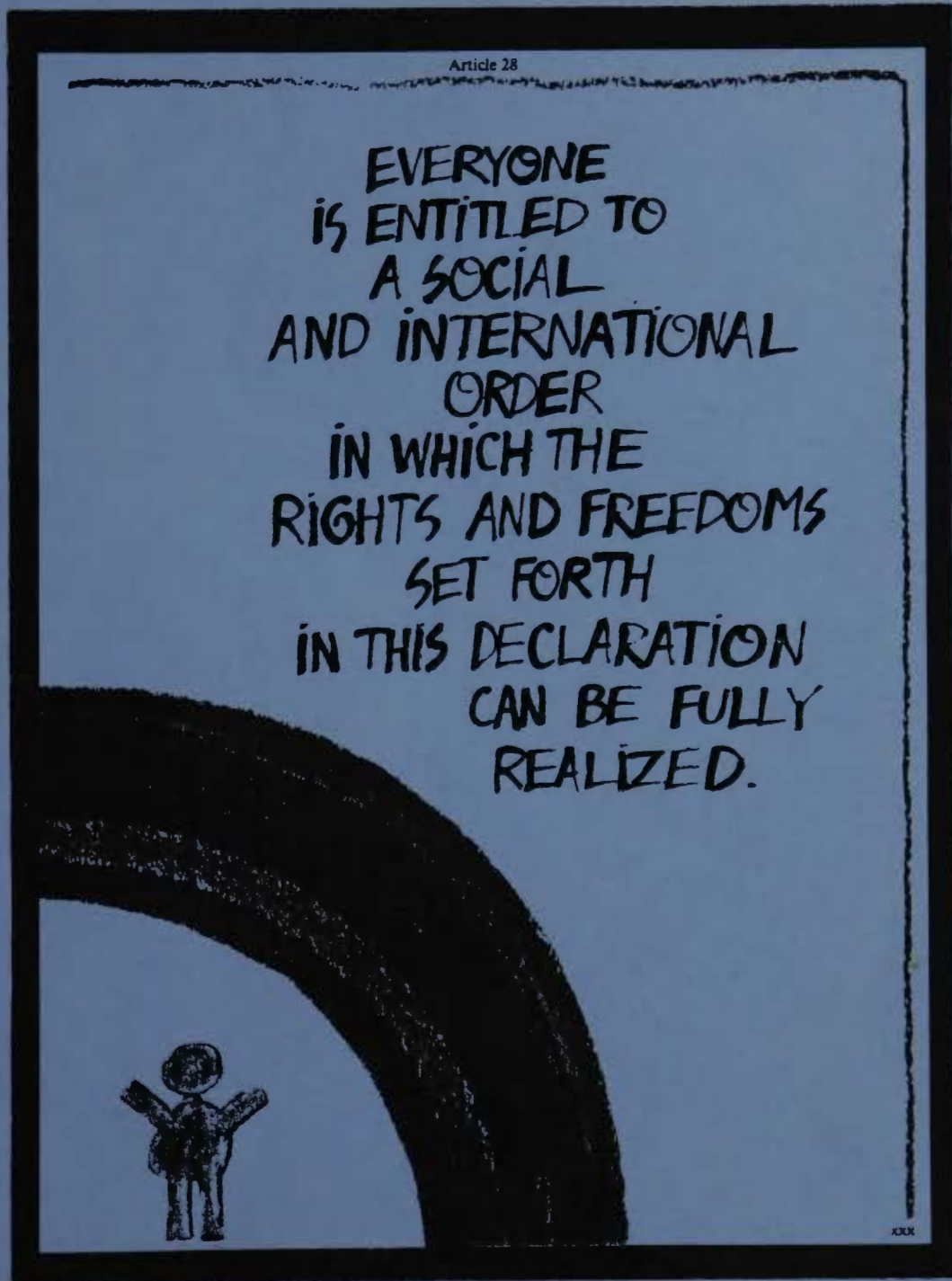
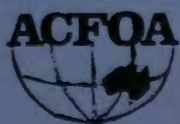


# UN World Conference on Human Rights



Universal Declaration of Human Rights, 10 December 1948

## Report on the Bangkok Preparatory Meetings



# UN WORLD CONFERENCE ON HUMAN RIGHTS

## *Report on the Bangkok Preparatory Meetings*

Asia-Pacific NGOs, 25-28 March 1993  
Asia-Pacific Governments, 29 March-2 April 1993

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*Cover graphic: One of a series of illustrations on the Universal Declaration of Human Rights, by Otavio Roth.  
Source: The Danish Centre for Human Rights, 1992*

# 1. INTRODUCTION

The United Nations World Conference on Human Rights will be held in Vienna, Austria, 14-25 June 1993. Coming in the post Cold War period and at the dawn of the 21st century, many see the conference as a landmark opportunity to advance the cause of global human rights. It is the first conference of its kind in 25 years. The principal objective is to restore human rights to the central place in the policies and programs of the UN originally intended for them by the UN Charter. This will be achieved, it is hoped, by strengthening the UN's role in the protection and promotion of human rights and by integrating human rights principles and practices system wide throughout the UN and its programs. This will require a new international consensus about the meaning of human rights and a shared political commitment to provide the resources and environment necessary to overcome the many substantial obstacles that exist. A central theme of the conference is the relationship between human rights, development and democracy.

Under the UN Charter, a basic purpose of the UN is to promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, gender, language, religion or country. Increasingly the UN has become a watchdog for human rights. It has set international standards in some seventy covenants, conventions and treaties, covering most aspects of human existence. Seven of these are legally binding on states which ratify them and are monitored by treaty bodies. These treaties comprise the International Covenants on Civil and Political Rights and Economic and Social Rights, and Conventions on Racial Discrimination, Apartheid, Women, Torture, and Children.

In addition, the UN has established procedures to oversee respect for these treaties. States parties must submit periodic reports to UN committees of independent experts. Special rapporteurs or Working Groups have been appointed for serious violations such as arbitrary executions, torture and disappearances, who prepare reports which are publicly discussed at the UN thus drawing world attention to violations. Other measures include the sending of urgent-action cables to offending governments; the consideration of petitions from individuals or groups; and assistance to countries in revising legislation, creating national infrastructure, training officials through advisory services and technical cooperation and fostering broad support for human rights through information and education.

Commendable though they are, these measures are clearly not adequate. Human rights continue to be violated in all regions of the world. Racism, sexism, extreme poverty, torture, political imprisonment, militarism, exploitation of labour, authoritarianism, denial of participation, discrimination against minorities and indigenous peoples, wholesale displacement of refugees, abuses in the name of development, disregard for the environment, and other forms of violence and marginalisation are rampant and assault the dignity and rights of millions. Ironically, it is in their violation that the universality of human rights becomes apparent.

The World Conference, therefore, is a timely opportunity to overhaul humanity's principal weapon in the struggle for human rights, the UN system itself. The UN human rights watchdog is languishing. It is underfed (receiving less than 1% of the UN budget); it lacks legs (having, it is said, fewer staff than Amnesty International); it is cumbersome and slow to move; it lacks teeth and frequently a bark and only answers the whistle of some of its political masters.

To address these shortcomings, the UN has set six objectives for the World Conference. These objectives include identifying the main obstacles to human rights and how they can be overcome; 'examining the link between development, democracy and the enjoyment of all human rights keeping in view the inter-relationship and indivisibility of economic, social, cultural, civil and political rights'; consideration of 'contemporary trends in and new challenges to the full realisation of human rights of women and men, including vulnerable groups'; and how to improve the implementation of standards and find additional resources. The Conference will not address the actual situation of human rights or any specific violations.

Three regional inter-governmental meetings have been held to prepare for the Conference. The African region met in Tunis, Tunisia (November 1992); the Latin America and Caribbean group in San Jose, Costa Rica (January 1993); and the Asia-Pacific states met in Bangkok, 29 March-2 April 1993. Meetings of non-government organisations (NGOs) have also been held in each of these regions.

There is little enthusiasm in some quarters for the World Conference. Where, once, Eastern bloc countries might have resisted such an initiative as a Cold War manoeuvre, resistance is now coming most strongly from developing countries. A North-South split on human rights already exists and threatens to paralyse the World Conference. Vocal sections of the Asian group in particular see no advantage in mainstreaming human rights or in a more active role for the UN. They believe such measures will circumscribe their exercise of power and, in effect, argue that an exception to the rule should be made for Asia (and the developing world).

### **Sticking points**

The sticking points for Asian Governments are clear in the position paper for the World Conference adopted at the Bangkok preparatory meeting and reproduced in this report.

Entitled the Bangkok Declaration, this document is more a manifesto about states rights than human rights. Human rights principles and some concerns are mentioned but the Declaration is essentially a catalogue of qualifications and escape clauses designed to deflect scrutiny and reduce accountability. Thus the document declares that states have primary responsibility for human rights, that consensus must replace 'confrontation' and that interference in the internal affairs of states is a violation of national sovereignty and territorial integrity. In a similar protectionist vein, the Declaration rejects what are termed 'incompatible values' and states that universal human rights must be understood in the context of 'national and regional particularities'.

This hardline position reduced the meeting to a sterile struggle over fixed positions and left NGOs with little choice but to concentrate on 'damage control'. What should have been a forward-looking, and constructive gathering became a political point-scoring exercise. None of the many thought-provoking ideas and practical proposals put forward in the NGO Declaration or from other quarters were seriously discussed by the governments.

Over 100 NGOs from the Asia-Pacific region attended the Bangkok inter-governmental meeting. Their statement, entitled the Bangkok NGO Declaration, has little in common with the government declaration. In addition to actually focussing on issues in the region and proposing new measures, the NGOs called on all governments in the region to unequivocally affirm the universality and indivisibility of human rights, to immediately and fully ratify existing UN human rights instruments and implement them domestically, and to accept the responsibility of the international community to take action where violations of universal standards occur.

The strong showing in Bangkok of indigenous Asian NGOs itself challenged the representativeness of the views of the Asian governments on human rights. Their firm, unanimous commitment to international human rights principles demonstrated that the struggle for human rights exists in all societies regardless of their political, cultural or economic differences and that an international human rights culture has taken root. This can only be expected to increase as the revolution in global communications extends its impact across national boundaries.

Though the NGOs were deeply concerned at the attack on fundamental principles in the government Declaration, they welcomed some of its positive aspects. These include references to women's rights and the rights of vulnerable groups including indigenous people, refugees and the disabled.

The decision of the government drafting committee to meet with NGO representatives during the meeting was also a positive development. Some expressed optimism that a new dialogue between the often antagonistic groups was underway and hoped that ways could be found to continue this exchange within each country. Despite the emphasis on consensus and Asian soli-

parity and the dominance of reactionary governments, there was some diversity within the ranks of the Asian group. Thailand, the Philippines and Japan, for example, took a more open and liberal line.

