

Strengthening Democracy

in *Asia*

New Networks and Partnerships for
Human Rights and the Rule of Law

CONFERENCE REPORT

**Annual International Conference
Toronto, June 14–15, 2006**



Rights & Democracy

International Centre for Human Rights
and Democratic Development

Acknowledgements

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Table of Contents

Introduction	3	Day Two	18
Day One	5	Globalization, Emerging Markets, and the Promotion of Human Rights	18
Welcome and Opening Address	5	Antonio Tujan Jr. , Asia Pacific Research Network	18
Jean-Louis Roy , President, Rights & Democracy	5	Irene Fernandez , TENAGANITA	19
Hau Sing Tse , Vice-President, Asia Branch, Canadian International Development Agency	6	Charm Tong , Shan Women’s Action Network	19
		Joe Wong , University of Toronto	20
Mapping the Terrain: Democratic Development and Human Rights in Asia	7	The Human Rights Implications of Canada-Asia Trade and Investment	21
T. Rajamoorthy , Third World Network	7	Nancy Riche , Former Executive Vice President, Canadian Labour Congress	21
Niraja G. Jayal , Jawaharlal University	8	Doug Goold , Canadian Institute for International Affairs	22
Kem Sokha , Cambodian Centre for Human Rights	9	Han Dongfang , China Labour Bulletin	22
Luncheon: Changing China – Rights and Democracy in the Digital Age	10	Luke Peterson , International Institute for Sustainable Development	23
Patrick Brown , CBC-TV Asia Correspondent	10		
Regionalism: Meeting the Human Rights Challenge in Asia	11	Luncheon: Supporting the Democratization of Burma	24
Paul Dalton , Danish Institute for Human Rights	11	Keynote Speaker: Prime Minister Sein Win , National Coalition Government of the Union of Burma	24
Charles Burton , Brock University	12		
Sanjeewa Liyanage , Asian Human Rights Commission	14	The Role of (Sub)Regional Institutions in Democratization	25
Ban Wenzhan , China University of Political Science and Law	14	Pip Dargan , Asia Pacific Forum of National Human Rights Institution	25
Civil Society as Catalyst for Change	15	Homayoun Alizadeh , Office of the High Commissioner for Human Rights Regional Representative	26
Lu YiYi , Chatham House	15	Masanori Aikyo , Nagoya University	26
Dominique Caouette , Université de Montréal	15	The Future of Human Rights in Asia	27
Ian Hamilton , Equitas	16	Jacques Bertrand , University of Toronto	27
Paul Evans , Asia Pacific Foundation	16	André Laliberté , Université du Québec à Montréal	27
Keynote Speaker	17	Nimalka Fernando , International Movement Against Discrimination and Racism	28
Omar Kabbaj , Former President, African Development Bank	17	Vitit Muntarbhorn , Chulalongkorn University	28
		Appendix I	30

Introduction

Rights & Democracy's annual international conference was held in Toronto, Canada this year, on June 14 and 15, 2006. Some 250 people attended the conference – policy makers, scholars, activists, journalists, government and embassy officials. The speakers came from over 13 different countries.

The conference was preceded by a day-long Student Forum, focussing on the role of student movements in the promotion of human rights and democracy in Asia and Canada.

"Strengthening Democracy in Asia" was the overall theme of the conference, and it was the prism through which Rights & Democracy analyzed the issues facing Asia. Democratic principles based on universal values of human dignity, justice and rights helped us in identifying and addressing fundamental problems. The subtitle of the conference, "New Networks and Partnerships for Human Rights and the Rule of Law," suggested mechanisms that enable us to move ahead. Networks and partnerships are central – be they in the economic realm or in the realms of democratic development and human rights. Civil society linkages, institution building and the evolution of regional mechanisms all depend on true partnerships and successful networks.

The Asian "tigers" and the "giants" have come of age – at least in the economic realm – and have a direct impact on the lives of many people far away from Asia. For example, the China-Africa trade and investment partnership has become one of the largest in the world, India's input in the global software industry is indispensable, and South Korea, Singapore and Thailand, along with some of their neighbours, are major regional economies with far-reaching networks. This, however, is only half of the story. Economic development is uneven at best and, importantly, political dynamics – especially when it comes to democratization and human rights – are often quite problematic. The world's largest democracy, India, shares a border with Burma, one of the worst human rights abusers, while the free-market economy of China coexists with an authoritarian political environment. Indonesia grapples with the challenges of economic development compounded by the devastation of the tsunami and earthquake while, simultaneously, addressing problems of democratic transition – such as institution building, security sector reform or ongoing abuses of human rights in certain regions.

In short, Asia is going through major changes with global consequences. The world needs a prosperous, stable *and* democratic Asia. Without the latter, neither prosperity nor stability will be long lasting.

It is impossible to generalize about "Asia." But it is also imperative to discuss Asia, as a region and as a global actor (or set of actors). The geographic areas this conference mostly concentrated on are Northeast and Southeast Asia, with a particular focus on certain countries facing democratic and human rights challenges.

What follows is the summary of the conference proceedings. While we have made every effort to reflect the views of the conference participants as accurately as possible, there might be instances where nuances and details are lost in the process of summarizing. Rights & Democracy assumes full responsibility for such omissions and possible errors.

Razmik Panossian

Director of Policy, Programmes and Planning

Day One

Welcome and Opening Address

Jean-Louis Roy, Rights & Democracy

The 21st century will be shaped by the relationship between democracy and Asia.

Democracy entails a complex web of relationships, institutions and practices. The principle of popular sovereignty is at its heart, including collective decision-making, peaceful political competition and the full right to challenge incumbent leaders. To function, the process of democracy requires freedom of expression and association, free and fair elections and peaceful transfer of power between successive governments. These drive institutional requirements such as the rule of law and the protection of all human rights—including civil, political, and minority rights.

The fundamental characteristics of democracy must be complemented and sustained by the implementation of universal human rights standards within international human rights treaties and covenants.

Millions of women and men in a large number of countries have put their hopes in a democratic form of government. They believe a democratic system will protect them from ethnic, religious, and gender discrimination as well as arbitrary detention, torture, ill treatment, and death while in state custody. They believe this system will provide access to justice, health and education, decent housing, work, food, and water. They also believe it will liberate them from poverty and social exclusion. They are asking that democracy reconcile the equality of citizenship with the existing inequalities of their societies. The poor and deprived cannot trust democracy, if it does not deliver both legal and social equality, or freedom from fear and want.

The rise of Asia and its relationship with the Western part of the world has the potential to structure international relations and foreign aid

policy, just as the east/west divide did in the last century. It also has the potential to redefine the relations between the north and south that were so significant during the Cold War. The real question and challenge is to ensure that the relationship is a positive one, of mutual benefit, rather than a source of tension and conflict.

China, India, and Japan will be among the key players of this century. Worldwatch Institute compares the rise of China and India to the discovery of the New World. This will have long-term consequences on the institutional organization and legal structure of the interdependent world and on global governance systems that are currently responding to outdated conditions.

Asia's rise is more than just an issue of international trade. It also relates to how people apply scientific knowledge and technological applications which are fundamental to growth and influence. The World Intellectual Property Organization reports a record number of patent findings by northeast Asian countries—an increase of 212% from Japan, the Republic of Korea and China combined compared to 20% of patent filings for emerging countries globally. Fifty per cent of 200 European and North American corporations indicate they will invest exclusively in Asia in the next five years; and 40% of those have decided to relocate their research and development operations to Asian countries.

Since India adopted democracy 60 years ago, many Asian countries have opted for democracy and expanded their political freedom. Authoritarian regimes, dictatorships, and martial law have been defeated in the Philippines, South Korea, Thailand, and Taiwan. Electoral democracy has arrived in Northern and Southeast Asia and Muslim-majority countries have changed their political systems.

Today's challenges include security threats by North Korea; proliferation of nuclear armament in the region; escalation of military and terrorist actions; dissatisfied minorities' struggles for rights;

aboriginal demand for ancestral rights; protection of migrant workers in Asia; human trafficking; poverty; environmental degradation; police brutality, torture, and arbitrary detention.

These challenges must be met through democratic means. In fact, it is only through democratic processes that *long-term* solutions can be found. And these challenges must be addressed both at the national and regional levels, through civil society coalitions and state institutions.

There is a significant challenge ahead to strengthen co-operation with international human rights mechanisms and encourage effective implementation of human rights at the regional level. Such a regional framework does not exist today in Asia, and it is important to create one.

The world must work together for shared growth and development, and this must be done in line with the expansion of human freedom.

Hau Sing Tse, Asia Branch, Canadian International Development Agency

Asia has experienced considerable economic progress over the last two decades. Several countries have achieved growth rates above 6% and the proportion of Asians living in poverty has decreased from 32% to 22% between 1999 and 2000. Despite this progress, the benefits have not been felt evenly across regions. Asia houses 60% of the world's population but still constitutes two-thirds of the world's poor. Further, economic growth has tended to accentuate the inequalities seen throughout Asia today—between regions, rural and urban populations, men and women, and ethnic groups.

Growth and economic reforms have led to an increasing demand from citizens, civil society, and the private sector for political reforms. Unfortunately, these reforms have often lagged behind the economic progress that has taken place. This has created a challenge in achieving the millennium development goals.

At CIDA, we believe firmly that good governance – meaning freedom, democracy, rule of law and human rights – is necessary to foster equitable economic growth and sustainable development. In fact, good governance is an area of focus for all

our major programs in Asia. We feel strongly that the manner in which any state acquires and exercises its authority matters tremendously to the overall well being of its citizens. Bad governance produces bad outcomes, such as corruption, poor service delivery, a weak investment climate, and lack of confidence by the population in state institutions and development results.

Good governance must be included as an integral part of our development strategies. We must focus on improving human rights and eliminating discrimination. CIDA focuses much of its efforts in supporting states to meet the needs and demands of their citizens. At the same time, it is important to:

- foster civil society participation and support judicial institutions that serve to balance the power of the state;
- nurture committed political leadership and support a vibrant private sector that promotes effective and sustainable development;
- establish a rules-based system that governs political and economic decision-making and ensures equitable economic growth;
- ensure transparency and accountability in government—in elections, political parties, parliaments, and local governments—to reduce the incidence of corruption.

