

---

# amnesty international

---

## The impact of Asia's economic crisis on human rights and democratisation

31 March 1998

SUMMARY

AI INDEX: ASA 01/01/98

DISTR: RSC

By Rory Mungoven, Program Director, Asia-Pacific Region, Amnesty International

Paper presented to ASEM People's Forum, 31 March 1998

In addressing this theme today, I am reminded of the reaction of President Suharto's half brother Probosutejo to the news that his bank was to be closed as part of the government's initial economic reform package: "It's a serious violation of my human rights!" he protested. I am not sure that Probosutejo quite grasps the point, but it is a useful illustration of the way in which human rights and economic issues in the region are coming together at this time.

The economic crisis which has unfolded in East and Southeast Asia over the past nine months has brought into sharp focus the links between human rights, different models of governance, sustainable economic development and regional security and stability.

It has been a powerful, if painful, reminder of the fundamental truth at the heart of the Universal Declaration of Human Rights, the Declaration on the Right to

Development and all the major international human rights instruments: that the human person is the central subject of development, that the process of development should be about the realisation of human rights, and that those rights -- civil, cultural, economic, political, social -- are indivisible, interdependent and interrelated.

Before examining the likely impact of the economic crisis on human rights and democratisation, I'd like to mention two caveats. First, it is always difficult to anticipate the future in this fabulously diverse and dynamic region. We have seen in the past the capacity of countries in the region to rebound from crisis, often through fundamental political and economic change -- the example of Thailand in the early 1990s comes to mind. And second, while recognising the role open political systems can play in the protection of human rights, Amnesty International does not carry a "democracy" brief. Human rights are abused in democracies and non-democracies alike, something European governments participating in ASEM should not lose sight of. As an organisation, Amnesty International takes no position on different political systems or ideologies, but frames its work within international human rights law which is binding on all.

That said, it has to be recognised that one of the major contributing factors to the current crisis has been the failure of political and institutional development to keep pace with rapid economic and social change. This has not only brought many countries in the region unstuck -- it has also left them singularly ill-equipped to deal with the political and social fallout.

In the short time available today, I'd like to flag a few areas where the economic crisis is likely to impact on human rights and the important challenges this will pose for the human rights movement in the region.

1. The economic crash will fundamentally compromise many people's enjoyment of basic economic rights -- the right to employment, to a livelihood for their families, even to a roof over their head. From Korea to Indonesia, workers are being laid off in their tens of thousands with little social security support beyond that provided by family and friends.

Many of these people have in the past been lucky beneficiaries of the East Asian "economic miracle". But as we will hear in so many papers at this conference, countless others have not had such a share in the dividends of rapid economic growth. In many countries, poverty levels may have fallen over the past decades, but they have also become more localised in terms of geography, gender, occupation and other factors. New pressures have been placed on land, the environment, traditional livelihoods and access to resources. The economic crisis and -- and resultant restructuring demanded by the international community through the IMF -- may deepen the marginalisation of these poor and vulnerable groups and contribute to further violations of their human rights. Migrant

workers, with little legal protection and now being displaced in many regional economies, are especially at risk.

2. The economic crisis is stimulating new political currents in many parts of the region. Increased political dissent and social unrest is likely to be met with a heavy handed response by the state. In some countries, such as Indonesia, more and more people are questioning the legitimacy of governments which has been built upon their economic performance. In other countries, such as the Philippines or South Korea, the economic crunch could bring with it a backlash from some sectors of society towards old authoritarian models of governance and development.

Indonesia provides a good example of these trends. The country is reeling under the combined pressures of political transition, social transformation and economic change. Over the past year, there has been a widespread crackdown on all forms of dissent as elections and the leadership issue entered their critical stage. The Indonesian authorities have once again resorted to the draconian Anti-subversion Law and other laws restricting political activity and protecting them from criticism to suppress opposition and stifle dissent. They have responded to both peaceful demonstrations and rioting alike with excessive, sometimes lethal, force.

Legitimate criticism of the government's economic management or sensitive issues such as corruption has been met with a similarly hardline response. Military officials have publicly equated currency speculation and food hoarding with "subversion", an offence punishable with death. The media, always under threat with the suspension of licenses, has been attacked for its allegedly "negative" reporting. Respected economists and commentators have been summonsed by military intelligence for their outspoken criticism of the government. Around 300 peaceful critics have been rounded up, many of whom have been charged under various laws.