Nevertheless Asian attitudes — which are being defended with increasing vigour and sophistication, have the potential to jeopardise the World Conference. Real fears are held that a consensus Vienna Declaration which seeks to accommodate essentially opposing views on human rights will be so vague and ambiguous that it will weaken, rather than strengthen, the current system.

The challenges facing Australian human rights policy in the region were also apparent in Bangkok. Australia was obliged to attend as an observer after the Asian states vetoed its full participation. This was interpreted in many quarters as another illustration of regional hostility to Western perspectives on human rights. Australia's increasing economic and strategic involvement with Asia is certain to be the real test of its commitment to universal human rights. It will also require new levels of creativity and planning. Increased support and resources for Asian NGOs is one option Australia should consider. Another is to encourage governments in the region to give practical expression to their recognition of the human rights role of NGOs by engaging in consultation and dialogue with them.

## SOLIDARITY

*An NGO representative in Bangkok proposed that the principle of solidarity should be added to those of universality and indivisibility as foundations of the human rights edifice.*

*The following are some thoughts on solidarity from the Secretary General of the Council of Europe, Catherine Lalumiere:*

'Lastly, there is the principle of solidarity. The main international texts on human rights emphatically proclaim the pre-eminence of the individual at the heart of the international community responsible for the joint and collective protection of the rights of the human being. Safeguarding those rights is not only a legitimate concern but one of the principal tasks of the international community.

This solidarity should be expressed at all levels of social life, in all the communities to which we belong, at both the national and international level.

Thus it is essential — above all, perhaps, in our western societies — to transcend an essentially egoistic, individualistic and acquisitive approach to human rights. These are not only rights of each and every one of us; they are above all the rights of others. It is in our encounters with others and with 'otherness' that we discover and respect the individual and his or her dignity and rights. Human rights cannot exist without solidarity between individuals.'

*Human Rights at the Dawn of the 21st Century, Strasbourg 28-30 January 1993.*

## 2. SOME DEBATES

### 2.1 Universality

NGOs and governments expressed diverging positions regarding the universality of human rights and their implementation in the Asian context.

The government Declaration 'reaffirms their commitment' to the principles contained in the UN Charter and the Universal Declaration on Human Rights 'as well as the full realisation of all human rights throughout the world'.

But this general commitment is heavily qualified in the rest of the Declaration by strong emphasis, inter alia, on national sovereignty and 'non-interference in the internal affairs of States'. The term 'universality' is not used in the Declaration in the conventional sense — meaning that human rights apply to every human being without distinction of any kind, regardless of country, culture, colour, sex or religion, but is skewed and employed to hit back at critics (par.7).

Several Asian States, China, Singapore, Indonesia and Malaysia being prominent among them, strongly advocated a flexible approach to the concept of human rights, and one that would take into account Asia's cultural and political specificity.

Singapore thus called for a 'balance between the ideal of universality and the reality of diversity', while Indonesia supported approaches reflecting 'a better and deeper understanding of the complexities of the geographic and historical backgrounds' of the Asian countries. They sought, as put by Malaysia, a 'balance between the rights for the individual and those of the community' or, in the words of Indonesia, a 'symmetry between respect for the fundamental freedom of individuals and the individual's responsibilities to society'.

Other Asian countries and all NGOs, however, emphasised the 'universal nature of human rights and the right of the international community to monitor their application and condemn their abuse'.

Japan did not 'accept the view that to express concern over grave violations of human rights' was an 'interference in a country's internal affairs'. The International Commission of Jurists said the 'specificity of each region should serve as a constructive element to strengthen rather than weaken the international rules designed to achieve global respect for human rights'. The NGO Declaration paid particular attention to the 'cultural relativism' debate and asserted that 'universal human rights standards are rooted in many cultures'. While advocating cultural pluralism, however, the NGOs stated that 'those cultural practices which derogate from universally accepted human rights, including women's rights, must not be tolerated'.

### 2.2 Indivisibility

The government Declaration 'reaffirms the interdependence and indivisibility of economic, social, cultural, civil and political rights, and the need to give equal emphasis to all categories of human rights'. This endorsement of indivisibility was welcomed by the NGOs.

However, governments and NGOs put a distinctly different spin on the principle. Arguing that NGOs and Western governments place too much stress on civil and political rights, the Asian governments stressed the need to restore 'balance' by emphasising economic rights, particularly the right to development. 'Too often, Asian countries have been the target of unfair censure as a result of these imbalances in the expression of human rights concerns', said Indonesia. Iran and China are understood to have been particularly vocal on this in closed door sessions.

The Asian States also argue that economic development is a pre-requisite for political rights. Indonesian was particularly explicit. 'The full realisation of civil and political rights without the enjoyment of economic, social and cultural rights is impossible. How can one express opinions freely if one is illiterate? How can one enjoy the right to property if one languishes below the poverty line? And how can one exercise one's right to free association in a labour union if one is unemployed?', asked S. Wiryono, leader of Indonesia's delegation.

For their part, the NGOs (and some government spokespersons) stressed an integrated approach to human rights and rejected the development proposition that 'to make omelettes you have to break eggs'. The two sets of rights must go hand in hand; economic rights do not have primacy over other rights. 'The argument that the people can have bread now and freedom later is a false dichotomy. There is a danger that the people will end up having neither bread nor freedom', said Clarence Dias from the New York based International Centre for Law in Development. 'There is a direct link between political liberty and economic development', stated STIK (the Regional Asian Secretariat for the Rehabilitation of Survivors of Organised Violence). 'A climate of fear and repression perpetuates poverty through encouraging corruption, waste of limited resources and economically inefficient practices'.

The UN spoke in similar terms. The Assistant Secretary-General for Human Rights, Ibrahim Fall (a former Foreign Minister of Senegal), told the governments that, 'Food, shelter, employment, education and access to health-care go hand in hand with demands for political democracy, for culture, equitable and effective justice, the right to participate in government, to express one's own thoughts freely and to live one's own moral and spiritual convictions'.

Japan took a middle-of-the-road position. 'Respect for human rights may not be a pre-requisite for development, but development will not be complete without respect for human rights', the Japanese delegate, Mr Seiichiro Otsuka, said.

The NGOs were particularly alive to what they perceive as a government strategem to deflect criticism and external pressure by playing off one set of rights against the other. 'One set of rights cannot be used to bargain for another', states the NGO Declaration.

NGOs also challenged the government model of development and stressed the importance of an holistic approach. NGO spokesperson, Cecilia Jimenez of the Philippine Alliance for Human Rights Advocates (PAHRA), said, 'We completely agree that the right to development is a fundamental human right, no less than civil and political rights. Poverty by itself is already a violation of human rights in very real ways. The problem is governments have skewed interpretation of the right to development. They have embraced certain economic models — export-powered, market-friendly development strategies — and they are using this to justify the restriction or violation of human rights. So, for example, they say that to become a NIC there should be less trade unionism. But if you do that, isn't that a clear-cut violation of workers' rights?'

## **2.3 Conditionality**

Given the insistence of the Asian states on non-interference and their belief that their economic achievements are not properly recognised by human rights critics, it is not surprising that the government Declaration should oppose 'any attempt to use human rights as a conditionality for extending development assistance'. (Point 4)

Indonesia denounced the 'misuse of human rights as conditionalities for economic cooperation. This practice not only militates against the right to development, it also presupposes that human rights violations only happen in the recipient countries and never in the donor countries', said the Indonesian delegate, Mr. Wiryono. India stated that 'conditionalities are frequently in danger of becoming political weapons'. Thailand's Ambassador to Geneva, Tej Bun-nag, said, 'It is unjust, illegitimate and immoral for the developed countries to invent human rights conditionalities which entail protectionist effects, deepen indebtedness and worsen

unemployment in the developing countries in Asia'. Malaysia also objected to linkage. The leader of the Malaysian delegation, Dato' Zainal Abidin Alias, said, 'Malaysia, like many other developing countries, is concerned about the declared policy of certain developed countries to use compliance with international human rights norms as a conditionality for extending socio-economic assistance'.

Japan broke ranks with its colleagues on this issue. In its main intervention to the government meeting and again following the adoption of the Declaration, Japan — the world's largest donor, twice told delegates that adherence to basic human rights would be a criteria for receiving Japanese official development assistance.

Though Australia does not have a systematic, comprehensive policy, the Australian delegation told the meeting that it supported 'the target for the year 2000 of the attribution of at least 0.5% of total development cooperation budgets to human rights programs'.

NGOs, concerned at the escalating rate of violations in the region in the name of development, said that development programs must be based on human rights if they were to be equitable and sustainable, and that 'aid must always promote and protect human rights'.

## **2.4 Regional and national mechanisms**

Governments and NGOs at the Bangkok meeting agreed there was a need for the Asia-Pacific to set up regional and in-country mechanisms on human rights.

The Asia-Pacific is the only region without a regional treaty and mechanism and few countries in the region have national human rights institutions. The UN Asia-Pacific workshop on human rights held in Jakarta, 26-28 January 1993, and attended by 30 governments, gave general endorsements to such initiatives.

Governments and NGOs, however, have different reasons for advancing these ideas. Some governments believe that such mechanisms will enable them to short-circuit the international system and respond to local issues in their own way. For the Philippines delegation it was a matter of enlightened self-interest. Because Asia does not have a regional mechanism to redress human rights violations, such complaints are brought to the notice of the world at large, said Ambassador Hector Villaroel. 'We may not like it... but we cannot see how we can prevent this situation when we do not have a regional arrangement like the Latin American and African groups, to interpose between us and the world at large', he said.

Locally shaped mechanisms would also enable governments to protect the principles of national sovereignty and 'regional peculiarities' on which they place great emphasis. As Indonesia told the Bangkok meeting, regional and national mechanisms 'must take fully into account matters such as geographical complexity, diversity and vastness of the region, as well as their different historical backgrounds and levels of political stability, economic development and social progress'.

While recognising that the first line of defence for human rights is on the national level, Asian NGOs prefer to stress the accountability of governments to the international community. If local mechanisms are to guarantee and ensure the full realisation of human rights in the region, an essential pre-requisite is that governments accede to international standards and give these force in domestic law and practice. In fact, the region's record of accession is disappointingly poor. According to Amnesty International, of the 49 states in the Asia-Pacific region, more than half have not ratified either of the two International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights or the Convention against Torture. Only eight have ratified all three of these fundamental treaties.