Canadians enjoy a democratic tradition of participatory government within a federal system. Canada has significant experience in the promotion and protection of human rights in a multicultural context. We also have a strong comparative advantage in promoting a rules-based system and its application to all citizens in a manner that is impartial, accessible and timely. At CIDA, we draw on Canada's extensive history of democratic governance, human rights and the rule of law when developing our programming with partner countries.

We acknowledge that women in particular are often restricted from participation. So, CIDA programs promote the full participation of women as decision-makers at all levels of society, including local, regional and national levels of government.

An encouraging democratic trend that stands out in many Asian countries is the decentralization of authority to local governments. One distinctive characteristic of decentralization in some of these countries is that they have reserved and protected

a number of the seats in local governments for women. This presents CIDA with a great opportunity to support and promote the full participation of women.

Afghanistan presents a useful example of CIDA's interventions in democratic development and human rights. Canada has provided significant development assistance to the Afghan people since the fall of the Taliban, and is working in accordance with priorities spelled out by the Government of Afghanistan in its National Development Strategy.

An important part of CIDA's program in Afghanistan is providing support to the Government to extend its development programs into remote and vulnerable communities. In so doing, we are helping to ensure that all Afghan citizens have an opportunity to benefit from the progress being made in all parts of the country. As a result, we are also helping to build confidence in the newly elected government.

CIDA also provides support through the Afghan-designed National Solidarity Program and through the Confidence in Government Program, a CIDA initiative in Kandahar. Community leaders and elected village councils, made up of both women and men, together with elected representatives make their own decisions about the needs and priorities of what infrastructure to build.

Our partnership with Rights & Democracy is helping to change the status of women in Afghanistan through the Women's Rights Fund. This initiative provides legal aid for women, supports women's shelters, offers leadership training, raises awareness about the basic rights of women under the new Constitution, and builds women's capacity to participate in the political process.

Afghanistan is a concrete example of how we need to seize the opportunity very early on — from the beginning in this case — to start building democratic institutions. This is particularly true of fragile states emerging from decades of difficult conflict. Though building citizen confidence in the effective, equitable and transparent functioning of government institutions will take time, the impacts of democratic institutions need to be tangible and visible for the citizens — they must experience improvements in their day-to-day lives.

A discussion about whether security or economic development or democratic development should come first could help raise important issues. But it is not particularly helpful to local communities who seek a better life and reduced vulnerability to poverty. Progress in all of these areas must happen simultaneously, if we hope to help them build a better future for their children.

Canada is a valid role model for democracy in today's world. Our own nation's experience and the lessons we have learned in integrating and expressing the universal values of human rights, rule of law, and democracy are invaluable to our partner countries in Asia, as they consider options to advance their own democratic agenda.

As Canada's international development champion, CIDA will continue to work with our international partners to support democratic processes in Asia. We will continue to build on our key contributions with respect to security, rule of law, human development, and the advancement of women.

Mapping the Terrain: Democratic Development and Human Rights in Asia

MODERATOR:

Flora MacDonald

PANELLISTS:

T. Rajamoorthy, Third World Network (Malaysia)

Niraja G. Jayal, Jawaharlal University (India)

Kem Sokha, Cambodian Centre for Human Rights (Cambodia)

T. Rajamoorthy,
Third World Network

*Challenges for Democracy, Human Rights
and Development in Asia*

To understand the current human rights challenges in Asia, it is necessary to cast our minds back to the situation some three decades earlier when the continent, under the grip of the Cold War,

was divided into two blocs – Communist and non-Communist. Two determining influences in this period shaped the orientation and perspective of human rights activists in the non-Communist bloc. The first, dubbed “the crisis of democracy” (1955-1975), witnessed a slide towards authoritarian rule (both military and non-military dictatorships) in Asian countries in that bloc. As this challenge to democracy took the form of a challenge to civil and political rights, rights activists made these rights the centerpiece of their struggle.

The other determining influence that tended to reinforce this civil and political rights orientation was the ideological Cold War debate between the West and the Communist bloc over the relative importance of civil and political rights on the one hand and economic and social rights on the other. Rights activists in non-Communist Asia, most of whom shared a similar ideological outlook with the West, agreed with the West’s assertion of the primacy of civil and political rights. Rights activists and organizations in Communist Asia, confronted with the absence of civil and political rights in their society, also concurred in this view on the overarching importance of civil and political rights.

Thirty years on, the human rights situation, despite the persistence of authoritarianism in some parts of the continent and the military dictatorship in Burma, has dramatically improved. However, Asia’s rights activists, who contributed much to this transformation, have, because of their civil and political rights orientation, been less successful in addressing the new challenges posed by globalization (many of which are of an economic and social nature).

The human rights violations stemming from globalization arise from the ruthless drive for fiscal austerity and the push to remain “competitive”. The ruthless slashing of social expenditure has provoked “revolts” in the Chinese countryside and mass suicides in rural India, while the “liberalization” and privatization policies designed to achieve the same goals have resulted in massive layoffs, e.g., 30 million workers between 1998-2004 in China’s state-owned enterprises.

The drive to remain “competitive” is illustrated by the case of Vietnam, where wages have consistently been kept lower than in nearby China, provoking desperate wildcat strikes recently. The response of the transnational corporations (TNCs),

threatening to pull out of the country, reveals the power of these non-state actors to shape the process of globalization. In addition to TNCs, the International Monetary Fund (IMF), the World Bank and, above all, the World Trade Organization (WTO) are also shaping the process of globalization.

The inadequate response of Asian rights organizations to this new phenomenon has left other civil society organizations with the task of handling problems of globalization. But such a fragmented, non-human rights approach by NGOs only underscores the need for Asian rights organizations to place economic and social rights on their agenda and to adopt a comprehensive holistic approach to human rights to supplement the efforts of these other NGOs for alternatives to globalization.

To be sure, there are some major obstacles in the realization of economic and social rights in the region. For example, some quarters challenge the very idea of “economic and social rights”. Aside from this, there is the obstacle of implementing constitutional provisions to ensure that legislatures have oversight of executives when entering into multilateral and bilateral treaties, because in the absence of constitutional guarantees for economic and social rights, the outcome of these treaties may be the reduction of said rights.

Niraja G. Jayal,
Jawaharlal University

Democracy and Pluralism in South Asia

National political contexts not only define national identities, but also the value attached to democracy, to human rights and to the rule of law, and these therefore can vary greatly from one South Asian nation to another. In South Asia, pluralism is often considered an artifact of a colonial past. However, despite all its imperfections, democracy remains the only known means to create a society where all citizens are assured equal treatment and an equal voice in determining a vision of the common good. And pluralism remains the best tool for ensuring the security and human rights of all groups living within a society.

John Stuart Mill's philosophy that democracy best suits homogeneous societies is not necessarily borne out. Undoubtedly, democracy has the potential to divide countries along cultural identity lines. But whether these divisions occur depends more on a country's constitution, laws, and attitudes of the political elites, not on the principles of democracy.

Sri Lanka's identity-based conflict is a result of divisions along ethnic lines. State policy has encouraged the antagonism that fueled decades of violent civil war. Similarly, the 2002 anti-Muslim violence that swept through the Indian state of Gujarat can also be attributed to the actions of the state government.

India's brand of democracy has an impressive record of managing diversity. This is due to India's secular constitutional framework that ensures a minimal degree of protection for the rights of all groups. This level of protection is upheld by a well-entrenched, relatively efficient, and independent judiciary. The constitution even ensures minimum representation for disadvantaged castes and tribal groups.

Despite minimum representation in parliament and constitutional protection, India's Dalit, or oppressed caste, continues to suffer intense discrimination and a gross denial of basic human rights. Consequently, Dalits have higher levels of infant mortality, illiteracy, and are denied access to basic education, health care, and the opportunity to earn a living. India's democracy often fails to protect the Dalits. If humankind believes that minorities and other disadvantaged groups are to be treated as equal citizens, it must recognize the interlocking nature of inequalities—social, economic, cultural. Equality is a complex notion and social policies based on democratic principles must address these complexities.

Kem Sokha, Cambodian Centre for Human Rights

The Need for Grassroots Participation for Democratic Development in Asia: The Case of Cambodia

Thirty percent of Cambodians live in extreme poverty. Corruption is widespread and human rights abuses are committed regularly. Despite the

existence of democratic institutions such as parliament, executive powers continue to be held by one man and his cronies, and the judiciary is neither independent nor impartial. The police and justice system is easily manipulated through bribery. Consequently, there is no protection for the average citizen. Meanwhile, the crimes of the elite go unpunished.

The media, for the most part, are not free. The government controls Cambodian TV, which has the largest audience of all the different types of media. Independent radio, which tends to be less controlled by the government, has limited reach because no station can broadcast a signal powerful enough to span the country. Newspapers do enjoy a degree of freedom; however, they only reach those living in the capital and those who can read.

The government and army routinely grab land illegally from citizens. Freedom of assembly and expression is often denied. Protest and strikes are prohibited. And those who speak out against these injustices are subjected to arbitrary arrests, detention, harassment, and threats. Sokha, himself, was arrested in December 2005 and held for 17 days for participating in a Human Rights Day rally.

The only way democracy will take root in Cambodia is through a concerted grassroots movement. The Cambodian Centre for Human Rights (CCHR) facilitates political participation for average Cambodians. It provides the education and tools for Cambodians to set up their own human rights groups and teaches them how to monitor and record abuses. The CCHR headquarters keep track of all reported abuses and follow-up by issuing formal complaints to the proper authorities. The organization also holds 50 public forums around the country for people to voice their concerns. It runs a radio program that reaches 60% of the population and educates citizens about their rights and the law.

Oppression becomes effective because the majority of the oppressed accept the denial of their freedoms. In Cambodia's case, limits to civil liberties have become accepted through decades of communist rule. But the CCHR, through its policy of non-violence, is acting to change this attitude. It is urging Cambodians to reclaim their rights and speak out *en masse*.