Far from helping restore stability and confidence, actions of this kind simply bottle tensions up to the point of explosion. Indonesia doesn't just need to relieve strains on its economy, with or without the support of the IMF – it must also vent pressures mounting in the political environment by creating space for free and peaceful expression of dissent and discontent.

3. The economic crisis will see increased movements of people -- both refugees and economic migrants -- who will be at risk of ill-treatment and, in some instances, *refoulement*. This situation is complicated by the lack of adequate legal frameworks to deal with refugees in many countries of the region – very few Asian countries have ratified the 1951 UN Refugee Convention and its 1967 Protocol.

In recent months, for instance, the Malaysian authorities stepped up operations to stem the tide of economic migrants from Indonesia, who are fleeing escalating unemployment, food shortages, rising prices and social unrest. According to press reports, about 17,000 alleged illegal immigrants, the majority from Indonesia, are currently held at overcrowded detention camps throughout Malaysia. For several years, abuses have been reported from official camps, including ill-treatment and medical negligence.

More than 6,000 Indonesians are believed to have been deported in March and the Malaysian Government has announced plans to deport a further 10,000. Eight Indonesians died during one such operation last week, in circumstances which remain unclear but involved a violent clash with police. Some are believed to have died of their injuries while being transported back to Indonesia. Some of those being forcibly returned to parts of Indonesia like Aceh may be genuine asylum seekers who are at risk.

Thailand is also having to deal with a mix of refugees and economic migrants from the ethnic minority areas of neighbouring Myanmar. For many of those who have fled to Thailand, “political” violations such as killings and disappearances are interlinked with “economic” violations such as loss of land and livelihood, forced labour and portering. Throughout 1997, there were several incidents of large scale *refoulement* by the Thai authorities of people at risk of further human rights violations in Myanmar. This situation, thankfully, appears to have stabilised under the new Chuan Government, which last week announced it would involve UNHCR in a major capacity on the Thailand–Myanmar border.

In Japan, thousands of migrant workers accused of violating Japan’s immigration laws are at serious risk of ill-treatment at the hands of the authorities. They often have little knowledge of the Japanese language or their rights within the Japanese legal system. Many suffer arbitrary punishments, humiliation and beatings at the hands of Immigration Bureau officials. Medical facilities in prisons, police stations and immigration detention centres are inadequate.

4. Economic migrants are not the only group at risk as a result of the economic crisis. In some countries of the region, particularly Indonesia, ethnic Chinese minorities are facing intimidation, harassment and attack on account of their prominent position in the local economy and deeply entrenched suspicions in prejudice. In recent months, ethnic Chinese Indonesians have again become the target of mob attacks, creating fear among the minority community. There have been some reports that military and police officials have taken little or no action to prevent mobs from attacking ethnic Chinese businesses. Some official statements have served to fuel rather than allay anti-Chinese feeling.

5. As the economic downturn puts renewed pressure on wages and working conditions, restrictions on independent trade union activity in many parts of the region are likely to intensify.

The past year has seen a series of workers' strikes and protests in different parts of China where independent trade union activity is banned. Discontent among workers is likely to grow as China moves to reform and restructure its state enterprises in the coming years. Numerous worker activists have been detained, others have been injured as police put down protests. In January 1998, for instance, Li Qingxi, a 41 year old unemployed worker from Datong city, Shanxi Province, was arrested after posting up declarations calling for free and independent trade unions. As of mid-February, he was believed to still be in detention.

While the new Korean Government of President Kim Dae-jung has made some initial moves to further relax restrictions on independent trade union activity in some sectors, it remains to be seen whether implementation of the IMF package will bring the trade union movement there into renewed confrontation with the government.

In Indonesia, trade union activists are among those government critics that have been arrested in recent months. Leaders of unrecognised trade unions, including Muchtar Pakpahan and Dita Sari, remain gaoled from previous years under the Anti-subversion Law.

6. Many governments will adopt a heavy handed response to rising crime and other social problems. The Indonesian authorities have talked of "shoot on sight" tactics against criminal suspects – the number of people shot dead by police in Jakarta doubled last year. In Thailand, police routinely shoot criminal suspects dead, usually claiming they opened fire first. In the Philippines "salvaging" or extra-judicial execution of criminal suspects is believed to be common. Abuses of this kind occur in an overall climate of impunity and distorted public debate on law and order issues.