NGOs also emphasise that local mechanisms, in addition to strengthening and implementing



universal minimum human rights standards, must also be instituted with guarantees of independence, impartiality and accessibility. (For detail, see Bangkok NGO Declaration, pp 14-16)

NGOs also stress that it makes little sense to talk of specific national human rights mechanisms in countries where basic rights are structurally violated. New mechanisms should complement, not substitute for, the institutions of an independent judiciary, parliament and media whose full and free functioning are vital to the protection of human rights.

India announced its proposal to establish a National Human Rights Commission. The Philippines and Sri Lanka already have similar bodies. However, progress on the establishment of regional mechanisms and national institutions in other countries in the region will be slow. The government Bangkok Declaration states that 'the conceptualisation and eventual establishment of such institutions are best left for the States to decide' (par.24). The Jakarta UN workshop also recommended proceeding slowly and suggested that, as a first step, an Asia Forum be established to enable a regional exchange of ideas and experiences.

Governments and NGOs, from their different viewpoints, both agree that additional resources should be provided to the UN Centre for Human Rights to provide advisory services and technical assistance for the development of local mechanisms. Australia specifically proposes that the UN appoints a special representative or advisors on national institutions.

## **2.5 Non-Government Organisations (NGOs)**

UN support for NGO participation in the Bangkok meeting was expressed in a number of ways. The clearest mark of recognition of their 'dynamic, important role' (to quote Ibrahim Fall, the UN Assistant Secretary-General on Human Rights), was the issuing of invitations by the UN Centre for Human Rights to no less than 294 NGOs from the region. Though not all were able to attend, only three were blocked by government vetoes.

Nevertheless, NGOs were given a mixed reception. Only 5 minutes speaking time was allowed and one intervention per NGO. The Philippines described NGOs as 'essential partners in the promotion and protection of human rights', and Malaysia acknowledged their contribution. Indonesia, however, warned that 'NGOs should confine their activities to human rights concerns and not engage in activities based on political motives'. Singapore lamented the lack of 'modesty' shown by NGOs on the 'many extraordinarily sensitive and complex questions' and airily cautioned that the 'single minded pursuit of utopias have all too often led to somewhat dismal places'.

An early draft of the government Declaration, thought to have been prepared by Iran, contained a restrictive clause on NGOs which sought regular evaluation of UN-accredited NGOs 'to ensure their positive role'. This was dropped from the final draft. (Declaration, point 25)

Though he clearly did not speak for the Thai government, a former Thai Foreign Minister, Thanat Khoman, made a provocative attack on Western NGOs in the process no doubt airing how some governments really feel. He accused outsiders of using Asia for 'target practice' and said that the 'impartiality and independence of some private organisations should be investigated'. Thai NGOs said the outburst 'shows the kind of thinking there is in some circles'. Outside the conference hall Thanat named Amnesty International and Asia Watch. Amnesty International branded the remarks as 'defamatory' and called for an 'immediate and full retraction'. NGO spokesperson, Cecilia Jimenez, said the attack 'was a frightening attempt to turn back the clock' and that the accusation of double standards and bias should more properly be levelled at governments.

Chandra Muzaffar, Director of the Just World Trust (JUST), based in Malaysia, also criticised some NGOs. In the context of a strong attack on what he termed the authoritarianism of the North which on the one hand threatens the global system and, on the other, dismisses the achieve-

ments of China which feeds a billion people, Muzaffar charged that by focussing exclusively on civil and political rights, some NGOs are 'betraying the cause of human rights' and pursuing 'narrow, sectarian propagated by some Western governments and NGOs for their own ideological ends'.

On day 3 of the 5 day meeting, after considerable pushing by NGOs, the government drafting committee (chaired by Iran) agreed to meet NGO representatives to hear direct what NGOs wanted in the final official Declaration. The meeting did not, to the disappointment of NGOs, develop into a dialogue. However, it highlighted the increased role NGOs have assumed in international UN conferences and, in the Asia context (where NGOs are often ignored if not repressed), the meeting was unprecedented. Some NGOs and observers expressed the hope that the occasion would serve as a precedent and basis for dialogue and more productive relations between NGOs and government in their own countries.

## LISTENING

'Listening to others is central to my own perception of what human rights are all about. We must listen very carefully to others. We have a duty to do so. We must listen especially to those whose voices are rarely adequately assertive — the poor, the marginalised and the handicapped, or those NGOs that speak on their behalf. In doing so we demonstrate in the simplest but most effective manner possible our respect for the dignity of others — a requirement at the very root of human rights. If we do not show ourselves capable of doing so, our intellectual contribution to devising more effective responses to human rights issues risks being out of tune with the real dimensions of the problems facing us.'

*Mary Robinson, President of Ireland, Strasbourg, 28-30 January 1993*

### 2.6 Self-determination

While the government Declaration reaffirms the importance of protecting the human rights of vulnerable groups such as minorities and indigenous peoples (paragraph 11), it adopted a restrictive position on the contentious issue of self-determination. It extends the right to self-determination only to peoples under colonial domination or foreign occupation (paragraph 13) and asserts that it should not be used to undermine territorial integrity and national sovereignty.

Paragraph 13 is essentially a reference to Palestine (the PLO was officially recognised at the meeting as a Liberation Movement) and is not intended to provide any comfort to occupied peoples in the immediate region such as Tibet or East Timor.

The narrowness of the definition of self-determination reflects official fears about growing indigenous and minority aspirations. An extreme expression of this fear is found in paragraph 21 which condemns terrorism (understood to have been inserted at India's insistence based on its experience with Kashmir). Others seek to preempt the issue by not recognising indigenous people as indigenous. It also indicates a rigid concept of the state that allows only for sovereign independence or traditional 'minority' status and is not open to alternative arrangements.

Given the increasing demands for self-determination by minorities and indigenous peoples, often resulting in prolonged violence, this is an area urgently in need of new initiatives and leadership. The NGOs in Bangkok want the World Conference to adopt a broad concept of self-determination and to explore new ways of addressing these collective rights in the UN system.

### 3. BANGKOK DECLARATION

*The Bangkok Declaration is the outcome of the inter-governmental Regional Meeting for Asia held in Bangkok, 29 March–2 April 1993, in preparation for the World Conference on Human Rights. The Declaration was formulated by a drafting committee chaired by Iran. The final draft was adopted by consensus with only minor amendments. Japan dissented from some aspects of the report and stated its position that human rights are a matter of legitimate international concern and that aid should be conditional on respect for human rights.*

#### **Final Declaration**

The Ministers and representatives of Asian States, meeting at Bangkok from 29 March to 2 April 1993, pursuant to General Assembly Resolution 46/116 of 17 December 1991 in the context of preparations for the World Conference on Human Rights,

Adopt this Declaration, to be known as the "Bangkok Declaration", which contains the aspirations and commitments of the Asian region:

#### **Bangkok Declaration**

*Emphasising* the significance of the World Conference on Human Rights, which provides an invaluable opportunity to review all aspects of human rights and ensure a just and balanced approach thereto,

*Recognising* the contribution that can be made to the World Conference by Asian countries with their diverse and rich cultures and traditions,

*Welcoming* the increased attention that can be paid to human rights in the international community,

*Reaffirming* their commitment to the principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights,

*Recalling* that in the Charter of the United Nations the question of universal observance and promotion of human rights and fundamental freedoms has been rightly placed within the context of international cooperation,

*Noting* the progress made in the codification of human rights instruments, and in the establishment of international human rights mechanisms, while expressing concern that these mechanisms relate mainly to one category of rights,

*Emphasising* that ratification of international human rights instruments, particularly in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, by all States should be further encouraged,

*Reaffirming* the principles of respect for national sovereignty, territorial integrity and non-interference in the internal affairs of States,

*Stressing* the universality, objectivity and non-selectivity of all human rights and the need to avoid the application of double standards in the implementation of human rights and its politicisation,

*Recognising* that the promotion of human rights should be encouraged by cooperation and consensus, and not through the confrontation and the imposition of incompatible values,

*Reiterating* the interdependence and indivisibility of economic, social, cultural, civil and political rights, and the inherent interrelationship between development, democracy, universal enjoyment of all human rights, and social justice which must be addressed in an integrated and balanced manner,

*Recalling* that the Declaration on the Right to Development has recognised the right to development as a universal and inalienable right and an integral part of fundamental human rights,

*Emphasising* that endeavours to move towards the creation of uniform international human rights norms must go hand in hand with endeavours to work towards a just and fair world economic order,

*Convinced* that economic and social progress facilitates the growing trend towards democracy and promotion and protection of human rights,

*Stressing* the importance of education and training in human rights at the national, regional and international levels and the need for international cooperation aimed at overcoming the lack of public awareness of human rights,

1. *Reaffirm* their commitment to the principles contained in the Charter of the United Nations and the Universal Declaration on Human Rights as well as the full realisation of all human rights throughout the world;

2. *Underline* the essential need to create favourable conditions for effective enjoyment of human rights at both the national and international levels;

3. *Stress* the urgent need to democratise the United Nations system, eliminate selectivity and improve procedures and mechanisms to strengthen international cooperation based on principles of equality and mutual respect, and ensure a positive, balanced and non-confrontational approach in addressing and realising all aspects of human rights;

4. *Discourage* any attempts to use human rights as a conditionality for extending development assistance;

5. *Emphasise* the principles of respect for national sovereignty and territorial integrity as well as non-interference in the internal affairs of States, and the non-use of human rights as an instrument of political pressure;

6. *Reiterate* that all countries, large and small, have the right to determine their political systems, control and freely utilise their resources, and freely pursue their economic, social and cultural development;

7. *Stress* the universality, objectivity and non-selectivity of all human rights and the need to avoid the application of double standards in the implementation of human rights and its politicisation, and that no violation of human rights can be justified;

8. *Recognise* that while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds;

9. *Recognise* further that States have the primary responsibility for the promotion and protection of human rights through appropriate infrastructure and mechanisms, and also recognise that remedies must be sought and provided primarily through such mechanisms and procedures;

10. *Reaffirm* the interdependence and indivisibility of economic, social, cultural, civil and political rights, and the need to give equal emphasis to all categories of human rights;

11. *Emphasise* the importance of guaranteeing the human rights and fundamental freedoms of vulnerable groups such as ethnic, national, racial, religious and linguistic minorities, migrant workers, disabled persons, indigenous peoples, refugees and displaced persons;

12. *Reiterate* that self-determination is a principle of international law and a universal right recognised by the United Nations for peoples under alien or colonial domination and foreign occupation, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development, and that its denial constitutes a grave violation of human rights;

13. *Stress* that the right to self-determination is applicable to peoples under alien or colonial domination and foreign occupation, and should not be used to undermine the territorial integrity, national sovereignty and political independence of States;

14. *Express* concern over all forms of violation of human rights, including manifestations of racial discrimination, racism, apartheid, colonialism, foreign aggression and occupation, and the establishment of illegal settlements in occupied territories, as well as the recent resurgence of neo-Nazism, xenophobia and ethnic cleansing;

15. *Underline* the need for taking effective international measures in order to guarantee and monitor the implementation of human rights standards and effective and legal protection of people under foreign occupation;

16. *Strongly* affirm their support for the legitimate struggle of the Palestinian people to restore their national and inalienable rights to self-determination and independence, and demand an immediate end to the grave violations of human rights in the Palestinian, Syrian Golan and other occupied Arab territories including Jerusalem;

17. *Reaffirm* the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights, which must be realised through international cooperation, respect for fundamental human rights, the establishment of a monitoring mechanism and the creation of essential international conditions for the realisation of such rights;

18. *Recognise* that the main obstacles to the realisation of the right to development lie at the international macro-economic level, as reflected in the widening gap between the North and the South, the rich and the poor;

19. *Affirm* that poverty is one of the main obstacles hindering the full enjoyment of human rights;

20. *Affirm* also the need to develop the right of humankind regarding a clean, safe and healthy environment;

21. *Note* that terrorism, in all its forms and manifestations, as distinguished from the legitimate struggle of peoples under colonial or alien domination and foreign occupation, has emerged as one of the most dangerous threats to the enjoyment of human rights and democracy, threatening the territorial integrity and security of States and destabilising legitimately constituted governments, and that it must be unequivocally condemned by the international community;

22. *Reaffirm* their strong commitment to the promotion and protection of the rights of women through the guarantee of equal participation in the political, social, economic and cul-

tural concerns of society, and the eradication of all forms of discrimination and of gender-based violence against women;

23. *Recognise* the rights of the child to enjoy special protection and to be afforded the opportunities and facilities to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity;

24. *Welcome* the important role played by international institutions in the genuine and constructive promotion of human rights, and believe that the conceptualisation and eventual establishment of such institutions are best left for the States to decide;

25. *Acknowledge* the importance of cooperation and dialogue between governments and non-governmental organisations on the basis of shared values as well as mutual respect and understanding in the promotion of human rights, and encourage the non-governmental organisations in consultative status with the Economic and Social Council to contribute positively to this process in accordance with Council resolution 1296 (XLIV);

26. *Reiterate* the need to explore the possibilities of establishing regional arrangements for the promotion and protection of human rights in Asia;

27. *Reiterate* further the need to explore ways to generate international cooperation and financial support for education and training in the field of human rights at the national level and for the establishment of national infrastructures to promote and protect human rights if requested by States;

28. *Emphasise* the necessity to rationalise the United Nations human rights mechanism in order to enhance its effectiveness and efficiency and the need to ensure avoidance of the duplication of work that exists between treaty bodies, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights, as well as the need to avoid the multiplicity of parallel mechanisms;

29. *Stress* the importance of strengthening the United Nations Centre for Human Rights with the necessary resources to enable it to provide a wide range of advisory services and technical assistance programmes in the promotion of human rights to requesting States in a timely and effective manner, as well as to enable it to finance adequately other activities in the field of human rights authorised by competent bodies;

30. *Call* for increased representation of the developing countries in the Centre for Human Rights.

## **PARTICIPATING GOVERNMENTS**

Bahrain, Bangladesh, Bhutan, Brunei Darussalam, China, Cyprus, Democratic Peoples' Republic of Korea, Fiji, India, Indonesia, Iran, Iraq, Japan, Kiribati, Kuwait, Laos, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Oman, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Syrian Arab Republic, Thailand, United Arab Emirates, Viet Nam.

# 4. BANGKOK NGO DECLARATION ON HUMAN RIGHTS

## INTRODUCTION

Some 240 participants from 110 non-governmental organisations (NGOs) concerned with issues of human rights and democratic development from the Asia-Pacific region — representing women, children, indigenous peoples, workers, community development and other concerns, met in Bangkok from 24-28 March 1993 to review the current human rights situation in the region and formulate strategies for the future promotion and protection of human rights.

This gathering was motivated by the need to offer, in a spirit of international solidarity, ideas and suggestions in the lead-up to the Asian inter-governmental conference on human rights (Bangkok, 29 March-2 April 1993), the World Conference on Human Rights (Vienna, June 1993) and beyond.

## CHALLENGES

The participants identified the following challenges:

### 1. *Universality*

We can learn from different cultures in a pluralistic perspective and draw lessons from the humanity of these cultures to deepen respect for human rights. There is emerging a new understanding of universalism encompassing the richness and wisdom of Asia-Pacific cultures.

Universal human rights standards are rooted in many cultures. We affirm the basis of universality of human rights which afford protection to all of humanity, including special groups such as women, children, minorities and indigenous peoples, workers, refugees and displaced persons, the disabled and the elderly. While advocating cultural pluralism, those cultural practices which derogate from universally accepted human rights, including women's rights, must not be tolerated.

As human rights are of universal concern and are universal in value, the advocacy of human rights cannot be considered to be an encroachment upon national sovereignty.

### 2. *Indivisibility*

We affirm our commitment to the principle of indivisibility and interdependence of human rights, be they civil, political, economic, social or cultural rights. The protection of human rights concerns both individuals and collectivities. The enjoyment of human rights implies a degree of social responsibility to the community.

Violations of civil and political rights are perpetrated every day. These include the stifling of self-determination, military occupation, killings, torture, political repression and suppression of the freedom of expression and other freedoms. By contrast, poverty and the lack of basic necessities constitute key violations of economic, social and cultural rights.

Violations of civil, political and economic rights frequently result from the emphasis on economic development at the expense of human rights. Violations of social and cultural rights are often the result of political systems which treat human rights as being of secondary importance.

Economic rights involve a fair distribution of resources and income, the right to freedom from hunger and poverty. These can only be protected where people are able to exercise their civil and political rights, for example, the right of workers to organise and form unions to protect their economic rights. Poverty arises from maldevelopment in the face of systematic denial of human rights.

There must be a holistic and integrated approach to human rights. One set of rights cannot be used to bargain for another.

### *3. Women's rights as human rights*

The issue of women's rights has not been sufficiently visible in the human rights discourse, in human rights institutions and practices. Patriarchy which operates through gender, class, caste and ethnicity is integral to the problems facing women. Patriarchy is a form of slavery and must be eradicated. Women's rights must be addressed in both the public and private spheres of society, in particular in the family.

To provide women with dignity and self-determination, it is important that women have inalienable, equal economic rights (e.g. right to agricultural land, housing and other resources, and property). It is imperative for governments and the United Nations (UN) to guarantee these rights.

Crimes against women, including rape, sexual slavery and trafficking, and domestic violence, are rampant. Crimes against women are crimes against humanity, and the failure of governments to prosecute those responsible for such crimes implies complicity.

In the Asia-Pacific region, women's rights are violated by increasingly militant assertions of religious and ethnic identity; the fact that these violations often take place through private actors is used by states as a pretext for failing to counter them as transgressions of human rights. In crisis situations — ethnic violence, communal riots, armed conflicts, military occupation, and displacement — women's rights are specifically violated.

In the case where countries have acceded to the relevant international instruments on women's rights, many countries have entered too many reservations to exempt themselves from responsibility. This illustrates the lack of political and social will to protect women's rights

### *4. Solidarity*

We are entitled to join hands to protect human rights worldwide. We commit ourselves to international solidarity and to voice the concerns of our brothers and sisters without boundaries and barriers. Discrimination based upon race, gender, political, economic, social, religious or ethnic origin must not be tolerated. International solidarity transcends the national order to refute claims of state sovereignty and non-interference in the internal affairs of a state.

### *5. Sustainable development*

No country can attain genuine development if it is not truly free, if it has not been able to successfully liberate itself from foreign domination and control. A major cause of maldevelopment and gross violations of human rights is the dominance and consequence of imperialism in the Asia-Pacific region. A pre-condition to genuine development is the attainment of national liberation and self-determination of the peoples of the region.

We re-emphasise the need for balanced development, bearing in mind maximisation of people's development; integrated approaches on civil, political, economic, social and cultural rights; equity and social justice; income distribution and fair resource allocation. Particular attention must be paid to the needs of different groups including women, children, rural people, the urban poor, minorities and indigenous peoples, refugees and displaced persons, workers, and others in disadvantaged positions. The natural environment must be protected as a part and parcel of human rights.

Various top-down development models have led to maldevelopment. Action against national liberation and the people's right of self-determination against political/military repression are key constraints for the realisation of development. These are compounded by regional peculiarities whereby state boundaries are at times artificial when viewed from the commonalities between people across frontiers.



On the one hand, we must restructure the international development framework to respond more directly to the needs of people in our societies and communities — both men and women, including debt relief, reform of the international financial, economic and commercial systems, and greater democratisation of the decision making process. The role of international aid agencies — multilateral and bilateral — and financial institutions has given rise to a number of human rights violations; they must be held accountable for the human rights violations caused by their policies and deeds.

International economic forces have great impact on human rights. The divide between North and South in terms of global equity and resource base, compounded by elitism, perpetuates social and economic disparities. The shift to a market economy has led to various human rights violations linked with development. Market rights do not mean human rights. 'One dollar, one vote' does not mean democracy. Freedom to exploit does not deliver economic rights to the poor.

On the other hand, reform is also required at the national level. Maldevelopment leads to increasing poverty, income disparities, dispossession and deprivation, including land and resource holdings, environmental degradation, and overemphasis on macro-economic development without sufficient enhancement of human development, freedoms and dignity, including dignity of men and women.

There is an urgent call to democratise the development process at both the national and international levels so as to ensure a harmonious relationship between humanity and the natural environment, and to create processes to enhance the empowerment of women and gender equality. The thrust is to promote human and humane development.

#### *6. Democracy*

Democracy is more than a legalistic or formal process. Democracy is more than a ritual casting of a ballot at one party or multi-party elections. True democracy involves participatory democracy by the people at all levels so that the people have a voice in the discussions by which they are governed.

It must be realised in the form of people's empowerment and participation at the grassroots and other levels with responsive and accountable processes and institutions at both the local and national levels. It demand good governance, freedom from corruption, and accountability of state and other authorities to the people. It involves the protection and participation of those groups which are not in the majority, namely minorities and disempowered groups. It is intertwined with the issue of land and social justice for rural people and other disadvantaged groups.

Democracy is a way of life, it pervades all aspects of human life — in the home, in the workplace, in the local community, and beyond. It must be fostered and guaranteed in all countries.

#### *7. Militarisation*

We express deep concern over the increasing militarisation throughout the region and the diversion of resources for this purpose. Militarisation has led to the destruction of civil society, undermined the right to self-determination, and denied the people the right to liberate themselves and their freedom from fear. At times, militarisation has taken the guise of civilian groups, such as vigilantes.

It has particularly harmed indigenous peoples and has resulted in forced migration. It is interrelated with violence against women, such as sexual slavery, rape and other crimes committed in armed conflicts. It has particularly harmed the children. They suffer from physical health problems, emotional disorders, and social maladjustments due to traumatic events such as arrest and torture, evacuation, massacre, disappearance and other forms of human rights violations.

Militarisation is closely linked with religious fundamentalism and ethnic discord, including ethnic cleansing fanned by certain governments.

Militarisation of smaller, less militaristic states is often abetted by superpowers and regional powers. Profiteering from the sale of weapons of mass destruction has been a prime cause of economic growth in developed countries and maldevelopment in developing countries. It is aggravated by the proliferation of nuclear weapons and energy, and environmental damage due to toxic wastes.

The quest for peace and human rights is intertwined with the need to demilitarise.

### *8. Self-determination*

The right of self-determination of peoples is well-established in international human rights instruments and international law. The root cause of most internal conflicts can be traced back to this fundamental human right.

We affirm that all peoples have the right to self-determination. By virtue of that right, they freely determine their political status, and freely pursue their economic, social and cultural development. The right of peoples to self-determination must, therefore, be observed by all governments.

It is understood also that self-determination does not necessarily imply secession or independence. Self-determination can mean independence, free association, integration with an independent state or other constitutional arrangement arrived at through popular consultation and consent.

### *9. Torture*

The existence of torture and inhuman and degrading treatment in the Asia-Pacific region gives rise to increasing concern. These practices must be eradicated.

In many countries, suspects are tortured by law enforcement personnel for extracting 'confessions'. This inhuman practice is officially encouraged by some authorities as a cheap and convenient method of crime control. These so-called 'confessions' are used as 'evidence' in court cases.

The action needed to counter such practices needs to be both preventative and curative. The latter implies prosecution of those responsible, as well as rehabilitation assistance for torture victims.

### *10. Freedom of expression*

This freedom is constrained in many Asia-Pacific countries. It is necessarily interrelated with the call for civil and political rights, and democracy.

In several countries, there are no independent media. People cannot express themselves without fear. Many people are persecuted, jailed, and even killed because they speak out their thoughts. The pretext for constraining these channels of expression is often national security and law and order; this is a facade for authoritarianism and the suppression of democratic aspirations.

### *11. Human rights education and training*

Human rights education and training have so far not been incorporated sufficiently into formal and non-formal education. Illiteracy remains widespread.

School curriculum tends to favour the ruling elites. Not only are millions of people unaware of their rights, but also receive no encouragement or assistance in asserting their rights. Human rights education and training have both preventative and curative impact — they can empower people to prevent problems from arising by nurturing respect for other people's rights, and vice versa, as well as to inform people of the possibilities of redress.

If we wish to promote democracy and respect for human rights, we must develop comprehensive human rights education and training in both governmental and non-governmental programmes, in and out of school.

### 12. *Indigenous peoples*

The Asia-Pacific region is home to many indigenous peoples. A basic issue among many of these indigenous peoples is the fact that many are not recognised as indigenous by governments and as such are denied the right to self-determination.

They are denied their specific cultural identity and entitlement to protection under relevant international human rights instruments. They are victims of ethnocide and genocide perpetrated by certain governments — whether from the North, South or together, international financial institutions and transnational corporations. International legal instruments presently available are weak in ensuring collective human rights protection.

In many parts of the region, their right to land and other rights are not respected. Among the consequences are the expropriation and despoilation of their lands, armed conflicts and displacement as refugees. This has been accompanied by persecution and suppression by force. On another front, tourism has at times led to the degradation of indigenous lifestyles through commercial exploitation.

### 13. *Children*

A variety of abuses and exploitation of children arise in the region. These include child labour, children in bondage and sexual slavery, child prostitution, sale and trafficking of children, children in armed conflict situations, children in prison, children in poverty situations and other deprivations, and children abused in families compounded by family break-up and break-down. Basic needs, such as physical and mental health, nutrition, education, shelter and participation are often unsatisfied. The advent of AIDS has increased the plight of children; discrimination is increasing both against children with AIDS and orphans of AIDS affected families.

Children's rights are endangered in a wide variety of situations. At a very early age, they are exposed to violence in many forms by governments — poverty, malnutrition, disease and lack of education which stultify their growth and deprive them of their childhood.

The scenario is much linked with discrimination against the girl child, militarisation and the distorted development process. Although many countries have now acceded to the International Convention on the Rights of the Child, implementation remains weak, with much lip-service rather than effective action to protect children and assist their families.

Implementation of the rights of children to survival, protection, development and participation as embodied in the International Convention on the Rights of the Child must be a paramount concern of every state regardless of considerations of national capacity and security.

### 14. *Workers*

Workers of the Asia-Pacific region do not enjoy acceptable standards of human rights. Too often it is workers and trade union leaders who endure the worst cases of human rights abuses in the region. The right of freedom of association and the right to organise trade unions are very restricted in several countries.

In this setting, human rights that are taken for granted in the civil society are ignored within the factory and workplace. The human rights of worker such as women, migrants, bonded labourers, children and youths, and those in the informal/unorganised sector are in an even more critical situation.

The economic rights of worker, especially their access to an adequate standard of living, is often neglected in the region. Transnational corporations and agencies such as the International Monetary Fund and the World Bank at times work to undermine this right in the name of economic

freedom. Many abusers of worker rights in this region come from the same countries of the North which preach human rights to the South.

#### 15. *Refugees and displaced persons*

The problem of refugees and displaced persons is widespread and growing in the region. It is becoming a permanent phenomenon. It is intermingled with political repression, armed conflicts, ethnic discord, and other factors. Economic factors also push people to move in search of a livelihood elsewhere.

Inadequate attention is paid to their plight. Their position is compounded by the lack of effective national and international machinery to ensure their protection and assistance.

The safety of refugees and displaced persons is often jeopardised by restrictive state policies and discrimination. The basic right of refugees not to be pushed back to the frontiers of danger is violated on many occasions. The procedures established to determine refugee status are often defective, and voluntary repatriation to the country of origin is not always guaranteed. The human rights of refugees and displaced persons, including freedom of expression, are violated in the name of restrictive national policies.

Few countries have acceded to the relevant refugee instruments. This displays a reticence to recognise international human rights standards and to render the situation more transparent internationally.

#### 16. *Derogations*

Several countries seek to constrain the enjoyment of human rights by means of derogations. In cases of increasing militarisation, military occupation and rule — at times in the guise of civilian governments, the space for civil society is becoming narrowed with negative impact for human rights.

We re-emphasise that states must not derogate from human rights standards for reasons of national security, law and order, or the equivalent. We reiterate that states are bound to respect human rights in their totality in all circumstances.

#### 17. *Human rights activists/defenders*

Increasing restrictions are being imposed on human rights activists/defenders — people from all walks of life involved with human rights — and social movements in the region, including the operations of NGOs. Often they are intimidated, harassed and even murdered. In some countries, NGOs are not even allowed to exist.

As these people voice the interests of the people and work for their advancement, it is imperative that they be permitted to work freely; their right to participate in community life and to enjoy the totality of human rights must be respected.

#### 18. *Judicial independence and responsibility*

In many societies, the independence of the judiciary and the administration of justice are being jeopardised by authoritarian elements. This is compounded by various national laws that conflict with human rights standards, particularly discrimination and inequality, and the complicity of certain judges in perpetuating the authoritarian regimes.

The legal structure is also distant from many communities. There is a key question concerning access by people to the courts system. This is intertwined with the issue of legal aid assistance and dissemination of legal knowledge.

We reaffirm the need for judicial independence and call for judicial responsibility to render justice more accessible to the people.

## ISSUES

The participants highlighted the following concerns as issues requiring urgent and effective action, both in terms of prevention and remedies:

- increasing lawlessness on the part of government authorities;
- governmental action undermining the universality and indivisibility of human rights;
- failure to enhance human freedoms and dignity, including the dignity of men and women;
- threats to the right of self-determination;
- non-recognition of and continuing violations of women's rights due to patriarchy, including economic rights, and inadequacy of processes to enhance the empowerment of women and gender equality;
- breaches of children's rights due to economic needs, socio-cultural constraints, criminality, consumerism, discrimination and militarisation;
- increasing environmental degradation and depletion of natural resources;
- proliferation of armed conflicts, enmeshed in ethnic discord, with threats to civilians;
- political repression by means of killings, disappearances, and torture, and political prisoners, and suppression of civil and political rights, including self-determination, freedom of expression and assembly;
- violation of the right to health, and underdeveloped health care systems characterised by maldistribution and inaccessibility of resources to the poor majority;
- denial of health services and survivors of human rights violations;
- attacks on the rights of workers;
- insecurity of migrant workers;
- threats to agrarian and rural communities;
- harassment of persons, including health and church workers, carrying out their humanitarian functions;
- widespread sexual exploitation;
- religious intolerance mixed with extremism, and other forms of discrimination on the basis of religion;
- lack of legal and other redress for human rights violations;
- impunity of those who commit human rights violations;
- numerous constraints imposed upon the mass media;
- lack of access to information to empower people to protect their human rights;
- discrimination and national oppression of minorities and indigenous peoples, and inadequate protection of tribal peoples;
- discrimination and violence perpetrated against the 'untouchables', and the process of untouchability;
- increasing number of and threats to refugees and displaced persons, particularly through lack of effective refugee screening procedures, violations of their human rights and menace to their right to seek asylum and safety;
- insufficient protection of the disabled, including both physical and mental dimensions;
- lack of services and assistance for the elderly;
- escalation of AIDS and related discrimination;
- spread of drugs and related exploitation;
- low levels of education, in particular unavailability of essential human rights information, lack of awareness and skills;
- paucity of accession to international human rights instruments (as well as too many 'reservations' upon accession) and failure to implement them at the national and local levels;
- restricted access by individuals and NGOs to the international human rights system;
- lack of regional and national inter-governmental mechanisms to protect human rights in an independent and accessible manner.

## GENERAL RECOMMENDATIONS

We, representatives of Asian–Pacific NGOs, call on Asia-Pacific governments:

- i) to promote and protect the universality and indivisibility of human rights by:
  - recognising and guaranteeing the interrelationship between human rights, development and democracy as propounded by this NGO Declaration;
  - guaranteeing the right of collectivities, such as minorities, indigenous peoples and unorganised sectors of labour as well as individual rights;
  - eliminating the root causes of human rights violations — civil, political, economic, social and cultural.
- ii) to review and reform laws, policies and practices which are detrimental to the full realisation of the civil, political, economic, social and cultural rights of their people.
- iii) to ensure that development strategies are sustainable, equitable, people-based and in a balance with the natural environment, with the aim of assuring equity and enhancing the freedoms and the dignity of all women and men;
- iv) to counter socio-cultural practices and extremism which constrain human rights, particularly women's rights, and in particular to reform laws, policies and religious and cultural practices that tend to deny women's independent existence and to take measures, such as community mobilisation, mass education and long-term development, to initiate and enhance the process of empowerment and equality;
- v) to lift constraints on political rights imposed by national security and law and order, by repealing repressive laws, ending arbitrary arrests, and releasing all political prisoners before the UN Conference on Human Rights, and liberalising the political system so as to democratise the decision-making process, guarantee people's participation at all levels of government, and abide by good governance;
- vi) to address the root causes of armed conflicts which are foreign domination, widespread landlessness and powerlessness among the people, and collaboration of ruling elites with foreign powers and their instrumentalities;
- vii) to reduce arms purchases and reallocate arms expenditure to development needs, the improvement of preventative mechanisms and the promotion of human rights promotion and protection, and to initiate and pursue consultative processes, social services and peaceful settlement of disputes, bearing in mind the special concerns of women, children, minorities indigenous peoples, workers in the organised and unorganised sectors, refugees and displaced persons, peasants and other disadvantaged groups;
- viii) to respect the work of human rights activists/defenders and social and legal movements, including non-governmental organisations, to cease harassment, intimidation and other malpractices against this sector and to facilitate, rather than obstruct, the operations of these catalysts of social change;
- ix) to guarantee the independence of the judiciary, while nurturing a commitment to responsibility to the people, providing adequate remedies for human rights violations through judicial and other channels, including the availability of legal aid and assistance, and to counter the impunity of violators by effective legal and other measures;
- x) to ensure that human rights have the first call on state resources, by reducing arms purchases and diverting funds from militarisation to human rights promotion and protection, and by reallocating from other sources;

- xi) to promote comprehensive human rights education and training, including an increase in the provision of information, the development of awareness and skills. Participatory learning methods will enrich the process and contribute to the promotion and protection of universal human rights standards by utilising the cultural wealth of the region.

## **SPECIFIC RECOMMENDATIONS**

1. We call on governments in the Asia-Pacific region:

- i) to accede to and effectively implement international human rights instruments, and to protect international human rights standards contained in the:
- International Covenant on Civil and Political Rights (ICCPR);
  - International Covenant on Economic, Social and Cultural Rights;
  - Optional Protocols I and II to the ICCPR;
  - Convention Against Torture;
  - Convention for the Elimination of All Discrimination Against Women (CEDAW);
  - Convention on the Elimination of All Forms of Racial Discrimination;
  - Convention on the Rights of the Child;
  - Convention on the Status of Refugees;
  - Convention on the Non-Applicability of Statutory
  - Limitations to War Crimes and Crimes Against Humanity
  - ILO Conventions;
  - UN Declaration on the Rights of Minorities;

and as a matter of priority to protect the rights of women by ratifying CEDAW, of indigenous people by ratifying ILO Convention 169 and of workers by ratifying all other ILO Conventions.

- ii) to guarantee the totality of human rights by withdrawing reservations, in particular those applying to CEDAW and the Convention on the Rights of the Child, removing reservations determined to be incompatible, and establishing an expeditious procedure for reviewing the compatibility of reservations;
- iii) to support the adoption of the proposed Optional Protocol to the Convention Against Torture, the Draft Declaration on Violence against Women and an Optional Protocol to the Covenant for Economic, Cultural and Social Rights (ICESR) and subsequently to ratify the protocol to the ICESR;
- iv) to introduce or amend domestic legislation
- to ensure compliance with these international obligations, in particular with the standards of equality and non-discrimination, and to resolve conflicts between the customary laws of a group or people and those of the state, in conformity with the universality of human rights according priority to those which conform to the spirit of the Universal Declaration on Human Rights;
  - to ensure the protection of the rights of women, children, indigenous peoples, peasants, and workers and all marginalised groups;
  - to guarantee the freedom of religious organisation and expression;
  - to abolish the death penalty.
- v) to cease immediately all forms of political repression, including organised sexual violence, torture, enforced or involuntary disappearances, extrajudicial executions and arbitrary detention;
- vi) to ensure protection of the rights of all victims of human rights violations, particularly torture victims and prisoners;
- vii) to provide the basic needs of political prisoners, torture victims, refugees and displaced persons;

- viii) to provide compensation, indemnification and total health services, including rehabilitation to survivors and families of victims of organised violence sponsored and sanctioned by the State, including torture, sexual slavery (including victims of the devadasi [slaves of God] system), forced labour, involuntary disappearances, summary execution, police and military oppression, political repression, unjust detention and internal displacement;
- ix) while welcoming any initiative by governments to set up a regional mechanism for the protection and promotion of human rights in the Asia-Pacific region, such measures must be subject to the following conditions:
- if a regional commission is set up, it should be mandated to apply, without reservations, the International Bill of Human Rights, CEDAW, the Convention Against Torture, the Declaration on the Right to Development and other relevant human rights instruments;
  - member states of this regional Commission must ratify or accede to the above international instruments prior to their membership;
  - the right of individuals and NGOs to petition the regional Commission must be guaranteed;
  - such petitions or appeals should not preclude concurrent appeals to the various UN mechanisms for the protection of human rights;
  - no member of this regional Commission should hold an official position in Government concurrently, and members should be appointed with NGOs;
  - there should be a regular reporting system by states on their implementation of human rights standards domestically with NGO participation in the drafting of reports;
  - meetings of this regional Commission and its deliberations should be generally open to the public;
  - no aspect of government operation and no official should be immune from scrutiny or investigation, including the military and security forces;
  - the regional commission should have full investigative powers;
  - a separate body should be set up to adjudicate complaints;
  - member governments must be required to disseminate information on the regional commission and how it operates.
- x) to adopt, following public consultation, a gender sensitive national policy on human rights education and training which provides, among other things, for specific programs designed for government officers and employees, law enforcement officials. There should be programs, both formal and non-formal, on human rights in the curricula of all educational institutions, for which governments should be held primarily responsible, and effective use of the mass media. Particular emphasis should be given to programs designed specifically for marginalised members of the community. NGOs should be assisted and encouraged to conduct Human Rights Education and training.
- xi) to translate and disseminate materials relating to instruments and mechanisms into the vernacular languages of the Asia-Pacific.

## **ACTION BY THE UNITED NATIONS**

### **INTERNATIONAL MECHANISMS**

- i) We call upon the United Nations to undertake a gender analysis of all human rights instruments to remove gender bias and to ensure that such issues are addressed in all reports, documents, etc., produced by UN treaty bodies, thematic and country rapporteurs and working groups, independent experts and all bodies entrusted with protecting human rights in all areas that fall within their mandate;
- ii) Welcoming the Draft Declaration on Violence Against Women and urging its adoption by the General Assembly, we recommend that the World Conference recognise women's rights



as human rights and develop more effective implementation procedures to eliminate violence against women in both the public and private spheres, which constitutes the gravest form of sexual discrimination, (for example by adding a supplementary article to CEDAW to outlaw the use of biological engineering to determine the sex of the foetus), and urge consideration of the initiative by the Coalition Against the Trafficking of Women in introducing a Draft Convention Against Sexual Exploitation.

- iii) We reiterate the importance of the Secretary General in monitoring state compliance with Article 4 of the International Covenant on Civil and Political Rights which requires that he be notified of derogations during times of national emergencies;
- iv) We urge that the UN Rapporteur on States of Emergency be given adequate powers to play a more active role in effectively monitoring derogations of human rights by governments during states of emergency;
- v) We urge the United Nations World Conference on Human Rights to adopt a convention on the Right to Development embodying the existing Declaration, and to move towards the adoption of the Declaration on the Rights of Human Rights Defenders.
- vi) We recommend a rethinking and review of the existing definitions of human rights, including the definition of torture, the inclusion of rape, forced migration and the destruction of habitats as war crimes and the recognition of the right to be free from sexual exploitation, including sexual harassment, incest, trafficking and prostitution.
- vii) We call on the UN to take appropriate steps to eradicate the practice of untouchability, which is a crime against humanity, and discrimination on the basis of caste, religion and other factors by the year 2000, failing which sanctions will be imposed, keeping in view that development projects financed by UNDP and IFIs of the poor are not affected.
- viii) We call on the UN to take appropriate steps for the speedy realisation of the decolonisation of indigenous peoples.

## **EFFECTIVENESS**

We call for specific improvements in the United Nations' capacity and to establish new mechanisms to effectively promote and protect human rights:

- i) A special UN office, perhaps under the Under-Secretary General, should be set up to consider the issue of self-determination;
- ii) by applying sanctions against governments engaged in gross human rights violations;
- iii) by ensuring individual access to UN bodies and providing for individual complaints procedures — to this end a working group should be established in the Commission on the Status of Women to outline procedures for drafting an Optional Protocol establishing individual complaints procedure under CEDAW;
- iv) by expanding the impact of the treaty monitoring bodies including in the following ways: requiring a clear report on the extent to which a country has fulfilled its obligations and the extent to which it has failed; insisting on the submission of state reports and submissions on time; encouraging consultation by states with NGOs and inclusion of NGO reports in State reports (with the NGOs consent); officially allowing for NGOs to submit parallel reports; full public disclosure of the proceedings of each session;
- v) by reinforcing the work of existing country and thematic Rapporteurs and Working Groups and by establishing new mandates as required, and

- enhancing the effectiveness of such mechanisms by: providing for greater investigatorial powers; setting up a system to follow up on recommendations for implementation by governments; regularisation of on-site visits, more accessibility for victims and their families; improving security for UN delegations, rapporteurs, working group members;
- vi) by requiring that serving members of the Sub-Commission on Human Rights not be drawn from government ranks (such as politicians or diplomats) but should be sought from academia, NGOs, the media or other appropriate sectors and allowing for candidates to be nominated by countries other than their own;
  - vii) by establishing a UN Special Commissioner for Human Rights as a new high-level political authority to bring a more effective and rapid response, coherence and co-ordination in the protection of human rights;
  - viii) by the formation of a UN Commission on Indigenous Peoples with a permanent status and with the functions of monitoring, raising consciousness of the public on the situation of indigenous peoples and others;
  - ix) by improving the operation of the UN Commission on Human Rights through the inclusion of discrimination against indigenous peoples as a permanent item on the agenda; and, by not precluding as a result of using the 1503 procedure, the raising of an issue in other fora;
  - x) by improving emergency mechanisms through: an 'early warning device' enabling the UN to respond more effectively before a situation deteriorates into crisis; maximising the use of special envoys by the Secretary General; expanding the powers of the Under-Secretary for Human Rights to enable a response to emergency situations; strengthening Urgent Action procedures;
  - xi) by establishing a Permanent International Court on Human Rights with compulsory jurisdiction over all cases of human rights violations;
  - xii) by establishing a Permanent International Criminal Court, to which individuals have direct access, to provide both criminal sanctions and civil remedies against war crimes, crimes against peace and crimes against humanity, including gender-specific abuses — in international, internal and armed conflicts;
  - xiii) by establishing a war crimes tribunal in Asia to adjudicate on military atrocities, including sexual slavery;
  - xiv) by establishing Special Rapporteurs on the rights of indigenous peoples, on gender discrimination and violence, and on children's rights, on the trafficking in women, authorised to receive and report on information from governments, NGOs and intergovernmental institutions, to respond effectively to allegations of violations of human rights and to recommend measures for their prevention. The rapporteur on gender violence should also report to the Commission on the Status of Women.
  - xv) by sending fact-finding missions to countries of our region where gross violations of indigenous people's rights are reported;
  - xvi) by providing mandatory gender training for UN personnel and experts;
  - xvii) by the integration of a gender perspective programme in all UN advisory services on human rights;
  - xviii) by allocating at least 5% of the human rights budget to human rights work;
  - xix) by increasing resources available to UN human rights bodies, such as CEDAW — by extend-

ing meeting sessions and providing more support staff — and the UN Voluntary Fund for the Victims of Torture;

- xx) ensuring periodic evaluations of the effectiveness of UN monitoring, reporting and complaints procedures and its advisory services and training programs in addressing violations of the rights of women, children and indigenous peoples.

## **HUMAN RIGHTS EDUCATION AND TRAINING**

We call upon the UN to

- i) declare a “Peoples’ Decade for Human Rights Education and Training”;
- ii) implement mechanisms for the review of Human Rights Education and Training, possibly by the relevant treaty monitoring bodies;
- iii) establish an International Fund for Human Rights Education and Training activities for states and NGOs;
- iv) instruct each UN body to prepare a report on the effectiveness of their initiatives to address women’s rights for the 1995 World Conference on Women;
- v) ensure that the rights of indigenous people finally gain a place on the formal agenda of the UN Commission for Human Rights.

## **DEMOCRATISATION**

We recommend the democratisation of relevant processes in the following ways:

- i) by democratisation of the Security Council, in particular by abolition of the veto and permanent membership and the transfer of additional responsibilities to the General Assembly; moreover, membership of the Security Council should be denied to any State responsible for war crimes against humanity, such as military sexual slavery, before it accepts its state responsibility;
- ii) by establishing mechanisms to ensure that the concerns, experiences and struggles of hitherto marginalised groups, including women, children, indigenous peoples and workers, can be represented in all UN structures and its ongoing activities; in particular by the granting of a consultative status, the inclusion of such concerns in the agenda of the regional meeting and the World Conference; and by recognising their representatives to speak at the meetings;
- iii) taking into account the absence of an inter-governmental human rights mechanism in the Asia-Pacific region, we call on the UN Commission on Human Rights to develop the procedures and provide the means to enable NGOs to access the UN system both within Asia and beyond; specifically, we call for the sittings of the Sub-Commission on Human Rights in August every year to be held in rotation in the Latin American, African and Asia-Pacific regions; ECOSOC rules and procedures limiting NGO participation should be waived; the accreditation decisions should always be by majority and may be by secret ballot;
- iv) by recognising, promoting and supporting NGO activities on human rights by making available technical, human and financial resources from the UN.

## **SPECIALISED AGENCIES**

With regard to UN institutions and their specialised agencies we call upon the UN, governments of the North and the South to actively monitor, regulate and ensure:

- i) the policies of the IMF, World Bank, GATT and other multilateral agencies — and bilateral agencies — to ensure their conformity with UN/ILO standards;
- ii) the protection of all workers, trade unions and labour rights groups not officially recognised by their governments, by: strengthening ILO policies relating to workers in the unorganised/informal sector and to the trade union rights of government employees; and addressing the practice of the expulsion or forced migration of workers, especially women, in occupied territories;
- iii) the activities of TNCs operating in the Asia-Pacific region so as to ensure compliance with international labour standards;
- iv) procedures for the accountability of the UN delegates, personnel and agents for human rights violations, including gender-specific biases.

## **MILITARISATION**

We call on governments:

- i) to adopt measures to bring to an immediate end the production, sale, exhibition and advertising of weapons of mass destruction and nuclear weapons, and military exercises of all kinds;
- ii) to dismantle all existing weapons of mass destruction and to end the military training of Asia-Pacific defence, military and security personnel by Western countries for combat against their own people;
- iii) to re-allocate military budgets to development needs, improved preventative mechanisms, consultative processes, social services and peaceful settlement of disputes;
- iv) to disband all paramilitary forces;
- v) to take immediate steps to ensure that Asia and the Pacific are not host to foreign bases and are free of nuclear weaponry and power;
- vi) to make publicly available information on military expenditure;
- vii) with specific reference to the operation of UN peace-keeping forces, emergency response mechanisms and humanitarian assistance, to ensure an effective response to the particular vulnerabilities of women as a group in situations of armed or ethnic conflict; to address the impact on women and children of all measures taken and the effect on the local female population of the discipline and behaviour of male military personnel;
- vii) to release all Prisoners of War and civilians detained in contravention of international humanitarian law;
- xix) to ensure all citizens have the right to conscientious objection.

## THE ASIA-PACIFIC NGO MEETING

Some 240 representatives of over 100 organisations from 26 countries in the region attended the meeting, held in Bangkok, 24-28 March 1993.

The meeting was convened by the Asian Women's Human Rights Council, the Nepal-based International Institute for Human Rights, Environment and Development (INHURED), the Thai Union of Civil Liberties, and the Asian Cultural Forum on Development. Funding assistance was provided by German church bodies and the Canadian Centre for Human Rights and Democratic Development.

The Law Faculty of Chulalongkorn University made available its excellent facilities and assisted the meeting in other numerous ways.

The majority of participants were from Asia. The following countries were represented:

West Asia: Kuwait, Palestine.

South Asia: Bangla Desh, Nepal, Bhutan, Pakistan, India, Sri Lanka.

Southeast Asia: Burma, Cambodia, Vietnam, Thailand, Malaysia, Philippines, Indonesia, East Timor.

East Asia: Japan, South Korea, China.

Pacific: Fiji, Bougainville, Australia.

A number of national organisations from other countries, and regional and international organisations (including Amnesty International and Asia Watch), also attended.

Australian participants were: Australian Catholic Social Justice Council, Australian Council For Overseas Aid (ACFOA), Bougainville Support Group, Diplomacy Training Program, Human Rights Council of Australia, National Aboriginal and Islander Legal Services Secretariat, Thera Human Service International, Uniting Church in Australia, and Worowa Aboriginal College.

## 5. SOME RECOMMENDATIONS FOR AUSTRALIA

1. That Australia support the strengthening of existing human rights mechanisms within the UN, especially:
  - the ratification by all UN member states as a matter of urgency of all the principal human rights instruments;
  - the strengthening of the monitoring and reporting provisions of existing international treaties;
  - the establishing of regional and national human rights mechanisms in the Asia-Pacific region with strict guarantees that they are based on and apply existing international human rights standards and are independent, impartial and accessible;
  - the provision of adequate funding to allow existing mechanisms to perform their functions effectively;
  - support for increased flexibility and mobility of these mechanisms to allow for meetings of bodies such as the UN Human Rights Sub-Commission and Working Group on Indigenous Populations outside Geneva, including in the Asia-Pacific region.
2. That Australia support the establishment of a UN Special Commissioner for Human Rights, to give greater weight and profile to the human rights activities of the UN, to increase their effectiveness, and to implement system wide human rights principles and practices across all UN programs.

3. That Australia propose to the World Conference that National Action Plans on human rights be prescriptive for all UN member nations and that Australia give a lead in Vienna by announcing the components of its National Action Plan.
4. That Australia give practical effect to its support for the principle of the indivisibility of human rights by incorporating human rights policies and practices in all of Australia's foreign relations whether commercial, immigration, defence cooperation, aid or training and education.
5. That Australia adopt a comprehensive policy on human rights in development to ensure that aid promotes and protects human rights; and that it allocate at least 0.5% of its aid program to the funding of new initiatives specifically to promote human rights, including the funding of an independent human rights centre in Australia, human rights training and education for both government officials and local communities, and the strengthening of independent judiciaries.
6. That Australia provide support and resources for Asia-Pacific NGOs in recognition of their role in protecting and promoting human rights and encourage governments in the region to engage in dialogue and consultation with NGOs in their respective countries.

## 6. ADDITIONAL REFERENCES

*Report on the Regional Meeting for Latin America and the Caribbean of the World Conference on Human Rights.*

San Jose, Costa Rica, 18-22 January 1993

*Report of the Regional Meeting for Africa of the World Conference on Human Rights.*

Tunis, Tunisia, 2-6 November 1992

*The Atlanta Statement: proposals for strengthening the United Nations human rights system.*

The Carter Centre of Emory University, January 1993

*Development and the Protection of Human Rights.*

Neelam Tiruchelvan, International Centre for Ethnic Studies, Colombo, Sri Lanka, January 1993

*Has the United Nations Forgotten the Rights of Women?*

Dr Hilary Charlesworth, ACFOA Human Rights Day Lecture, 10 December 1992

*UN World Conference on Human Rights: working papers for Australian NGO participants in the Bangkok preparatory meetings.*

25 March–2 April 1993.

A S I A

## Standing Firm

### Asia sticks to its view of human rights

By Gordon Fairclough in Bangkok

**T**hai Prime Minister Chuan Leekpai's opening address to Asia's first regional human-rights conference perfectly captured the ambiguity inherent in the continent's view of human rights.

"There is only one set of fundamental human rights for whatever part of the world," Chuan proclaimed on 29 March. But, he noted, it is only natural that the implementation of these rights should "vary because of differences in socio-economic, historical [and] cultural backgrounds."

Five days of haggling later, delegates from 40 countries stretching from the Middle East to the South Pacific reached a consensus that returned to this vague position.

In addition to saying that human rights must be considered in the context of a country's background, the 30-point Bangkok Declaration also placed great emphasis on adherence to non-interference in the internal affairs of states.

The declaration will be considered along with others from similar meetings in Africa and Latin America when the UN seeks to re-examine the way it views human rights during a global conference to be held in Vienna in June.

Japan, while acceding to the Bangkok statement, voiced serious reservations about its content during the last session of the conference. The head of the Japanese delegation, Seichiro Otsuka, reiterated his government's stance that expressions of concern about human-rights violations do not constitute interference in a nation's internal affairs.

Otsuka also said that Japan, the world's largest foreign aid donor, would not agree to a clause in the declaration critical of efforts to link development assistance to a country's human-rights performance.

Although human-rights groups and Western observers at the talks said the outcome was better than expected, they re-

mained disappointed nonetheless. Sivarasa Rasiah of the human-rights group Suara Rakyat Malaysia dismissed the governments' appeal to "cultural relativism" as an effort "to justify deviation from international norms."

Many of the Asian governments represented say they share a vision of human rights that places economic growth and community development ahead of individual freedoms. As the representative from Indonesia put it, "we do not hold an individualistic view of human rights for we cannot disregard the interest of society, state and nation."

Delegates also made it clear that the West does not speak for the world when it comes to human rights. "Asian countries with their own norms and standards of human rights should not be dictated [to] by a group of other countries who are far distant geographically, politically, economically and socially," said U Win Mra, the Burmese representative.

Asian governments are among the most maligned by Western nations for their human-rights records. China, Burma and Iran — whose chief delegate headed the committee drafting the declaration — have received special scrutiny. Similarly, the region as a whole has lagged behind in the ratification of UN human-rights treaties.

But the increasingly vocal role of non-governmental advocacy organisations in the international human rights debate may change the status quo. More than 100 human-rights groups attended the Bangkok con-

ference, working in concert to present their views to the governments.

These organisations were well received by, among others, Thailand, the Philippines and Japan. Japan, however, came under attack from its Asian neighbours for being too Western in its approach.

Chief among Japan's opponents was China. Diplomats say that a consensus was reached thanks largely to the solidarity of delegates from Asean, who formed a bridge between Japan and countries such as China, Burma and Iran.

Two member nations of the Asian region which were not represented in the negotiating sessions were Australia and New Zealand. Both states were excluded from the meeting by pressure from Middle Eastern countries. Until Canberra and Wellington decided to withdraw, there had been talk of moving the conference to Teheran in an effort to keep them from participating. ■



Chuan sets the tone for human-rights talks.

Far Eastern Economic Review 15.4.93

# Asia's struggle for success and compassion

*"For Asia to succeed and play a more prominent role on the world stage, we must ensure that our peoples are provided with their rights and freedoms as set forth in the Charter of the United Nations and the Universal Declaration of Human Rights."*

— Chuan Leekpai, Prime Minister of Thailand



## FOREIGN AFFAIRS

MARK BAKER

**I**TS aim was to push forward the cause of human rights in Asia, to bring together all the nations of the region to prepare an agenda for reform into the next century. In the end it may have served only to emphasise how little ground most Asian governments are willing to give and how determined they are to resist the tide of democracy now lapping at their feet.

The United Nations-sponsored meeting of officials from 49 Asian nations in Bangkok last week was called to draft a regional position ahead of the World Conference on Human Rights in Vienna in June — the first comprehensive review of the UN's position on human rights in 25 years.

But the Bangkok Declaration — while cloaked in the noble platitudes of diplomatic double-speak — told more about the determination of the majority of Asian governments to reinforce barriers to the advancement of their citizens' rights than of their desire to see genuine progress.

The declaration reaffirmed the delegates' commitment to the principles of the UN Charter and the Universal Declaration of Human Rights, it called for "the full realisation of human rights throughout the world" and it welcomed the increasing attention being paid to human rights by the international community. It then set out a catalogue of qualifications and escape clauses.

The declaration said that while human rights are universal in nature they must be considered in the context of "national and regional peculiarities and various historical, cultural and religious backgrounds". It said the pursuit of human rights must respect national sovereignty and territorial integrity and recognise the principle of non-interference in the internal affairs of states. And it said that human rights must be encouraged through cooperation and consensus, not confrontation.

In short, it said this: we know what's best for us, we'll make our own definitions of human rights and don't try to tell us what to do.

The stance was hardly surprising considering that parts of the conference delegate list read like the roll call for a boover-boys' reunion, with representatives from the likes of Syria, Iraq and Burma. In addition, there were other countries, notably China and Indonesia, that are smarting under the heat of international condemnation for their continuing human rights abuses.

In a response to the declaration, representatives of 110 non-government organisations observing the Bangkok meeting said it reflected "the continued attempt by many governments of the Asia-Pacific region to avoid their human rights obligations, to put the state before the people and to avoid acknowledging their obligations to account for their failures in the promotion and protection of human rights".

The conference underscored the continuing friction between the West and many Asian governments over human rights. But while countries like Singapore and Malaysia reiterated their hoary accusations of Western interference and cultural imperialism, the moderate and constructive stance of countries like the Philippines, India and Nepal demonstrated that the human rights concerns are universal and that Asian people themselves are demanding change.

Thailand, the host nation, gave a fine illustration of the contradictory forces at work within many Asian nations where rapid economic growth is being matched by rising popular demands for greater democracy and individual liberty.

Prime Minister Chuan Leekpai, who came to power last year after a bloody popular uprising against the former military regime, gave a speech redolent with liberalism and acknowledged a growing rec-

ognition in Asia of the nexus between human rights, democracy and development. But a more hardline stance was taken by other members of his delegation, including a former foreign minister who accused the West of using human rights to extort concessions from Third World countries and claimed Amnesty International was a front for the CIA.

Sensitivities about First World interference were reflected in the selection of guests. While countries as remote as Cyprus and Tonga were invited to send delegates, interested Western nations, including Australia, were allowed only observer status.

In his address to the conference, the head of the Indonesian delegation, Mr S. Wiryo, said the promotion of human rights must take into account the different nature of Asian societies and the complexities of their geography, history and levels of political and socio-economic development. Malaysian delegate Dato Zainal Abidin Alias said Western liberals failed to recognise that "Asian values and culture are founded upon the conception of responsibilities and obligation of the individual to society rather than the natural rights of the individual against the state".

Yet to argue that democracy and human rights are alien, Western notions being forced on Asian countries to the detriment of their culture and values is to deny the reality of the changes now sweeping the region. The mostly peaceful revolutions that have brought liberal new governments to the Philippines, Taiwan and South Korea over the past few years were driven not by external forces but by the inexorable aspirations of these peoples for more just and equitable societies.

**T**HE voices being raised loudest against such change are those of military regimes or paternal pseudo-democracies whose pampered elites are terrified of being swept aside. Worse still, there are the likes of Burma and China whose people have stood up to demand their rights only to be ruthlessly suppressed.

As the head of the Australian delegation, Mr John McCarthy, told the conference: "Human rights are the concern of humanity and we cannot accept that international action aimed at the improvement of human rights should be rejected as interference in the internal affairs of states."

The message from Bangkok appears to be that despite the growing popular clamor for human rights and democracy within Asia, and the best intentions of countries like Australia in support of change, the forces of reaction still hold the numbers.

The Age, 8.4.93



# Human Rights and Wrongs

The chief target at the regional conference on human rights that ends in Bangkok today was not Iraq, with its ritual slaughter of Kurds, or China, with its slave-labor exports, or Burma of the two-front refugee exodus, but—perhaps predictably—the West. A wholly serious Malaysian delegate told the meeting, "It should be clear there is no let up in the drive of the (developed) North to continue its political, economic and cultural hegemony of the (developing) South." And a delegate from Iran noted that the West had its own problems and therefore should take a "a fresh look and reassessment" at other countries' priorities. The message of the conference, which was supposed to set an Asian agenda for the U.N.-sponsored world Human Rights Conference in June, was simple: Back off. Let the Asian way make its own course.

We can sympathize with the complaint that some Western human-rights activists can be, in the words of Thai Foreign Minister Prasong Soonsiri, "self-righteous and censorious." But this is surely a matter of style, not substance, and as such the kind of quirk that reasonable people discount.

There are substantive issues in the discussion of human rights; it is these that bear thought. One perspective is to point out that East is East and West is West and that's that. As Burma's U Win Mra told the conference, "Asian countries with their own norms and standards should not be dictated to by a group of other countries who are far distant geographically, politically, economically and culturally." U Win Mra's idea seems to be that because Burma is, well, Burmese, any values that can be attributed to a Western tradition can be dismissed as inappropriate.

U Win Mra, and the numerous delegates who echoed him, ignore the fact that human rights have become a prominent issue in Asia not because the West made it so but because Asians have. The people of Taiwan, for example, through steady and mostly peaceful pressure, have earned for themselves a degree of liberty that is fantastic to their brothers in mainland China. South Koreans have forced their government to respect and promote their rights as citizens, and find the lives of their brethren in North Korea incomprehensible. The Philippines is endlessly troubled, but there has been no turning back from democracy, and with the withering of the communist insurgency, the human-rights situation has improved for everyone.

The irritation of many of the 49 nations represented at the Bangkok conference is not that the West believes all that jazz about rights and liberty, but that these awkward ideas have taken hold at home. Burma might find the idea of human rights less threatening if hundreds of thousands of Burmese had not rallied to the banner when it was raised by Aung San Suu Kyi. (The military junta also approved of elections until it lost one in 1990.) China would not find Fang Lizhi such a pest, or keep Wei Jingsheng in jail, if it did not believe that the causes of democracy and human rights that they so eloquently espoused would strike a chord among the Chinese people.

This conference was designed to produce a distinctively Asian perspective on human rights. But this is an impossible and pointless quest, when one considers how Asian governments change their views, and in how many cases there are public groups at odds with the government's view.

If there were an Asian consensus, one would expect different Asian governments to have roughly the same policies; in fact, they do not. The way Burma interprets human rights—there are none—is different from the way Malaysia does, with its high degree of economic and individual freedom. And while Malaysia has been among the most outspoken in telling the West to keep its values to itself, it is also among the few Asian countries to criticize Rangoon's record. Vietnam just sentenced eight dissidents to jail; South Korean president Kim Young-sam last month let a bunch out.

Any compelling idea, in this age of satellites and faxes, will spread quickly, unpredictably and in a variety of forms. To try to stop the wave of information at the shores of the Pacific would be a futile effort; so is the attempt to form a spurious consensus.

There are contributions that Asia, with its experience of fast-changing and multi-ethnic societies, can make to the debate on how societies choose the mix of human rights and civil liberties. But to deny the pertinence of the concept of human rights itself as a yeech!—Western concept is not the way to insert Asian perspectives into the flow of ideas.

The starting point, in any case, must be that "There is only one set of fundamental human rights for whatever part of the world." More Western hubris? No, that was Chuan Leek-pai. East can meet West.

Asian Wall Street Journal, 2-3.4.93