But change is slowly occurring. Sokha and his fellow human rights activists would never have been released without the help of Cambodia's civil society, which mobilized 120,000 people in protest. In 2006, there have been even greater leaps in the country's quest for civil liberties. The prime minister even decriminalized defamation, opening himself and the government to public criticism.

Luncheon: Changing China – Rights and Democracy in the Digital Age

Patrick Brown,
CBC-TV Senior Asia Correspondent

China is in the process of change. Things that were newsworthy only a short while ago are no longer that novel. For example, when the Rolling Stones recently played a concert in Shanghai, CBC editors wanted the event covered. But China has changed so much that the Stones playing there is no longer a story. So, the editors asked for a story explaining how China has changed so much that such events no longer constitute a story!

China's opening to the world has historical precedents. In the 16th and early 17th centuries, Catholic missionary Matteo Ricci was allowed to proselytize in China, in exchange for sharing his knowledge of math, astronomy, and the sciences of the day. Similarly today, Westerners believe they are bringing China into the modern world with new technologies, and at the same time bringing democracy, so that the people of China will be "happy and joyous and free, just like the rest of the world."

Just as China has not become a Christian country over the past 450 years, neither has there been a massive spread of democracy since the inception of economic reforms by Deng Xiaoping.

Many people believe that the Internet will be a major instrument of change in China. More than 100 million Chinese people have Internet connections, and more than 30 million are bloggers. Internet access has wrought many profound, but subtle, changes—but not the overt transition to

Western-style electoral democracy for which many had hoped. For example, people are using the Internet to get information on land developers and to form housing associations to make bulk purchases and negotiate with landlords. This is grassroots politics that would have been unheard of a few years ago.

Although there is an incredible firewall that keeps the outside world out in many spheres, the Chinese language Internet is growing at an astonishing rate, and there are many homegrown sites. Most websites are just about people's daily lives and not particularly interesting, except in that they are part of the new virtual civil society as it exists in China. However, activities on some sites have had significant impact in some cases. Some examples are:

- A woman driving a BMW was involved in a traffic accident that killed a local person. She escaped punishment, presumably because of her close connections to high local officials. The case became an Internet cause célèbre and was, eventually, reviewed because of the discontent it aroused through the medium of the Internet.
- The push for profit has made safety a secondary consideration in many Chinese industries and serious industrial accidents are common. After a recent coal-mining accident, in which 43 people were killed, local and company authorities rounded up the relatives of the dead and had them removed from the area to keep the accident quiet. In the meantime, however, details had already appeared on the Internet. In a development that would have been unthinkable 10 years ago, within a relatively short time, mine administrators were themselves under arrest.
- A "guerrilla journalist," who used to work for a Chinese newspaper now writes exclusively on the Internet. He travels around the country and has a reputation for exposing corruption on more than 50 websites concurrently. As sites are shut down, he creates new ones and continues publishing.

Western countries have what China wants for economic development—the Internet and technology. Often, human rights and democracy do not figure into this equation. Yahoo gives Chinese authorities details of people's Internet use, and Google agreed to create a Chinese search engine that excludes "unauthorized" content.

It is Western governments – not business – who, since Tiananmen Square, feel obliged to promote a democracy and human rights agenda at the same time as they do business in China. The dichotomy is between what the business community wants – to take advantage of tremendous opportunities for profit – and what activists in this room want, which is positive change for human rights.

Many countries are involved in governance projects in China. The Canadian International Development Agency (CIDA) is training judges and there are many capacity-building programs. So far, these have been disappointing. There has not been a general consciousness-raising, and most of those trained seem to have disappeared back into the system. Overall, engagement is better than non-engagement, but programs like these are unlikely to bring change any time soon.

On the ground, there are many NGOs formed to address issues like AIDS and the environment. They are tolerated, but with extreme suspicion and every effort is made to keep these organizations under control. In fact, these efforts at control are manifest in a growing number of government-organized “non-governmental” organizations (GONGOs).

The overall goal of the Chinese government is regime stability and regime survival. The idea that it might be possible to transform environmental groups or other NGOs into conduits for democratic pressure will not work and is dangerous for members of the organizations. There are many examples of activists being arrested, beaten, followed, and imprisoned.

However, China has seen more advances in human rights over the last 20 years than any other place on the planet. People can get married without permission from their work unit, open a business, send their children to private school, and access the Internet—all of these things without any “formal” increase in their rights. These changes have not come about through any outside efforts, but as a result of the way the economic transformation has happened.

Article 35 of the Chinese Constitution guarantees freedom of speech and association. The Chinese people are not expecting electoral democracy tomorrow, but they hunger for justice and the rule of law. It is unlikely that foreigners

can bring this about, but the pressure of people inside pushing to force the application of the existing law has already brought change.

Everything that happens in China takes place in the context of its culture, history, and economic situation. Anyone who argues for electoral democracy tomorrow is arguing for absolute chaos, but those who argue for the institution of individual rights are talking about something that is achievable and in which the Chinese people have a great interest. China *is* changing, but in its own way and, sometimes, very slowly.

Regionalism: Meeting the Human Rights Challenge in Asia

MODERATOR:

Claire L’Heureux-Dubé

PANELLISTS:

Paul Dalton, Danish Institute for Human Rights (Denmark)

Charles Burton, Brock University (Canada)

Sanjeewa Liyanage, Asian Human Rights Commission (Hong Kong)

Ban Wenzhan, China University of Political Science and Law (China)

Paul Dalton,
Danish Institute for Human Rights

The Influence of National and Regional Dynamics on Human Rights Promotion

The Association of Southeast Asian Nations (ASEAN) forum is taking an increasing interest in human rights, protection of minority groups, and at the national level, discussions of the rule of law and institutions of good governance in the language of political dialogue.

In 2004, the ASEAN forum adopted a program of action from 2004 to 2010 that outlined a number of political objectives associated with the promotion of human rights, and identified a commitment to

promote education on human rights. The ASEAN charter will not be adopted before 2010.

This represents a monumental change to the priorities that guided the previous generation's ASEAN forum. It will be interesting to see what form the new initiative will take and what teeth it will have to meet international human rights institutions and conventions. It is also interesting to see the first steps towards a cohesive and ambitious human rights agenda.

The potential does exist for human rights activists working in Asia and also organizations in Canada and elsewhere to support human rights at a regional level. But any feasible strategy must be grounded in a national context in co-operation with national bodies.

This must start by addressing the situation surrounding prisons. Across Asia, legal situations are in a state of atrophy or corruption. The Danish Institute for Human Rights' focus is to work with judicial institutions and government agencies rather than to work around them.

In Vietnam, the Institute has piggybacked on the opportunity provided by the Vietnamese reform process that started in the late 1990s. Vietnam has applied for membership in the WTO, which will go into effect later this year. In the last two years, in addition to economic restructuring, there has been increasing interest in the implementation of human rights policies on the part of government agencies. Human rights are not only part of academic level exchanges, roundtable discussions and university courses, but are also incorporated in judicial reform, police training and security sector reforms. There has been a great deal of legislative activity under the Ministry of Justice, which has officially committed to implementing reform from 2005 through to 2020.

The Vietnamese welcome international co-operation, and are working on building trust with their stakeholders. This is a long-term engagement, which will involve working with the Ministry of Justice and the Ministry of Public Security.

Indonesia is adopting new human rights laws, along with the establishment and/or expansion of new legal and accountability institutions. Agencies whose executive once operated without judicial oversight are now undergoing reform processes. A series of blueprint documents is being established, as are permanent human rights courts.

The public perception is that prosecution is too closely tied to the state and that both are corrupt. There is a need for reform through professional and educational programs. There is also a pressing need to work more on creating dialogues between public offices, judiciary bodies, and the general public. Community-based dialogue will increase public participation and ensure that human rights principles can be advanced, and will bridge the gap between the government and the governed.

**Charles Burton,
Brock University**

Canada's Plurilateral Forums in Asia

At the United Nations Commission on Human Rights (now the Human Rights Council) in Geneva, Canada co-sponsored a resolution on human rights in China in each of the six years it was proposed prior to 1997. Canada joined with the European Union and other like-minded states in sending a strong signal to the Chinese government demanding that China abide by its international human rights obligations. But in 1997 "due to erosion of support for the resolution as a result of a break down in consensus within the European Union, the traditional sponsor of the resolution," Canada decided that, rather than co-sponsor this resolution, we could pursue "more effective means" to influence Chinese respect for the human rights of its citizens. So Canada decided to invite China and other countries, primarily from the Asia-Pacific Region, to a "symposium to discuss different approaches and concepts of human rights, with a view to better understanding different perspectives."

The first conference took place in March 1998 in British Columbia. The Second Plurilateral Symposium on Human Rights was held in Qingdao, China, on July 26 and 27 1999. Norway was invited to join in co-hosting the Symposium in recognition of the May 1998 Lysøen Agreement between Canada and Norway, under which the two countries formed a partnership for joint action on international human security issues. A Canadian Government press release indicated that "the involvement of Asia-Pacific countries with varied economic, social, political and cultural backgrounds makes for a rich dialogue on human rights. The involvement of

academics, practitioners and policy makers promotes valuable insights for all participants on both the theory and the practice of human rights.”

The 1999 Symposium covered four agenda items: implementation of the International Covenant on Political and Civil Rights and the International Covenant on Economic, Cultural and Social Rights (discussion led by China); rights of minorities (discussion led by Norway); labour rights (discussion led by China); and freedom of expression (discussion led by Canada). Observer countries invited to that year’s Symposium included Australia, Bangladesh, India, Indonesia, Japan, Malaysia, Mongolia, Nepal, New Zealand, Pakistan, Philippines, Singapore, South Korea and Thailand.

Since then the meetings have been alternately hosted once a year by Canada, China and Norway mostly in the region, such as the 2002 meeting in Indonesia, and more recently in Vietnam. Ms. Aileen Carroll (Parliamentary Secretary to the Minister of Foreign Affairs) in the Canadian House of Commons in February 2003 characterized the 2002 Jakarta meeting as succeeding “in achieving its immediate objectives, which were a discussion of mutual human rights concerns, an exchange of strategies and policies to address them and confidence building among the participants so as to facilitate possible joint activities. In so doing, the meeting again proved its value as a non-confrontational venue to discuss sensitive human rights issues in a greater depth than is possible in larger human rights fora.”

There is not actually a lot of detailed public information released on the substantive content of these plurilateral meetings, nor exactly who was present as representatives of the various countries involved. No summary of the discussions is released afterward. But there are a couple of observations that can be made:

First of all a forum that has Asians speaking with each other about human rights may well be more effective in some ways and less effective in other ways. For example at the 1999 Symposium, the representatives of some nations such as Bangladesh and Mongolia were very articulate in their defence of the liberal democratic norms that inform the modern day discourse on the universality of human rights. Presumably other Asian nations would be quite taken with an argument by

nations comparable to their own that sincere adoption of human rights in their political culture has been of significant benefit to their national development. This should be more convincing than this same argument coming from advocates from advanced, industrialized Western nations.

But can a plurilateral symposium be effective in bringing about greater social justice for the large numbers of oppressed people in the various Asian countries? First of all Chinese Government participation is coordinated by the Human Rights Division of the International Organizations Department of their MFA. But the mandate of the MFA is to defend China’s interests abroad, not to promote human rights domestically. Many of the other national delegations also arrive at the plurilateral symposia with prepared texts addressing foreign critiques of their nation’s human rights record similar to those that they deliver at many comparable fora. Moreover, whether the content of the Plurilateral meetings get reported to senior policy makers in the participant governments or simply rest with the small group of human rights bureaucrats whose function is primarily to defend the interests and image of their nation is very much in doubt.

A danger is that plurilateral fora function as a means to give the impression of substantive activity to promote human rights in Asia but actually detract from multilateral engagement by UN or regional institutions, which unlike the plurilateral symposium have reporting requirements and mechanisms to encourage compliance by nations with the universal norms of human rights as expressed in regional and UN covenants.

The crux of the matter is: do the plurilateral symposia promote human rights in Asia, or do they simply function as a device for the governments of Canada, Norway and China to satisfy demands of citizens and NGOs that governments should proactively defend the rights of Asians living under repressive political regimes?

Sanjeewa Liyanage,
Asian Human Rights Commission

***Rule of Law and Human Rights in Asia and
the Challenges to Domestic Implementation
of Rights***

Many countries in Asia guarantee human rights in their constitutions and have ratified international human rights covenants and enacted corresponding domestic legislation relating to human rights. So why are human rights violations on the increase? This is a question that must be confronted.

Many human rights NGOs, with the help of countries such as Canada and some in Europe, are engaging in human rights education and programs for law enforcement. But violations continue to increase. There is something wrong in the system. People talk about rights. There are laws, constitutions, reports, and concluding observations by bodies—but still there are no improvements in the human rights situation on the ground.

Domestic implementation is a problem and can be attributed to three institutions: policing, prosecution, and the court system. Police brutality in criminal investigations is common. Forced confessions are considered the norm and often the victims are the poor, or at least not the affluent.

The people have lost faith in policing. The police have lost their credibility and their ability to carry out proper scientific criminal investigation. They torture routinely because they do not know any other way to extract information.

For example, a Sri Lankan activist, who was wrongfully tortured then released, filed charges against the police. He was shot dead prior to testifying in court.

People are told to fight for their rights, but they get into trouble with the very people who they go to for protection. This ranges from the police through to the prosecution, which is influenced by the government and therefore cannot function independently.

This is a challenge to the human rights movement. But there are signs of hope—people within the countries are fighting the system. However, these people cannot move by themselves. This is where international solidarity comes in, and Canada and other organizations can play a role.

There are ample opportunities to support these people. While the change has to come from within, it cannot be done without outside support.

Ban Wenzhan,
China University of Political Science
and Law

***The Interplay of Chinese Human Rights
Practice and International Law***

There has been an inherent, but not obvious, interaction between human rights practice at the domestic level in China and international law. China has accepted and implemented international human rights law in its constitution. China would also like to amend existing laws and enact new laws where needed.

China has made significant progress in the field of human rights. However, gaps exist between formal acceptance and actual implementation of human rights standards. There are gaps between the principles of human rights protection and the fundamental rights of citizens under constitutions. Another gap lies between rights in political and legal documents and enforcement in practice.

Negative and positive influencing elements include historical tradition and experience, the large population base, and the country's vast landscape and resources.

None of these elements are insurmountable in nature. If one can change ideas and attitudes, one can eventually change the human rights situation. In fact, China has been in a process of transformation, and encouraging changes in these elements are already being seen.

Human rights are a basic responsibility of the state. For the first time in Chinese history it has become one of the guiding principles for groups, practices and institutions, and other members of Chinese society. Civil society, international institutions, and regional organizations have become open to constructive dialogue and are more tolerant to criticism.

It is far from easy to make the dream of universal human rights come true. The efforts of all the people will bring a promising future to China, Asia, and the world.

Civil Society as Catalyst for Change

MODERATOR:

Lois Wilson

PANELLISTS:

Lu YiYi, Chatham House (UK)

Dominique Caouette, Université de Montréal (Canada)

Ian Hamilton, Equitas (Canada)

Paul Evans, Asia Pacific Foundation of Canada (Canada)

Lu YiYi,
Chatham House

The Emergence of Civil Society in China

China's civil society has achieved some important victories in recent years, which are best illustrated in the area of environmental protection. Until recently, Chinese NGOs functioned mainly as service providers. But environmental activists have become skillful advocates with an increased capacity to influence policy and governance as a whole. Environmental NGOs successfully suspended construction of two enormous hydroelectric dams whose environmental and social impacts were not properly assessed.

China's civil society, which emerged in the 1970s, now boasts over 250,000 different organizations that range in size and purpose. Today, NGOs are organizing consumer product boycotts and collaborating with international groups, like Greenpeace, on global campaigns.

NGOs are becoming increasingly sophisticated in employing the media to disseminate their messages. These organizations are also attracting scientists and other experts, whose input lends a degree of authority not enjoyed in the past. Student activists have also played an integral part in disseminating information. Average citizens are becoming more aware of political, social, and environmental issues as a result of education campaigns led by students in the streets.

However, civil society has several weaknesses that render it less effective. NGOs too often criticize each other rather than the government. Furthermore, environmental groups often lack the important technical and scientific knowledge that is needed to fully confront big business or the government on specific issues. They can mobilize the public and the media, but they often do not understand complex issues. This is an intrinsic weakness of China's civil society.

Civil society is not only made up of NGOs. Individuals are capable of affecting change as well, provided they are aware of the tools at their disposal. For example, a law student sued the Chinese Ministry of Railroads over not issuing official receipts. This David vs. Goliath scenario raised many significant issues, not the least of which had to deal with tax evasion on the part of the Railway Ministry. It posed an enormous challenge for the ministry, which is one of the largest and most important in the country. The student brought the case against the Ministry three times, at different levels of the court system, before he finally won. The railway was eventually forced to change its practices.

Dominique Caouette,
Université de Montréal

Challenges for Civil Society in Canada and Asia

Beginning in the early 1990s, and especially after the "Battle of Seattle" in 1999, civil society parallel meetings and protests have been occasions for transnational movements and networks to gather and act collectively to resist and protest decision-making processes deemed undemocratic and exclusionary. For many participants, trade liberalization as embodied in the WTO agenda constitutes a global challenge that calls for cross-border collective action to shift the current neo-liberal economics in favour of social justice and equity. Transnational activism involves coordinated global campaigns by a range of civil society actors targeting international agencies and state institutions.

Global civil society activism has intensified with the end of the Cold War as it has become easier to mobilize people across borders: the speed and

relative simplicity with which information and news can now be disseminated, in part due to the Internet and relatively cheap international travel, have been two enabling factors.

Transnational activism needs to be nurtured whether in Asia, in Canada or around the world. One way such process occurs is through NGOs and networks that have developed knowledge and expertise which can be shared and which leads to collective action. In Asia, such knowledge-based organizations help build, strengthen, and maintain a viable civil society.

Four transnational organizations and networks located in Asia provide important illustrations of how knowledge and information can be used to mobilize people for a common cause. The Asian Regional Exchange for New Alternatives (ARENA) is a network of intellectual activists linked to social movements throughout the region that offers innovative analysis and provides critical perspectives. Third World Network and Focus on the Global South act as civil society think tanks regarding a range of development issues, especially global trade and economic integration. Finally, the Asia Pacific Research Network (APRN) has created an information-sharing network and strengthened database and research capacities of Asian civil society organisations. Taken together, these organisations have contributed significantly to enhance the capacities of Asian civil society in engaging global governance issues.

Ian Hamilton,
Equitas

The Role of Civil Society in Human Rights Education

One of civil society's greatest strengths lies in its ability to galvanize the masses. Human rights can only be realized once a society learns how to embrace democratic principles. Civil society must teach people how to *do* human rights, not just *know* their rights. But this takes years, if not decades, of hard work and commitment.

Canada's civil society—as well as its government—must commit itself to its counterparts abroad. In the struggle for human rights a country will go through many setbacks. Established

democracies cannot turn their backs on these movements before these liberties become entrenched as a fundamental and commonly held expectation.

Human rights education has been proven to work and transform people and societies. It bridges gender gaps and religious differences, and helps improve tolerance for minorities. Canada is not beyond human rights education. As hate crime numbers jump and the government restricts civil liberties in the name of security, there is a growing need for human rights education in Canada as in Asia. In the process, Canadians must be open to learning from the Asian experience.

But NGOs and the rest of civil society cannot act alone. Governments in Asia need to be sensitized and convinced to fulfill their domestic and international human rights obligations.

In Indonesia, for instance, civil society put the issue of women migrant worker rights on the agenda. NGOs spurred awareness through education. The cause was then picked up by the media, followed by the public, and then finally the government took notice. Asian NGOs need to learn how to effectively engage their governments, because it is possible to effect change.

Paul Evans,
Asia Pacific Foundation of Canada

Myths and Miracles of Transnational Civil Society in Asia

There are several signs that the Conservative government in Ottawa is aiming to make democracy promotion a major priority. This would represent a significant departure from the approach of past Canadian governments that have focused on human rights, good governance and, occasionally, support for democracy. In no part of the world does democracy promotion raise more concerns than in Asia. One of the miracles of contemporary Asia is the expansion of civil society within most countries and on a trans-national basis. These new groups and institutions have the capacity to create, share, and disseminate information. For example, they have managed to keep international attention focused on the region's most troubled areas, including East Timor and Burma and on a range of human security and non-traditional security issues.

One myth is the misleading idea that civil society in its own right can bring about democracy or improve human rights without a constructive interaction with governments. To examine NGOs in isolation from government is self-defeating. Another myth is that civil society is always a positive force in promoting democracy and human rights. Civil society contains the good, the bad and the ugly all at once. And, as seen in societal groupings that support terrorism, it can also contain the deadly.

Keynote Speaker

Omar Kabbaj, Former President, African Development Bank

In 1995, Omar Kabbaj took the helm of the African Development Bank (ADB). At that time, both the bank and Africa were in “bad shape.” Africa had been in economic crisis for over three decades. Only after the devaluation of the CFA franc in 1994–95, major resource donations by countries like Canada, and painful restructuring, has it been possible to achieve a small measure of economic growth and stability.

Governance was one of the major issues facing the ADB when Kabbaj arrived because its strict Bretton Woods mandate excluded involvement in anything beyond financial issues. After a long fight, the ADB became the first institution in Africa to adopt a governance policy supporting gender rights, the protection of children, the amelioration of climate change, and the battle against corruption. The bank has succeeded in implementing mechanisms to finance governance reforms in many African countries and to promote dialogue between civil society and governments.

Many of the lessons learned in Asia could help address conditions in Africa. The per-capita GNP of most Asian countries in the 1960s was roughly the same as in much of Africa today. Yet many Asian countries now enjoy per-capita GNPs of over US\$15,000, while the African average is US\$1,000. The ADB has conducted many seminars with friends from Asian countries to try to understand the dynamics of this change.

The emergence of Asian countries is due, first, to emphasis on quality education—particularly science and math. In Africa, the education system is a shambles, many universities are overcrowded, and teachers are in short supply. Much of Asia’s economic success and its accompanying social benefits are the result of a birthrate that is much lower than the African average. The rate of population growth in Asia is only 1.5%, compared to 3% in Africa. Asia has also been more successful at democratization and the integration of regional markets.

Co-operation between Africa and Asia has been accelerating recently with trade, investment, and participation in international projects. The recent and important trend of Asian development assistance to Africa, particularly from India and China, may have important long-term effects on the political direction of some African nations, as well as the future of democracy and human rights.

The Millennium Development Goals will not be reached in most African countries, particularly in the Sub-Sahara, but there has been significant progress: the nascent private sector is growing, inflation is under control, and budget deficits and external debts are smaller. Many challenges must still be met, however, including those of AIDS, malaria, drought, and demographic transition. Economic problems are complicated when developed countries fail to honour aid commitments. Much of the aid to Africa takes the form of debt reduction but, without fresh money, support, and commitment, success will prove elusive. High levels of European and American agriculture subsidies are another major obstacle to economic success.

To succeed, reforms must be accelerated. Africa must learn from Asia’s example and try to restart the economy to offer the population better human rights, a higher standard of living, an end to corruption, and better education.

It is important to recognize, though, that the places with the greatest economic growth are not necessarily those with the most democracy. The international community must treat all countries equitably and equally, whether they are large or small and whether or not they are oil-producers. Solutions that work in Africa must be made in Africa. Pressures for reforms from outside and imposed systems will not succeed.

Day Two

Globalization, Emerging Markets, and the Promotion of Human Rights

MODERATOR:

Peter Li

PANELLISTS:

Antonio Tujan Jr., Asia Pacific Research Network
(Philippines)

Irene Fernandez, TENAGANITA (Malaysia)

Charm Tong, Shan Women's Action Network
(Burma)

Joe Wong, University of Toronto (Canada)

Antonio Tujan Jr.,
Asia Pacific Research Network

Privatization, Deregulation and Poverty: Who is in Control?

Globalization presents great challenges *and* opportunities for poverty reduction and development. But it is important that governments uphold the rights of their citizens in the face of neo-liberal policies.

Trade liberalization removes trade barriers that protect traditional or weaker economic sectors. This leads to wide-scale bankruptcies in some segments of the economy, resulting in unemployment and severe economic hardship. The peasant goes bankrupt, and then a transnational restructures her/his farm into a larger operation that pays low wages, resulting in permanent marginalization. Economic displacement is compounded by increased costs of living, higher costs for education and private health care, to name a few of the impacts. What we think of as *modern* Asia exists at the expense of traditional Asia. Hoped-for reductions in poverty fail to materialize. In fact, neo-liberal economic policy leads to greater poverty.

Asia is the fastest growing global trader, but its growth is the result of a competitiveness that brings with it extreme social risks. Its competitiveness is often not based on enhanced technical capacity, but in below-subsistence wages. People talk about Asian work ethic and labour flexibility, as Asian countries race to the bottom in wages. Moreover, labour flexibility is based on inhuman working conditions. In the Philippines, workers have died of exhaustion due to overwork.

Flexible hiring has resulted in the loss of job security and the ability to organize, and has resulted in a system of labour recruiters. These recruiters seek cheaper and cheaper sources of labour, resulting in forced migration through labour contracting from poorer countries to richer ones. Behind the modern skyscraper in Asia is the face of the poor worker, the hungry worker, and—probably—the trafficked worker.

It is important that countries preserve “policy space” where they can soften the impact of privatization and liberalization for traditional sectors.

It is necessary to develop innovative mechanisms and initiatives that allow the poor to benefit from growth. While there has been little progress in the Philippines, Indonesia, and Malaysia, Thailand has had some success in distributing growth.

The challenge of globalization has increased the consciousness of human rights. Many social movements in Asia and Latin America are challenging issues on the basis of sovereignty and there are growing movements around food, resource, and water sovereignty. The urgency of the situation has led many groups to question governments' capacity and willingness to protect human rights, so they have begun to focus on community interests in opposition to foreign interests. Mechanisms for developing human rights are only feasible if they deal with the issue of how governments create policy space to preserve these rights within the context of globalization.

Irene Fernandez,
TENAGANITA

Labour Migration and its Impact on Women in Asia

In Asia, labour migration is very different than in Canada. It is based on contractually-organized recruitment that sees workers enlisted for two to five years without any hope of citizenship. With a contracted system of labour, the visa is conditional on a specific job with an employer. Hence, it becomes very difficult to leave an abusive situation. Modern employment recruitment is not just a contracted system, but also a bonded labour system that results in inhumane conditions and no protection for workers.

The system is rampant in Asia, but could soon become more prevalent in Europe and North America as well.

Governments in Asia today have clearly defined labour export systems that are being pushed by the World Bank and IMF to allow these countries to service their debts. In many Asian countries remittances from migrant workers are the second largest form of income, surpassed only by foreign direct investment. In the push to capitalize on every available resource and after years of excessive export during globalization, the human being – as a commodity – is now being harnessed in the drive of globalization. Workers have become “human capital.”

Overwhelmingly these workers are women. Over 70% of migrant labourers from Malaysia, the Philippines, and Indonesia are women who have been sent to Taiwan, Europe, and Canada as domestic workers.

Globalization has led to the breakdown of health care systems in developing countries due to privatization. As public health budgets are cut, it becomes increasingly more difficult to recruit health care professionals, particularly when caregivers are leaving their countries to work in Europe and North America.

The criminalization of undocumented workers must also be addressed. Legal status must be separated from labour rights issues. Although the Convention on the Protection of the Rights of Migrant Workers has existed since 1990, only 18 countries have signed it. Canadians who

believe in strengthening democracy and human rights through partnership should press Canada to ratify the Convention.

In Burma and Nepal, labour migration is forced. It is clear that migrant rights start with democracy, so supporting democracy in these countries is crucial.

Strengthening democracy in Asia requires removing the causes of poverty and debt, of power inequalities and dominance. It means that the current forms of global colonization through trade and investment must be eliminated, and nations’ capacity for self-determination must be bolstered with human rights and genuine democracy as the fundamental values.

Charm Tong,
Shan Women’s Action Network

Burma, ASEAN, and the Struggle for Democracy

Burma has been ruled by a series of military dictatorships since 1962. In 1990, the military refused to surrender power to an elected coalition government. Despite natural resource wealth, Burma has been reduced to the poorest country in the region. Efforts to control and exploit natural resources have led to numerous human rights violations including brutal beatings, forced labour, torture, murder, and rape. Even today, Burmese refugees continue to stream into Thailand, Bangladesh, and India.

After the military regime abandoned its policy of economic isolation in 1988, investors from neighbouring countries came to Burma to tap its natural resources. In turn, investors give the regime money to purchase weapons and cement its control. Intensive foreign trade has also stripped local people of their right to participate in decisions about their natural resources, while large infrastructure projects (such as the gas pipeline) often result in forced displacement of whole villages. Countries continue to “constructively engage” with Burma in the name of promoting democratic reform, all the while using their ties to the military regime to get access to Burma’s resources.

The Asian Development Bank (ADB) is also directly and actively engaged with the Burmese military regime, despite the suspension of loans after the democratic uprising in 1988. The ADB continues to give advice, issue structural assistance plans, and provide technical grants to the regime under the Mekong Sub-region.

Japan has also reinstated aid for so-called overseas development aid. The reality is that this aid subsidizes and prolongs the life of the regime that is the root of the country's problems. Bilateral assistance fails to bring reform because the organizations delivering aid in Burma do not speak much about human rights abuse, while their presence is used to legitimize the military regime. Engagement policies have been entirely unsuccessful in ameliorating the brutality of the regime, but are used to justify it.

In the nine years that Burma has been a member of ASEAN, the suppression of the democratic movement has increased. Mismanagement of economic reform by the military regime continues to be a threat in the region, as is the presence of more than 2.5 million undocumented asylum seekers in neighbouring countries. Other abuses include the forced conscription of children and attacks on rural people. Burma is the largest producer of opium and drugs, and AIDS is rampant and affecting the entire region as a result of human trafficking and drug use. Money is spent on the military to suppress the people, instead of on needed health care.

The international community must not tolerate the ongoing human rights crisis in Burma. ASEAN and governments from around the world must pressure the military regime towards democratic change and act immediately to bring Burma to the UN Security Council.

Joe Wong,
University of Toronto

Globalization, Social Rights, and Democratic Possibilities

Democracy should be viewed not only for its normative claims to upholding human dignity, but also for its practical possibilities. It is not an end in and of itself, but a dynamic process that is affected by structural variables, such as economic development and cultural practices.

The conventional wisdom, suggesting that democracy and globalization go hand in hand, is naïve—based on blind faith in the dominant liberal economic and political projects. The liberal tradition emphasizes and privileges the individual and encourages the individual to engage in the market without interference from non-market actors or institutions—most notably, the state. The market paradigm is based on the encouragement of self-interested behaviour by individual consumers.

Since the 1970s the Chinese government has steered its economy on the path of “market reforms.” Private ownership has been increasingly encouraged. Unfortunately, unequal development is a by-product of individual riches. China's economy and society are extremely stratified. China's market economy is being embraced, if not by all within its borders, certainly by the global economic community. With the single largest consumer market in the world, it is not surprising that corporations and governments are willing to legitimize China's market economy.

The regime in Beijing, the People's Action Party (PAP) in Singapore, the United Malays National Organization (UMNO) in Malaysia, and the military junta in Burma all contend that authoritarianism is needed to maintain political order to allow the continued development of market economies and to pave the road to modernity. If economic individualism has taught the leadership in Beijing anything, it is that political individualism is undesirable.

The increasing excesses of corrupt local officials, and not market logic individualism, are responsible for political instability in places like China. So, it is important to be wary of claims that there is an authoritarian imperative in the region.

While the democratic tradition is grounded in the individual, its practice is manifested in communities. It is democracy's emphasis on community building—citizenship shared equally among all citizens—that humanizes global capitalism and provides the bases for social solidarity and human rights.

Global markets are here to stay. They promote growth and social and economic modernization. Global markets reinforce the absolute need for democracy, not to protect individual property rights, but to protect communities and nation-states. Democracy is the means by which capitalism and, by extension, globalization can be humanized.

The Human Rights Implications of Canada-Asia Trade and Investment

MODERATOR:

Patrick Brown

PANELLISTS:

Nancy Riche, Former Executive Vice President, Canadian Labour Congress (Canada)

Doug Goold, Canadian Institute for International Affairs (Canada)

Han Dongfang, China Labour Bulletin (Hong Kong)

Luke Peterson, International Institute for Sustainable Development (Canada)

Nancy Riche,
Former Executive Vice President,
Canadian Labour Congress

The Impact of Canada-Asia Trade on Labour Rights

Repression and murder are common responses to workers' attempts to carry out peaceful activities in the Asia-Pacific region. Arrests of peaceful protesters and worker organizers are common. Export processing zones across Asia are notoriously anti-union with serious violations reported in the Philippines, Bangladesh, and Sri Lanka. Women are frequently the victims of this violence.

In Burma and North Korea, trade unions are banned. In China, many independent trade unionists remain in prison and protesting workers have been brutally suppressed. In Nepal, trade union rights have been suspended. Unions in Vietnam remain under government control. The presidents of Thailand, South Korea, and East Timor refuse to sign laws protecting workers rights. Industrialized nations, such as Japan, restrict organizing rights in the public sector, while the current Australian government is seen as the most anti-labour administration in the industrialized world.

The answer to the question "what is the impact of trade on labour rights?" is simple. None. Nothing has happened since countries started entering into various trade agreements and nothing will, unless industrialized nations have the will to make it so.

When trade unions raise issues regarding the WTO or other bilateral agreements, they are accused of being anti-competition. Somehow, there is an implication that workers rights are different than human rights. Countries like Canada, which pride themselves on their human rights records, send trade delegations to countries where human rights violations are rampant.

The International Labour Organization (ILO), founded in 1919, was the first tripartite body of workers, employers, and governments and all the states mentioned thus far are members. The 1944 Declaration of Philadelphia states:

- Labour is not a commodity.
- Freedom of expression and association are essential to sustained progress.
- Poverty anywhere constitutes a danger to prosperity everywhere.
- All human beings, irrespective of race, creed, or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, economic security, and equal opportunity.

These principles mean as much today as they did when adopted. Their aim is to ensure that social progress goes hand-in-hand with economic progress, and member states are supposed to be committed to these principles. Yet reports of torture, repression, and killings continue year after year. Even the General Agreement on Tariffs and Trade (GATT) Preamble speaks about the importance of the social dimension of international development.

Unfortunately, much more attention is paid to property rights than to human rights. Hundreds of pages of agreements are dedicated to property rights in trade policy, while human rights barely receive lip service. Supporters of globalization claim the riches it generates will trickle down through the economy. This is clearly not happening. Otherwise, the world would not be seeing the exploitation of women, child labour, increased extreme poverty, and human trafficking.

International groups need to come together to make their voices louder than those of Microsoft and Coca Cola. Change will only occur when people are valued more than property.

Doug Goold,
Canadian Institute for
International Affairs

***Protecting Foreign Investment in
a Globalized World: Property Rights
or Human Rights***

This is an opportune time to be discussing the implications of Canada-Asia trade relations because of the recent change in Canadian government and the major resource boom of recent years. Canada is a major resource producer. Many of the largest resource companies are Canadian or strongly linked to Canada and many have a dubious reputation with regard to the environment, corruption, and human rights. China, on the other hand, has risen to be the largest consumer of resources, while its own companies are increasingly active in Latin America and Africa.

Responsible trade and investment are good and can benefit both sides by increasing prosperity, helping to alleviate poverty, developing resources, helping develop democracy, and enhancing human rights. However, trade and investment must be conducted in a responsible manner; something that many companies do not do.

Themes in Asia are similar to those in Latin America. Despite the end of most dictatorships, there still does not appear to be meaningful democracy or the alleviation of poverty.

Canada's influence has definitely decreased since the end of the Cold War. Canada's trade to Southeast Asia is relatively low, and trade with China is actually on the wane. While Canada does not possess a great deal of leverage, it still has resources, a good reputation, historic connections to the region, and perceived independence from US policy.

While Canada is tripping over itself to do business with China and other parts of Asia, it can be awkward to raise human rights issues. Still, a country like Canada can take some steps to improve human rights in China and elsewhere in Asia.

At the bilateral level, private discussions between leaders can be effective, although this is difficult to monitor. China is a proud country with a rich and complex history. Lecturing and scolding will likely be resented, but impassioned private pleas can help engender positive change.

It is also important that Canada use its experience in the training of judges, law enforcement officials, and others to help build the institutions of democracy from the ground up.

Twenty years ago, environmental issues were not even on the agenda of major corporations. Major catastrophes like the Exxon Valdez oil spill or the Dow chemical disaster at Bhopal, India, were handled as liability issues in footnotes to annual reports. Today, most companies publish separate environmental reports to convince people they are socially responsible.

Those issues were put on the agenda by activists like those gathered at this meeting. Human rights issues have not yet been put on the agenda. It is the work of those who support democracy and human rights to see that they are on the corporate agenda.

Han Dongfang,
China Labour Bulletin

***The Role of Foreign Investors in Promoting
Good Labour Practices in China***

People ask about the role of foreign investors in promoting good labour practice in China. This is not a logical question. The goal of investors is to make a profit, not to protect labour rights, and similar questions are not asked to foreign investors regarding the protection of labour rights in Canada. Workers rights can only be protected by organized workers.

Foreign corporations and investors all have codes of conduct that are supposed to protect workers' rights in their factories. Yet practical examples demonstrate that these codes are not implemented or enforced in China. Not only does this result in worker exploitation, but there is also a cost to business. A case in point is that of workers at the Stella shoe factory in Xing Xiong, who were not paid for over three months. Eventually, the workers' rights abuses led to mass protests and many arrests

and convictions, which were successfully overturned eventually. Throughout the protests, productivity at the Stella plants plummeted.

Codes of conduct are simply moral codes. In the world of business, people who follow them are often considered stupid; those who do not are deemed smart business people. The key is ensuring that moral codes are made into binding, enforceable legal responsibilities.

It is naïve to expect foreign investors to promote good labour practices. In fact, the reason they go to China is to take advantage of cheap labour and improve their profits. A more fundamental question is what can be done to ensure that multinational companies respect Chinese law?

Two months ago, the National People's Congress introduced a new law aimed at enforcing collective labour contracts. The American and European Chambers of Congress in Shanghai immediately opposed it, threatening that businesses would leave China if the law were adopted. Not only does foreign investment fail to promote labour rights, foreign corporations use all their power to stifle any reforms—even those introduced by the Chinese government.

The only way good labour practices can be promoted is through the organization of workers. Chinese workers do have some power. There were more than 87,000 human rights protests in China in 2005, a 17% increase from the previous year. Most were workers' actions. Not only are more actions happening, they are happening more constructively with more tangible results.

It must be reiterated that multinationals do not promote good labour practices. In fact, they must be made to comply with Chinese law. If they do not, Chinese workers must hold foreign companies responsible and take legal action insisting on the protection of workers rights. The most fundamental element of democracy is people's participation. The future of China must be built on a new foundation of the rule of law and participatory civil society.

Luke Peterson, International Institute for Sustainable Development

Property Rights on the Foreign Policy Pedestal: the Case of China and Canada

Negotiation of an investment protection treaty between Canada and China will have an impact on human rights. The treaty currently being negotiated will put property rights on a pedestal, while downplaying other human rights. It will also give foreign investors the ability to avoid local courts, and to use international tribunals to sue host governments for alleged property rights violations. The treaty promises platinum standard protection against rights violations, but, unfortunately, you have to be a platinum cardholder to apply these rights.

There has been tremendous outcry whenever governments try to negotiate multilateral investment agreements. Yet, bilateral investment agreements – which can be equally problematic from a policy perspective – are signed with little concern or scrutiny. When International Trade Minister David Emerson announced that Canada is involved in bilateral negotiations with China and India, public and media interest was lukewarm at best.

What is troubling about these agreements and their application is that they place property rights above all other rights and give companies protection against arbitrary treatment with little or no regard for human rights issues. In using its muscle to privilege property rights, the Canadian government is violating the spirit of the Vienna Declaration and Programme of Action, which says that all human rights are interrelated and indivisible. Canada is treating property rights as divisible from other rights by providing strong treaty protection for property rights, and allowing multinationals to sue in international courts when those rights are violated. Meanwhile, citizens must pursue all other types of human rights claims in local courts, which can provide ineffective and inadequate justice.

Moreover, there are concerns that investment treaties may detract from domestic reform efforts aimed at improvements in the rule of law and human rights. These treaties could undermine or

detract from the efforts of organizations like CIDA that are working to bring about broad-based reforms of judicial systems in developing states. There is a need for further study of the impact of these treaties on the rule of law and good governance.

Another serious concern is the increasing use of these treaties to sue host governments. Companies sue at their own discretion, sometimes for egregious violations of their rights, like the seizure of company property. This is understandable. However, suits are being used to challenge environmental, tax, health, human rights, and other public policies. Foreign investors are even invoking treaty rights to sue against laws that try to ameliorate the condition of under-privileged groups, for example, South Africa's black economic empowerment policies. This worrying trend is on the increase.

Investment treaties use a narrow and myopic approach. It is time to examine them and ask what impact they might have on the broader context of human rights.

Luncheon: Supporting the Democratization of Burma

Prime Minister Sein Win, National Coalition Government of the Union of Burma

The situation in Burma is getting worse. Development has slowed to a crawl. Education is becoming less accessible. More than a thousand political opposition members, human rights activists, and trade unionists have been imprisoned. Ethnic minorities continue to be oppressed, subjected to forced labour, and even relocated by the military whenever it suits them. The National Coalition Government (in exile) of the Union of Burma is appealing to the international community to become involved and help put a stop to the regime's reign of terror.

The military dictatorship is building a new capital in the middle of the jungle on land that is very close to the Karen State. The military has launched a campaign to forcibly remove ethnic Karens from the adjacent area and confiscate their land without compensation. Fifteen hundred people have already been forcefully relocated.

The military regime's Minister of Information is seeking to outlaw all opposition parties. This is more a formality than anything else. For the most part, the military has already silenced all voices of dissent by murdering, imprisoning, or intimidating its opponents. The only real hope to restore democracy and human rights rests in the hands of the international community.

Refugees are leaving Burma en masse and flooding into Thailand, Malaysia, Bangladesh, China and even India. The resources of these countries are being stretched by the overwhelming number of illegal immigrants who have left the refugee camps along the borders and moved into the cities.

International NGOs that have historically operated inside Burma are also being forced to leave. These NGOs provided a range of services to the people of Burma so, as a result of their departure, basic agricultural and economic development has ground to a halt. Progress the country had made in providing basic education and health services has been set back by years, if not decades. The military regime distrusts these foreign aid organizations. It does not believe these organizations function purely for humanitarian reasons, but that regime change underlies their motivation. It has even restricted the movement and operations of the International Red Cross. With both hands tied, NGOs see no other choice but to close down their operations.

Burma's problems have a direct impact on the region and the world. According to the School of Public Health at Johns Hopkins University, malaria, tuberculosis, and HIV/AIDS are all on the rise and spreading into neighbouring countries. The drug trade is booming and also spilling across the borders. Opium and heroin production is on the rise, fuelling addiction in the region and across the world.

It is an enormous humanitarian crisis. Because of it, we see little choice but to appeal to the UN Security Council to add the democratization of Burma to its agenda. Burma is repeatedly overlooked and dismissed by the Security Council's permanent members because it is small, undeveloped, and non-aligned. China, in particular, is reluctant to criticize, mainly because that would put its own human rights record and abuses under the microscope, but also because it has a vested

interest in Burma's natural gas reserves. India also funds the military dictatorship by buying its natural gas.

If Burma is moved up the UN priority list, the Security Council can initiate a national reconciliation process. We are asking Canada to help get this issue on the international agenda.

International pressure led to the release of Su Su Nway, the human and labour rights activist. This was seen as a tremendous leap forward. It also demonstrated what can be accomplished if the international community stands up for the Burmese people. But despite her release, labour abuses continue unabated. Forced labour is a crime against humanity and should be treated as such.

In addition to appealing to governments and international human rights organizations, the National Coalition Government of the Union of Burma is extending its expertise to NGOs who want to resume work in the country. It knows how to get aid to the right people so that it can help as many people as possible.

The Role of (Sub)Regional Institutions in Democratization

MODERATOR:

Vitit Muntarbhorn

PANELLISTS:

Homayoun Alizadeh, OHCHR Regional Representative (Thailand)

Pip Dargan, Asia Pacific Forum of National Human Rights Institution (Australia)

Masanori Aikyo, Nagoya University (Japan)

Pip Dargan,
Asia Pacific Forum

National Human Rights Mechanisms in the Asia-Pacific Region

The Asia Pacific Forum (APF) plays a role in promoting and protecting human rights throughout Asia. It is part of a global partnership

of National Human Rights Institutions (NHRI), which operates in co-operation with the UN and civil society, as well as regional mechanisms. NHRIs are entities that have been purposely set up by law to promote and protect human rights, as well as monitor and investigate any abuses.

NHRIs must abide by what has become known as the Paris Principles. These Principles stipulate that an NHRI must be independent, pluralistic, and representative of its society; it must address a variety of rights and abuses, including civil, cultural, economic, political, and social; and it must be afforded the legal power to monitor and properly investigate human rights abuses wherever it sees fit, without being impeded.

Asia-Pacific is the only region in the world without a regional intergovernmental human rights mechanism in place. Civil society organizations are arguing that in the case of Asia it is more realistic to create a sub-regional mechanism to monitor human rights. This could be facilitated through organizations like ASEAN. However, these organizations were established to promote economic and political interests. It will be difficult to convince governments of the advantages of transforming these organizations into watchdog institutions. Nonetheless ASEAN, in particular, has made headway in convincing its members of the need to adopt a human rights policy.

The APF facilitates staff training for its 17 NHRI members, and assists them in strengthening their capacity to meet all the Paris Principles. The APF accomplishes this through its annual meeting, regional workshops (e.g., on human trafficking), and training programs (e.g., on media and communications).

The UN continues to encourage Asia to institute an intergovernmental human rights mechanism. It has developed a framework to encourage Asian countries to develop a national human rights action plan, promote human rights education, and develop national human rights institutions.

NHRIs in Indonesia, Malaysia, the Philippines, and Thailand are actively engaged with ASEAN to develop a sub-regional human rights mechanism.

Homayoun Alizadeh,
Office of the High Commissioner
for Human Rights Regional
Representative

***Establishing Regional Mechanisms for the
Promotion and Protection of Human Rights***

The future of democracy and human rights in Southeast Asia is problematic. To begin with, certain ASEAN countries consider democracy and human rights a threat to their political, economic, social, and cultural systems. These same countries argue that democracy and human rights are Western values, and therefore contradict their Asian values. Furthermore, reports of disappearances, arbitrary arrests, detentions, and torture are on the rise, even in those countries that permit basic civil rights like freedom of expression, movement, and assembly.

The OHCHR accepts that democracy is a precondition for the full realization of all human rights. It is therefore encouraging Southeast Asian states to embrace certain strategies to help improve upon their human rights records. Some strategies include assisting ASEAN member states in establishing regional human rights mechanisms. It is also emphasizing strengthening the rule of law and the administration of justice. And it is helping to ensure that government anti-terrorism laws are in accordance with international human rights and humanitarian law.

The OHCHR is pointing toward regional human rights mechanisms in Africa, Europe, and Latin America to prove to ASEAN countries that the benefits of such an organization far outweigh any perceived costs. It will simultaneously offer training and workshops to help ease the concerns of those governments that oppose strengthening mechanisms intended to safeguard human rights.

The OHCHR is hoping to see improvements among Southeast Asian countries in reporting abuses to the UN. It is also training the military, security, and police forces in international human rights and humanitarian law. Experts regard this as also a useful confidence-building tool. This would simultaneously raise the level of trust among the public for these governmental institutions, which is an important first step in peace building and democratization.

Masanori Aikyo,
Nagoya University

***Human Rights and Democracy: Japan's
Experiences in Legal Assistance to Asian
Countries***

Nagoya University's Centre for Asian Legal Exchange has a program that is helping Asian countries build viable legal institutions. This is a critical step in helping emerging democracies establish an independent judiciary, the cornerstone of ensuring the rule of law.

The Centre has historically assisted countries undergoing a transformation to a market-based economy. The transition is slow, but this is partially due to the diversity of the region. Differences in religion, culture, geography, political systems, and stages of economic development mean that a formula that works for one country will not necessarily work in another. Because of this, the Centre focuses its attention on strengthening a country's domestic capacity to build its own legal system. The Centre works with the public and private sectors, as well as governmental and non-governmental institutions.

Legal assistance is primarily focused on developing technical knowledge. The program was launched in Vietnam in 1996. Recently it was expanded into Cambodia, Laos, Indonesia, Uzbekistan, and Mongolia. The Centre only recently deviated from its original focus of assisting the implementation of market-oriented economic reform. Now it also teaches good governance, democracy, the rule of law, and human rights. There is some disagreement within the Centre as to whether its program should be expanded from its old focus on economic law transition to the more ambitious democracy building.

The Centre draws upon the expertise of the Japanese Ministry of Justice, the Japanese International Co-operation Agency (JICA), the Supreme Court of Japan, and the Japan Federation of Bar Associations, and international NGOs, when designing and adapting its program for new recipient countries.

The Centre recommends that other institutions or donor countries seeking to help Asian countries build their legal systems should first acquire a deep

understanding of local traditions and social structures. The only way a legal system will take root in a society is if it contains elements of traditional values.