Use of the death penalty is increasing throughout the region – in some countries such as China and the Philippines, a wide range of non-violent economic crimes have been made capital offences. The economic cost and overcrowded conditions of death row are sometimes used as justifications for spates of executions, such as the 23 executed on one day in South Korea in December 1997.

7. It's important to recognise that the region is not only facing an economic crisis, but regional security problems as well. Much has been made of the stability authoritarian governments have supposedly brought to the region, reinforced through their community of interest in regional groupings such as ASEAN. Dialogue and co-operation on regional security and other transnational issues have begun to develop, both among the countries of the region and their external partners, including the European Union.

But while the region is thankfully free of major conflict, it is facing some of the worst and most intractable security problems it has seen in nearly a decade. Cambodia has been plunged back into political crisis and conflict by the coup last July, once again paralysing the country's reconstruction and development and causing insecurity for its neighbours. In Myanmar, the SPDC has continued its offensive against ethnic minorities' armed opposition groups throughout the country, forcing 100,000s of people caught up in counter-insurgency activities to flee neighbouring Thailand, India and Bangladesh in search of safety. Just this month, the Thai government found itself

protesting cross border attacks on refugee camps by forces allied to the SPDC military. In East Timor, international efforts to find a political solution continue to be undermined by an intensification of conflict between government and East Timorese forces.

These conflicts are the projected shadow of human rights violations – and human rights protection should be an essential ingredient in any preventive diplomacy or conflict resolution. They show how human rights issues, far from being an internal affair, engage the interests of other countries. The human rights problems of Myanmar and Cambodia are distorting their participation in regional affairs and complicating the internal and external relationships of the ASEAN grouping. If one good thing has come from the current crisis, it is the tentative signs that some ASEAN governments are increasingly ready to think and act beyond the straightjacket of “non-interference” which ASEANs have placed not only on their dealings with each other but with the outside world. The economic crisis may advance this debate within ASEAN still further, as countries grow increasingly anxious about the spillover effects from their neighbours.

8. As we have seen from many of the papers given at this conference, the interests of international capital are often in conflict with the objective of human rights protection. But in other ways, the interests of the business community and international financial institutions can be seen to complement those of the human rights movement. The factors which safeguard human rights – open, transparent and accountable government, the independence of the judiciary, uncorrupted institutions, freedom of information – are the same factors which underpin a stable business and investment environment.

This provides a basis for a new dialogue between NGOs and business, engaging the business community in its responsibility and self interest to promote sustainable human development and protect human rights. We need to be critical, however, in defining and pursuing this common agenda. “The rule of law” and “good governance” have become buzz words for governments and business alike – a kind of code by which sensitive issues such as human rights can be addressed. But all too often good governance and the rule of law is equated only with the smooth operation of financial markets and the security of contracts. It does not always extend to broader areas of legal and institutional life which govern the lives of ordinary people day to day.

### **A human rights agenda for ASEM**

Amnesty International believes that human rights should be central to ASEM’s efforts to promote stability, economic development and people-to-people partnership between Asia and Europe. In the attached paper “A Human Rights Agenda for ASEM II”, AI Index ACT 10/01/98, Amnesty International calls on ASEM governments to:

- mark the 50th anniversary of the Universal Declaration of Human Rights by publicly affirming the universality and indivisibility of human rights and committing themselves to the ratification and implementation of the major international human rights instruments;
- recognise the important role played by NGOs in building civil society and forging links between the two regions and provide for proper NGO participation and access in ASEM working groups and activities;

- develop an operational dialogue between Asian and European governments on human rights issues. Dialogue should be open and transparent, properly focussed and co-ordinated and aimed at concrete objectives and benchmarks;
- address the need for human rights protection directly in discussions on regional security issues such as Cambodia;
- strengthen the framework for refugee protection through ratification of the 1951 UN Refugee Convention and its 1967 Protocol, ensure proper screening and protection of people at risk and prevent ill-treatment of both asylum seekers and economic migrants;
- engage the business community in “ethical” strategies for the promotion and protection of human rights, both with respect of their own operations and broader issues of governance and law reform;
- take steps to ensure the ratification and implementation of ILO Conventions, particularly core labour standards relating to freedom of association; support dialogue and co-operative activity among government, business and trade unions including under the auspices of the ILO.

**INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM**