8

Human Rights in Southeast Asian History

Human rights in Southeast Asia cannot be traced to a single point in history when their existence was recognised by any States, or when they were introduced into the region from outside.

8.1 Introduction

Religious morals and community beliefs, including rules prohibiting violence or protecting private property, have always existed in some form or another, but these alone are not human rights. Rights to education or healthcare developed when governments emerged in the region, but again though they may overlap with human rights, they do not carry the same meaning as human rights. With the rise of globalization and the transmission of values from one region to another more rights were adopted such as women's rights, or the protection of people with a disability. At some point between the moral rights of religion and traditional customs to today's structure of universal rights, the human rights system came into being. It is not possible to point to one simple and undisputed history of human rights in Southeast Asia.

There are two debates on the history of human rights. The first debate concerns historiography or how to write history and it focuses on debates about whether history is a straightforward narrative or a range of views. Should human rights have a start point and a single narrative? Is history a simple story of a set of rights and freedoms gradually becoming accepted in the region until we have today's understanding of rights? Or is there no single story and history, but different views of what human rights mean and how they emerged? The second debate asks what history should include. This debate and is more detail-orientated, concerning the events, people, and organizations that played a role in the rise of human rights. This chapter does focus more on the second debate on what should be in a history of human rights and details various events and periods, but it will refer to the first debate on how history should be written.

A major issue in the historiography of human rights concerns the question: how does the history understand the meaning of 'human rights'? There are three ways to approach this debate.

- Human rights means a set of ideas advocating the dignified treatment of people, a concept that already existed in religions and other social or moral values. This viewpoint associates the spread of human rights with the rise of religions and the development of organized communities. Those supporting this idea see human rights emerge with the spread of Buddhism, Hinduism, and then later Islam and Christianity, and linked to the establishment of rules and religious principles. Under this approach, human rights can be said to have always existed in the region.

- Human rights means how people are protected from the power of the State, and as a way to restrict that power. This viewpoint associates human rights with the rise of States and the various declarations and constitutions on the rights of men emerging mainly during the European Enlightenment in the 1700s. As such, human rights cannot be said to have existed before States themselves because their purpose is to limit State power. Under this approach, human rights in the region began with protests against abuses of colonial power, before moving into self-determination movements which used the idea of rights to argue for independence, and then finally into constitutions and other mechanisms which define State duties and obligations.

- Human rights means a universal standard of protection above and beyond the State. This viewpoint associates universal rights with the adoption of the Universal Declaration of Human Rights (UDHR) at the United Nations (UN) in 1948. The meaning of rights here is a set of rights for all humans, regardless of

States, religions, or pre-existing moral values. This concept cannot emerge until there is a belief that humans themselves, regardless of any status, have rights. Under this approach, rights are enforced through the international system (especially the UN) and its laws.

Further debate exists about the content of human rights history. Should the history be on popular movements against the State: how they defied dictatorships, formed democracies, and used protests to ensure the protection of people's rights? Or should it focus on how international laws on human rights influenced States and changed their behaviour? Or perhaps the emphasis should be on how human rights operated alongside political, economic, and social development in the region? Who or what had the most influence on Southeast Asian human rights? Is it civil society movements, government activities, or economic development? The history can be written in a number of different ways. There is no one correct answer to these questions. As such, this chapter will not propose a single history of rights, but instead, will examine a range of histories.

This chapter will discuss how States, laws, civil society, and violations together are the history of human rights in Southeast Asia. By selecting particular ideas each history assumes a better or more correct way of understanding human rights. But some questions will inevitably arise: for instance, if religions are the source of rights, why do they also create conflict and tension? Or how can governments be deemed vital when they have been so slow to implement human rights? Finally, while civil society movements are important, at the same time they alone can do little without the support of larger institutions like governments, religions, and cultures.

DISCUSSION AND DEBATE
What is the History of Human Rights?

For some historians, human rights can be traced to the European enlightenment where the concepts of equality and dignity gained importance. But others noted that these rights were not universal: slavery still existed and most women were excluded as rights were described as 'men's rights.' Still, others pinpointed the origin of rights to the establishment of the United Nations and the idea of universal rights from the UDHR, which assumed everyone possessed human rights regardless of where they lived, and States do not get to choose who gets their rights. More recently, Samuel Moyne (see Further Reading) argued that the rights movement didn't begin till the 1970s because until then the idea had been discussed, but not taken seriously. Only in the 1970s did civil society use them in advocacy and States begin to accept that human rights were deserving of universal protection.

How do you understand the history of human rights? Which dates are important? When did people begin to get protection from the powers of the State? When the world started to take human rights seriously? Or when people realized they should treat each other with respect, an idea found in major religions?

This chapter will examine the increasing influence of human rights in Southeast Asia through its recent history. An examination of this history will show that when given the opportunity, people in the region asserted their rights against colonizers, dictators, and other oppressive forces. The history will also show that States also took note of human rights and began to promote and protect them, though sometimes with reluctance and sometimes because they were demanded by civil society and international bodies.

8.2 Pre-Colonial History of Human Rights

Rights have existed in Southeast Asia in all periods of history, most coming from the religious values of reciprocity and respect for human life. These rights were limited in who had them: often belief in a religion or living within the political unit were required. But still, they were rights. Religion aside, various kingdoms or political units also granted some rights, but these tended to be limited to loyal subjects. In pre-colonial times, few people claimed or exercised their rights. There was a great diversity of political units at this time. Currently, the world almost entirely consists of the same type of political unit, the Nation State, but in pre-colonial Southeast Asia many different types of political units existed such as monarchies, tribes, sultanates, merchant city-States, ethnic groups, and so on. And such a variety of units will often mean different relationships between rulers and ruled and different legal systems. It is this diversity that makes it difficult to define a single, or even dominant, equivalent to human rights. The eras of sultanates, kingdoms, tribes, and colonies by modern standards were brutal: slavery was common; any form of equality, such as between genders or classes, was practically unheard of; kingdoms could assert ownership over people and land, freely enslave individuals, and extract steep taxes from the rural poor. In addition, those in power often claimed a divine right to rule.

Whatever the type of political system, most recognized people had religious and family rights, as well as rights to complain, and this sometimes even applied to slaves in the region. Although by current standards, these systems would not be considered fair and just, one could argue that they were in the context of the moral and legal systems of the time. While many political units were deeply patriarchal and more interested in protecting the elite, it is perhaps unfair to examine these periods from the perspective of our values and standards of human rights. It is inaccurate to claim the region mostly consisted of slave-based kingdoms with no respect for rights. Rather, the political units operated their own legal systems, structures, and values of human life which obviously are very different from today's views. Most of these political units were acting like the rest of the world, and according to the laws of the time. It is not accurate to say that these eras were golden periods where people lived in peace and harmony, as is sometimes taught in school. In these eras mortality was high, life was short, social mobility was non-existent, and women and children were treated poorly.

A challenge in writing a history of human rights is the relative nature of morality. Should historians equate all moral values to current standards and come to the inevitable conclusion that earlier societies were unjust and discriminatory? Or should morals be relative to the society they are in? Is it accurate to harshly judge mistreatment, such as slave ownership, or should these actions be considered acceptable under the morals of the time?

Discussion and Debate
How was Pre-colonial History Taught at Your School?

History is usually told from the viewpoint of the powerful and often does not mention the conditions of people who worked in the fields or who were not rich. In your primary and high school were ordinary people ever mentioned in textbooks at all? Was pre-colonial history taught as a period of peace and happiness? Did textbooks imply people had rights in this period?

How should topics like slavery be taught in history? Slavery is now seen as a serious crime, and something evil. But in the 18th Century slavery was clearly legal and just another form of ownership, like owning a car. Should the history describe slave owners as law abiding citizens complying to the legal and social standards of the time, or should history see them as people who do not realize the value of human life and that people should be treated with dignity?

8.3 From Colonialism to Self Determination

8.3.1 Colonialism

Colonialism

Colonialism occurs when one State asserts control over foreign land and dependencies. In other words, colonialism is a policy of dominance, where powerful States lay claim to foreign territories and force people on that territory to become dependents or subjects.

European **colonialism** fundamentally changed the social and political structure in Southeast Asia, but again, it is too simple to claim that colonialism as an evil period that enslaved millions. Under colonial rule, individuals were granted rights, but these were dictated by colonial companies or governments in faraway empires. Colonial laws automatically assumed colonizers had more rights and protection than the local population which fundamentally conflicts with the idea that rights make all people equal (the laws automatically assumed that the colonizers had more rights and gave them more protection). The main function of colonies was to provide goods and profit to colonial empires, using local resources and labour. Colonialism often led to economic difficulties in many Southeast Asian societies as the Colonial companies - often by force - took over markets and trade. Some groups, and this includes hill tribes or communities distant from colonial centres, managed to avoid these problems.

In much of Southeast Asia, colonialism was a move from local to foreign domination, rather than from freedom to servitude. While the negative impacts were severe and had long-term repercussions, some developments did occur. Rule of law was introduced, though not to current day standards. Some women's rights were established, although the struggle for equal rights for women still had many barriers. Developments in technology, such as telegraphs and medicine, led to improved communication and better healthcare. Southeast Asia was more connected to the world. The establishment of governments and bureaucracies led to more humane treatment. For example, introducing jails across the region meant less frequent use of the death penalty and corporal punishment. These advances cannot be regarded as early versions of human rights because they were not based on a desire to treat people with dignity, nor did they attempt to create equality. Rather they could be seen as bringing in European moral values, or ways to better manage colonial people.

8.3.2 Nationalist Movements in the 1900s

Nationalist movements first began to emerge in the late 19th century across Southeast Asia. They were led by predominantly western-educated elites with liberal views who aimed to liberate humans from the oppressive power of States by

recognizing freedoms, such as the freedom to express oneself, to vote, and to own property. These early nationalist movements did not immediately and exclusively focus on independence from colonial power, but on developing greater freedoms for the local peoples. The first nationalist movement in the late 1800s in the Philippines led by Jose Rizal resulted in Spain pulling out of the country. The movement aimed at turning the Philippines into an equal and genuine Spanish province. Similarly, students and Monk's movements in Myanmar argued for the equality of Myanmar citizens in the early 1900s, and similar movements operated in Vietnam, Malaysia, and Indonesia. Even in uncolonized nations like Thailand, at about the same time, Thailand banned slavery and torture, introduced a modern government system, and reformed education which all gave people more rights under the modernizing reign of King Chulalongkorn. While these movements may have made claims about rights, they were not to human rights as understood today. The focus was on citizen's rights, political rights, and freedom from abuse by the colonial governments.

CONCEPT
Nationalist Movements

Nationalist movements are made up of national groups who wish to gain independence typically from a colonial government, though in some cases independence can be based on ethnicity or religion. Most common in Southeast Asia were anti-colonial movements, which can also be called national liberation or independence movements. Movements also existed at the sub-national level such as in Aceh, Mindanao, or Southern Thailand.

Independence movements in Southeast Asia developed alongside challenges to colonialism across the globe. Particularly from 1900 onwards, administrative and political reforms began to lead to greater levels of local representation and participation. For example, in Indonesia, the Dutch introduced an 'Ethical Policy' in 1901 under which the Netherlands pledged welfare and modernization to fulfil a debt to Indonesians for the wealth it had generated for the Dutch empire. The policy may have had good intentions and was probably the most liberal in the region, as most other empires considered colonial populations inferior, but it was not successful as it was given little financial or political support. In Burma, administrative reforms were initiated in the 1920s and came after similar reforms in India. In British Malaya, reforms included decentralization which aimed to redistribute power back to local rulers, and came in reaction to British concerns about colonial rule upsetting the Islamic rulers. It has been suggested that the concessions made by colonial governments were an acknowledgement that Southeast Asian nationals should be treated better. Consequently, though the changes were not up to the standards set by post-World War II universal human rights treaties.

A major turning point towards independence came with the Japanese occupation of Southeast Asia and the retreat of former colonizing countries during World War II. War brought with it significant violations of rights. The Japanese used forced labour throughout Asia, resulting in the deaths of hundreds of thousands of labourers who were forced to work building roads, railways, and other constructions. Over 16,000 prisoners of war, including nationals of western countries, were captured during

fighting in the region. In addition, Japan used 'comfort women:' young women from various ethnic and national backgrounds who were forced into sexual servitude for Japanese soldiers. The Japanese occupation of Southeast Asia may at first have appeared to liberate these countries from colonialism, but soon people realised that liberation was yet to be achieved. For instance, in Burma, the independence fighters, including Aung San and Ne Win (both who would become leaders in post-war Burma), were originally trained and supported by the Japanese but soon switched sides to the British after realizing that Japanese promises of independence were not genuine.

With the defeat of the Japanese, many Southeast Asian nationalist movements assumed they would gain independence, but this did not happen. Instead many colonial nations returned to reclaim their colonies such as the Dutch to Indonesia, the French to Indochina (Vietnam, Cambodia, and Laos), and the British to Malaysia and Burma. And so the next phase of the struggle for these national movements became self-determination.

8.3.3 Struggles for Self Determination

The struggle for self-determination may be the first human rights movement in Southeast Asia. Across the region, nationalist movements believed they should no longer be considered colonies, claiming it was their right, and this would later become a human right, to decide their own political systems and the management of their resources.

Anti-colonial movements across the globe influenced self-determination movements in Southeast Asia. In British India, the national movement led by Gandhi, Nehru, and others became a source of inspiration for anti-colonialism. Gandhi's idea of peaceful protest, which was practiced by the Indian nationalists, eventually led to Indian independence and is still influential today among peace practitioners. Other nationalists in Southeast Asia looked towards China for ideological inspiration. As such, Marxist and Maoist ideologies became influential tools for both the guerrilla uprisings against colonial powers and then economic structures of liberated countries. Both the Burma Communist Party and the Communist Party of Indochina, which later split into Vietnamese, Laotian and Cambodian factions, were established in the early 1930s and had connections to the Chinese Communist Party. The largest communist party at the time was in Indonesia. The method of self-determination itself was often in conflict as many countries had both communist and non-communist independence movements, which led to civil wars throughout the region.

Another influence was the United Nations. With the adoption of the UN Charter and the UDHR, colonial powers were forced to acknowledge the right to self-determination as a part of international law. Nationalist movements across Southeast Asia could draw upon the language and promises of the UN Charter in their claim for self-determination and racial equality. Self-determination is mentioned in Articles 1.2 (on the UN's purpose) and 55 (on economic and social cooperation) of the UN Charter. Self-determination also appears as a human right, and one which should be available to colonial subjects as they were a common standard "both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction," as stated in the Preamble of the UDHR. Further legal standards on self-determination include the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, and the first Article of the ICCPR and ICESCR treaties. Disagreement still existed regarding the meaning of self-determinism as the term was only vaguely defined and did not imply legally binding obligations on State parties. Nor did it clearly detail who had this right. While technically considered a human

right, self-determination can be considered a group right and intended for 'peoples' and not a right for an individual (see box on Self Determination for a discussion of this term), and so it is not seen as an individual right in some UN bodies.

Concept
Self-Determination

Generally, self-determination refers to colonized political groups seeking to regain their political freedom in order to govern themselves. Self-determination refers to the rights of peoples (or groups of people who are politically linked) to freely determine their sovereign and international political status. The right to self-determination uses a confusing English word: 'peoples.' Peoples is the plural of people, or many groups of different people, but there is no legal definition of the word, and no indication how it differs from 'people.' The term was invented because States were reluctant to recognize minority or ethnic groups for fear they would want independence, so only recognized colonized states were acknowledged. In Southeast Asia the definition of colonized 'peoples' has led to debates on who can claim self-determination. For example, many ethnic groups in Myanmar such as the Shan, Kachin, Karen, make this claim, though its legal basis is open to dispute

What is surprising is that human rights were left out of most self-determination discussions during this period. Why self-determination movements did not to use the language of human rights is unclear, but several arguments have been put forward. First, self-determination was primarily a political issue, and not regarded as an individual rights issue. As such, most anti-colonial movements focused on the rights of a particular group, and not individual rights. Second, States only occasionally and strategically mentioned rights to support their position. For example, the British discussed minority rights for the Karen and Kachin groups in Myanmar who had supported them during World War II but the topic was quickly forgotten following Burmese independence. Further, although decolonizing countries prominently declared their support for human rights (see the Non Aligned Movement's use of human rights below), they rarely indicated how they themselves would comply with such rights. Third, the dominant political concern in Southeast Asia at this time was the **Cold War**. The promotion and protection of human rights was drowned under Cold War rhetoric to fight for or against international communism. Lastly and importantly, human rights were still a very fringe topic at this point. There were no international treaties in force and it was not taught in schools. Only the educated even knew what the term meant, so mentioning human rights was never going to gain these movements widespread support. Instead, ideals such as the promotion of nationalism and development were prioritized by the newly emerging countries.

Cold War

The term 'Cold War' refers to a confrontation between the two superpowers of the USA and the Soviet Union that went from the end of World War II to around 1990. The conflicts are mainly called 'proxy wars,' where rather than the two superpowers confronting each other directly they supported conflicts in other countries such as Vietnam, Afghanistan, and Angola.

8.4 From Independence to Authoritarianism

The countries of Southeast Asia eventually gained their independence in a variety of ways, although not always peacefully or in a timely manner. Whether through bloody revolution or otherwise, by 1957, there were seven independent states in Southeast Asia. To these would be added Singapore (1965, after it split from Malaya), Brunei (1984, after it split from former British Malaya) and Timor Leste (liberated from Portugal in 1975, annexed by Indonesia in 1976, before referendum in 1999 led to independence in 2002).

Upon independence, countries were pressured to align themselves politically in the global order. Some were communist, others capitalist, though most in Southeast Asia joined the Non-Aligned Movement (NAM). As such, the region was to play a central role in the development of the NAM, a group of States who did not closely align themselves to either side in the Cold War, and who became known as the Third World. Decolonizing countries shared many interests. They were concerned about the economic and military power of the First and Second Worlds, and they were united in a mutual dislike of discrimination and racism still common as a result of colonial legacies (such as the apartheid regulations of South Africa). They also recognized that to counter the economic power of European and North American countries, they needed to align closely.

Concept
Non-Aligned Movement (NAM) in the Three Worlds

During the Cold War the world divided into three camps: the First World (or western capitalist countries); the Second World (or communist countries); and the Third World (or poor, developing, and decolonizing countries). Third world countries formed the basis of the Non-Aligned Movement, a group of around 100 States not aligned to the major power blocs of the First or Second Worlds. Active countries in this alliance were India, Indonesia, Malaysia, Egypt, and Cuba.

The first large meeting of decolonizing countries (mainly African and Asian) occurred in Bandung, Indonesia in April 1955. The NAM, which was announced in 1961 in a follow-up conference, can be said to have originated from the Bandung Conference. It is interesting to note that human rights were on the agenda. They were also the first of the ten principles found in the outcome document called the Final Communiqué of the Asian-African Conference, declared at Bandung. In practice it is debatable whether NAM countries were supportive of all human rights, as NAM countries tended to focus on a selection of rights concerning decolonization and non-discrimination, and at the same time, they had strict controls over civil rights such as the freedom of expression, and political freedoms.

Independence would bring with it new human rights tests and challenges. Colonialism and World War II had taken its toll on Southeast Asia. Throughout the region, even

after borders were drawn and independence gained, disagreement remained as to how nations should be governed, and by whom. The new governments across the region faced internal conflicts from ethnic minorities, religious groups, and political ideologies. In newly independent states, political and economic models could be exploited. For example, the leading role of the military in Burmese independence movements allowed it to dominate politics. In other countries, governing ideologies and experiments were tested, often at the expense of the people. Most of these governments were **authoritarian**, a political system where power is concentrated, and people have little say in what government does. In much of the region, State power could not be questioned and human rights were ignored. In addition, forty years of the Cold War added to the violence, all of which resulted in a period of widespread and systematic human rights violations. But, as will be illustrated, it was the violations and suffering of people that inspired them to challenge military rule through changes such as the rise of civil society and democratic movements. Features of this period were the pervasiveness of authoritarian rule by military strongmen; the conflict and atrocities created by the Cold War; and growing desire for democratization by people in the region. The next section examines these three features.