The Future of Human Rights in Asia

MODERATOR:

Janice Stein

COMMENTATORS:

Jacques Bertrand, University of Toronto (Canada)

Nimalka Fernando, International Movement Against Discrimination and Racism (Sri Lanka)

André Laliberté, Université du Québec à Montréal (Canada)

Vitit Muntarbhorn, Chulalongkorn University (Thailand)

Jacques Bertrand, University of Toronto

The minimum requirement needed to protect human rights is a semi-democratic system. There are countless obstacles impeding the spread of democracy in Asia. One obstacle is authoritarian regimes like in China and Burma. Malaysia and Indonesia continue to straddle the line that divides authoritarianism from democracy. All too often, these countries falter, leaving behind a path of human rights abuses.

Asia's pockets of extreme wealth have allowed it to buy off its critics. Taiwan and South Korea, even though both boasting democratically elected governments, continue to place hard limits on civil liberties and freedoms. These countries have especially benefited from their economic power.

The Philippines, Thailand, Singapore, and Indonesia—still faced with an internal secessionist movement—have all made advances in human rights protection, but still have underdeveloped justice systems that are poorly equipped to address those abuses that occur.

To further the spread of democracy and the protection of human rights, developed democracies and their civil societies must continue to pressure

these governments to stay on course. Developed countries are in a good position to influence Thailand, Indonesia, and the Philippines, in particular.

More attention should also be given to the plight of ethnic minorities. Violence against these groups is often justified in the name of state protection. Forced integration is even tolerated. Recognition of minorities is the first step toward successfully establishing pluralistic systems.

André Laliberté, Université du Québec à Montréal

In contrast to what some Asian leaders claim, "Asian values" are not necessarily incompatible with liberal or human rights. Individualism, after all, is also a cherished value in Chinese culture: a fact that reminds us that individual rights are universal. We have to avoid boxing Asians into a category of people that only believes in communal life and that only privileges communal rights. We all know that the tradition of liberalism in the West is premised on the notion of equality; the fact that equality, in theory, has also been the basis of Chinese communism for decades point to an area of convergence in the aspirations of people in different parts of the world.

Moreover, the Chinese government claims that it follows the trends of the time: yet the most important of these current trends in Asia is the expansion of democracy. Besides India, the largest democracy in the world, most of the largest democracies on the planet, for example Indonesia and Japan, are in Asia. This is a trend that will undoubtedly impact China.

The spread of democracy throughout Asia is becoming almost irresistible now that there are several examples of Asian democracies from which "lessons" can be learned. This is a promising development for the entire world and it is likely that the future of democracy lies in Asia. There is little doubt that as human rights firmly takes hold in Asia, the rest of the world can only follow.

This optimism, however, should not overshadow the human rights violations that continue to occur every day throughout Asia. Labour abuses are on the rise and are all too often ignored. As a

result of these abuses, there were 87,000 cases of violent unrest in China. Most of these cases of unrest were the result of the economic marginalization of China's working and peasant classes. But most people in China and abroad never hear of these outbursts. The Chinese government has undoubtedly become very good at managing and covering up these confrontations. This should be of great concern to everyone.

Nimalka Fernando, International Movement Against Discrimination and Racism

Sri Lanka is drifting back toward civil war and violence. The country has the necessary institutions in place and has done the essential capacity building, but has failed. The Sinhalese majority has been unable to deal with Tamil demands because of its inability to deal with minority rights. Tamils want to be accepted as equal in their own territory. Instead, there are disappearances, unlawful arrests, and detentions without due process.

There is a link between the rise of human rights abuses and the events of 9/11. The protection of human rights has taken a back seat to the War on Terror around the world. In Sri Lanka the rule of law is becoming secondary in the face of the government's security crackdown. Asia needs to place more emphasis on the security of people than on the security of the state.

Countries like Canada need to support human rights activists in Asia. They must not simply give money. Until Western democracies take a firm stance against the abuses of human rights and minority rights there will be wars and conflicts everywhere.

So long as the world order is determined by economics, there will be no rights for Burma. The rights of Asian women will continue to take a back seat as long as men dominate Asian human rights groups. Access to clean water and food should be basic inalienable rights, yet they are not. And racism must be tackled head on because many human rights abuses are borne out of hatred.

Why do people tolerate the idea of state oppression? Human rights activists need to be creative and look beyond the state to solve the current problems.

Vitit Muntarbhorn, Chulalongkorn University

Every human rights activist has different priorities, different approaches, and even different sets of terminology when it comes to the fight to end human rights abuses. At this conference alone, different participants focused on different regions of Asia. Addressing human rights issues in East Asia requires a different approach than in West Asia, Central Asia, or South Asia.

Also, human rights workers do not agree upon how far reforms need to go before a political system can be considered a democracy. Needless to say, authoritarianism is unacceptable, yet not everyone feels that women, for example, need to be guaranteed full political, civil, or economic rights before a country can be labeled democratic.

But inequality needs to be addressed whenever and wherever it exists. Cultural relativism is not a legitimate excuse. For example, female genital mutilation should never be tolerated, regardless of whether some cultures consider the practice traditional or acceptable.

It is advantageous to strengthen the capacity of regional political and economic organizations to monitor and fight human rights abuses. But change should come from the grassroots up. Civil society should help strengthen the capacity of local and national actors first. A population must first become aware of its rights, develop a sense of entitlement to those rights, and then learn to fight for those rights.

Law enforcement agencies, and even the military, should be transformed into legitimate and transparent institutions that operate under the law, not above it. Once this occurs it will be easier to train members about people's rights. Civilians, and particularly women, should be allowed to sit on boards that oversee and govern these institutions.

Globalization is an inescapable reality. But globalization can have a positive impact on Asia, as it promotes interactions and knowledge sharing between people from different cultures. This helps introduce human rights concepts to people who have not known them. But the spectre of globalization should also cause people to question the role played by corporations. Companies should be forced to behave ethically and abide by a code of

conduct. Furthermore, the practices of Asian companies should be scrutinized as much as foreign companies.

The War on Terror cannot be turned into a convenient excuse for Asian governments to abuse their citizens. The UN can play a role in monitoring this trend. But the UN needs to employ all its resources; it cannot go halfway. This same logic should be extended to Burma. Burma should be added to the Security Council's agenda.

Appendix I Programme-at-a-Glance

STUDENT FORUM *Tuesday, June 13, 2006*

10:00 – 17:00

STUDENT FORUM

An exchange on the role of student movements in the promotion of human rights and democratic development in Asia and Canada
Hosted by Rights & Democracy Network

DAY ONE *Wednesday, June 14, 2006*

08:00 – 09:00

Breakfast and Registration

09:00 – 10:30

Welcome and Opening Address

Janice Stein, Chair of the Board of Directors, Rights & Democracy
Jean-Louis Roy, President, Rights & Democracy

SESSION ONE 10:30 – 12:00

Mapping the Terrain: Democratic Development and Human Rights in Asia

Moderator: Flora MacDonald

Panellists: T. Rajamoorthy, Third World Network (Malaysia); Niraja Jayal, Jawaharlal University (India); Kem Sokha, Cambodian Centre for Human Rights (Cambodia).

Discussion

12:00 – 13:30

Luncheon: Changing China: Rights and Democracy in the Digital Age

Keynote Speaker: Patrick Brown, CBC-TV Asia Correspondent

Discussion

SESSION TWO 13:30 – 15:00

Regionalism: Meeting the Human Rights Challenge in Asia

Moderator: Claire L'Heureux-Dubé

Panellists: Paul Dalton, Danish Institute for Human Rights (Denmark); Charles Burton, Brock University (Canada); Sanjeewa Liyanage, Asian Human Rights Commission (Hong Kong); Ban Wenzhan, China University of Political Science and Law (China).

Discussion

15:00 – 15:30

Break

SESSION THREE 15:30 – 17:00

Civil Society as Catalyst for Change

Moderator: Lois Wilson

Panellists: Lu YiYi, Chatham House (UK); Dominique Caouette, Université de Montreal (Canada); Ian Hamilton, Equitas (Canada); Paul Evans, Asia Pacific Foundation of Canada (Canada).

Discussion

17:00 – 18:00

Break

18:00 – 20:00

Reception

Keynote Speaker: Omar Kabbaj, President, African Development Bank

DAY TWO

Thursday, June 15, 2006

SESSION FOUR

09:00 – 10:15

Globalization, Emerging Markets and the Promotion of Human Rights

Moderator: Peter Li

Panellists: Antonio Tujan Jr., Asia Pacific Research Network (Philippines); Irene Fernandez, TENAGANITA (Malaysia); Charm Tong, Shan Women's Action Network (Burma); Joseph Wong, University of Toronto (Canada).

Discussion

10:15 – 10:30

Break

SESSION FIVE

10:30 – 12:00

The Human Rights Implications of Canada-Asia Trade and Investment

Moderator: Patrick Brown

Panellists: Nancy Riche, former Executive Vice President, Canadian Labour Congress (Canada); Doug Goold, Canadian Institute for International Affairs (Canada); Han Dongfang, China Labour Bulletin (Hong Kong); Luke Peterson, International Institute for Sustainable Development (Canada).

Discussion

12:00 – 13:30

Luncheon: Supporting the Democratization of Burma

Keynote Speaker: Prime Minister Sein Win, National Coalition Government of the Union of Burma

Discussion

SESSION SIX

13:30 – 15:00

The Role of (Sub)Regional Institutions in Democratization

Moderator: Vitit Muntarbhorn

Panellists: Homayoun Alizadeh, OHCHR Regional Representative (Thailand); Pip Dargan, Asia Pacific Forum (Australia); Carolina G. Hernandez, Institute for Strategic and Development Studies (Philippines); Masanori Aikyo, Nagoya University (Japan).

Discussion

15:00 – 15:30

Break

SESSION SEVEN

15:30 – 17:00

Closing Session: The Future of Human Rights in Asia

Moderator: Janice Stein

Commentators: Jacques Bertrand, University of Toronto (Canada); Nimalka Fernando, International Movement Against Discrimination and Racism (Sri Lanka); André Laliberté, Université du Québec à Montréal (Canada); Vitit Muntarbhorn, Chulalongkorn University (Thailand).

Discussion



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