8.4.1 Authoritarianism and Military Rule

While not all countries in Southeast Asia have had military governments, it is by far the most common type of non-democratic government. During the 1970s, the military ruled in all but two countries (Singapore and Malaysia). The reasons for the rise in military governments across the region are mostly similar. Countries faced internal conflict, some as a result of ethnic insurgencies (Burma), political uprisings (for instance, the communist movements in Indonesia, Cambodia, Vietnam, Laos, and Thailand), or unstable democracies (Thailand). In such cases, the military considered they had to intervene in the political system to create stability and order. Military governments primarily come to power through **Coups d'états**, and some countries in the region have been prone to many with Thailand being infamous for its number of coups.

Table 8-1: Where do Coups Occur in Southeast Asia?

Country	Occurence of Coups
Thailand	22: Around twenty-two since 1932, the most recent in 2014
Lao PDR	8: Laos had eight coups in the 1960s, three of them successful
Vietnam	5: South Vietnam experienced around five coups in the 1960s
Philippines	5: Around five coups since the Marcos regime, all but one unsuccessful
Myanmar	2: Ne Win comes to power through a coup in 1962, as does the SLORC in 1988
Cambodia	2: Lon Nol comes to power in a 1970 Coup. Hun Sen consolidates his power in a coup in 1997
Indonesia	1: Suharto coming to power in 1965
Timor-Leste	1: Following independence from Portugal in 1975, and before Indonesia annexed Timor Leste
Brunei	None
Malaysia	None
Singapore	None

The human rights record of Southeast Asian military governments, as opposed to democratic governments, has often been very poor, with widespread violations of political rights, freedom of expression, and more violently, disappearances, torture, and arbitrary detentions. Because military governments rule through force, their

greater use of violence and intimidation is hardly surprising. Further, because many military governments may not see themselves as bound by international standards there may be a greater tendency to ignore human rights, regardless that these may already be law in the State. While not inconceivable that military government can lead to an increase in human rights standards, it is rare.

A brief examination of military governments in Southeast Asia shows why they have a poor human rights record. During the Marcos regime in the Philippines, martial law was established which allowed for the arrest of political opponents, the criminalization of political activities, and the closing down of the media. During his regime, businesses were taken over and given to the Marcos family who amassed great wealth. Indeed, the legal system is still searching for the billions of dollars Marcos is considered to have stolen to compensate those who faced violations during his period in office. Similarly, the Suharto family in Indonesia is also known for the wealth it gained while in power. Suharto was estimated to be worth $15 billion when he stepped down from government. During this period, the military became known for its extra judicial killings, suppression of free speech, the arrest of political opponents, and military interference into government activities.

FOCUS ON
Some Military Governments in Southeast Asia

Burma (Myanmar): Ne Win (1962–1988); SLORC and later the SPDC (1988–2011)

Cambodia: Lon Nol (1970–1975); Khmer Rouge (1075-1979)

Indonesia: Sukharno (1959-1966); Suharto (1966–1998)

Laos: Phoumi Nosavan (1959–1960)

Philippines: Marcos (1972–1981)

Thailand: Phibunsongkhram (1938-1944 and 1948-1957); Sarit Thanarat (1959-1963); Thanom Kittikachorn (1963-1973); Surayud Chulanont (2006-2008); Prayut Chan-o-cha (2014-)

South Vietnam: Duong Van Minh (1963); Nguyen Khanh (1964) Nguyen Cao Ky and Nguyen Van Theiu (1965-1975)

Despite the above violations, military governments may be supported by large sections of society and can bring stability and peace to many. Often the wealthy elite welcome these governments because they allow the economy to grow and business to develop, although this could be through corruption rather than the establishment of the rule of law. Both Marcos and Suharto were popularly welcomed by the middle classes, and their many rights violations were also tolerated by this group.

The support was also international. During the Cold War, the West, and particularly the US, supported military governments if they were anti-communist, as most were in Southeast Asia. For example, the Philippines, Thailand, Cambodia, South Vietnam, and Indonesia all received economic and military support from the US for their anti-communist activities. The fact that these regimes violated rights was ignored. The United States rarely criticized these regimes, claiming as they did about the Marcos regime that human rights violations were an internal problem outside the USA's jurisdiction. In the years since this view changed dramatically. Now all States, including the USA, recognize that widespread human rights violations are not internal matters and that the international community has obligations to respond to widespread human rights violations.

To summarise, the Cold War, through international support from the West, enabled dictators to stay in power. And within their countries, a fear led some people to support undemocratic military rule to save them from the threat, whether real or imaginary, of communism. Numerous complaints were made to the UN, and as Chapter 5 on the UN shows. The Philippines and Indonesia even faced an investigation by the Human Rights Commission. While some countries did experience occasional breaks from dictatorship (for example, a brief period in the 1970s for Thailand), most countries lived under authoritarian rulers until the 1990s when civil society groups advocating for democracy finally challenged the status quo.

8.4.2 The Impact of the Cold War

The Cold War not only affected security around the world but also had economic and political repercussions too. As regards economic factors, the USA and its allies promoted capitalist economic systems, while the Soviet Union sought to establish communist governments. As regards politics, both sides were willing to support dictatorships and ignore human rights violations if the State supported their ideology. The USA, which sees itself as a great supporter of democracy, not only tolerated authoritarian regimes but supported them. For example, the USA was a close supporter of General Suharto, General Marcos, the Lon Nol military government in Cambodia, and the South Vietnamese military governments. And China was one of the few countries to support the Khmer Rouge despite the atrocities they committed, and then later the USA and other Western States were to throw their support behind the Khmer Rouge to maintain their seat at the UN, regardless of the millions of people who died because of their regime. They chose to prop up a regime that had committed genocide over the possibility of a communist-Vietnam backed regime gaining the Cambodian seat. In other words, during the Cold War, alliances took precedence over human rights. As regards security, both sides gave military support to insurgency forces which started or prolonged conflict in the region. As such, the Cold War instigated a period of instability and conflict where human rights often went unprotected.

Tensions grew significantly during this period. The western non-communist world was especially concerned that the spread of communism could lead to a 'domino effect,' where if one country fell to communism, all other Southeast Asian countries would fall too, like a line of dominos. The victory of communists in Vietnam, Cambodia, and Laos, the strong communist movements in Thailand, Myanmar, Malaysia, and the Philippines, all reinforced this fear. As such, all the major Southeast Asian countries which constituted the founding countries of the Association of Southeast Asian Nations (ASEAN)—that is, Indonesia, Malaysia, the Philippines, Singapore, and Thailand—clearly shared this authoritarian anti-communist view. Southeast Asia, in effect, became a battleground between the United States, China, and the Soviet Union.

The American War in Vietnam shows the human cost of the Cold War. Following the first Indochina War between the French and the Viet Minh from 1945 to the mid 1950s, Vietnam was divided in two. Officially between North Vietnam (supported by communist allies) and South Vietnam (supported by the US and other anti-communist forces), the war spilled across the border to Laos and Cambodia, leading to over a million dead.

The American War in Vietnam played a significant role in the evolution of human rights, both regionally and internationally. During the conflict, international standards were disregarded, prisoners of war abused, and civilians targeted. The guerrilla style of conflict brought the war to small communities, killing many innocent civilians. Because North Vietnam used Laos and Cambodia as supply routes for fighters in the south, the USA illegally bombed them in violation of international law. It was these war crimes that revealed a need to strengthen international humanitarian law. For example, US bombing operations, particularly those in Cambodia and Laos, failed to make distinctions between civilians and combatants, resulting in the widespread death and suffering of civilian populations, and which some argue led to the rise of the Khmer Rouge. The American War in Vietnam was not classified as a type of conflict governed by the laws of armed conflict (more details of this are in Chapter 16). It has been argued that the legal shortcomings during the American War made it possible for the USA to disregard the impact on civilian populations. As a result more humanitarian protection was designed in the form of the two Additional Protocols to the Geneva Conventions in 1977, a topic which will be discussed further in Chapter 16.

FOCUS ON
Operation Menu

'Operation Menu' was the name given to one of many US covert carpet-bombing operations during the American War in Cambodia and Laos and lasted from 18 March 1969 to 26 May 1970. This operation was particularly controversial because it went ahead without the approval of the US Congress, arguably making it a war crime. According to the National Security Advisor, Henry Kissinger, the massive bombing campaign in Cambodia was targeted at "anything that flies, anything that moves." As a result, Laos became one of the most bombed countries in the world despite not even being a party to the conflict. To this day, people continue to be injured or die from unexploded ordinances found in the ground.

8.4.3 Atrocities in Southeast Asia
During this period of authoritarianism and conflict, significant gross and systematic violations of human rights occurred. The most significant of these was the Cambodian 'genocide' where 1.7 million Cambodians died as a result of the Khmer Rouge. Whether the deaths during the Khmer Rouge can be called 'genocide' is only a technical argument about the legal definition of Genocide, (to be addressed in a future chapter). Following a mix of Marxism, Maoism, and Leninism, the Khmer Rouge rose to power in the early 1970s, preaching peace and justice to rural communities who had experienced US carpet-bombings and the Vietnamese occupation of eastern Cambodia. As such, they advocated abolishing religion, private property and money, and the pursuit of a peasant utopia. After taking over Phnom Phen on 19 April 1975, the

Khmer Rouge expelled people from the city to start large agrarian projects. Anyone deemed an intellectual, professional, capitalist, politician or trader was targeted, and most frequently, killed. From 1975-1979, more than 1.7 million people died, many of these starving because the ill-conceived agrarian projects failed to deliver food, while others were executed or tortured. This genocide occurred only thirty years after a post-holocaust world vowed 'never again.'

FOCUS ON
Khmer Rouge

The Khmer Rouge, sometimes known as Democratic Kampuchea, Angkhar, or the Pol Pot regime, was the self-proclaimed communist regime that controlled Cambodia from 1975 to 1979. They came to power after a turbulent period in Cambodia's history involving civil war, coups, and the American War in neighbouring Vietnam spilling across the border. Cambodia avoided taking sides during the American war for much of the 1960s, but the Military government which came to power through a coup in 1970 took a strong anti-North Vietnamese position, dragging Cambodia into the conflict. Khmer Rouge forces captured Phnom Penh and introduced their harsh rules. Under the leadership of Pol Pot, the communists systematically destroyed various pillars of society including the money markets, organized religion, and family life. Inhabitants of cities and towns were forced to live and work in rural areas, and everywhere people suffered from overwork and malnutrition. Fear of losing power caused the regime into a reign of terror in which people were tortured and killed because they were accused of being an 'enemy of the revolution,' Over one million people died as a direct result of the regime's policies, including about 100,000 people who were killed in prisons like the infamous, 'Tuol Sleng' in Phnom Penh. The Khmer Rouge's rule finally came to an end in early 1979 when the Vietnamese army overthrew them and installed a new government.

Alongside Cambodian atrocities was Indonesia's brutal suppression of a supposed communist coup in 1965-6 in which somewhere between one-half and one million suspected communist party members were killed, and hundreds of thousand imprisoned. The killings were mostly carried out by paramilitary groups and are still not openly discussed in Indonesia, though recent films and books have finally led to discussions in the media. After suppressing the communists, the Indonesian military used similar tactics to occupy East Timor (1975-1999). During this occupation, an estimated 200,000 East Timorese, or about a third of its population, were killed. A notorious incident in the suppression of the East Timorese is the **Santa Cruz Massacre**.

Other events in Southeast Asian post war history can also be described as massacres. These include the numerous massacres of Vietnamese villagers during the American War, the killing of university students at Thammasat University in Thailand in 1976, and the killings of villagers and political opponents throughout Myanmar during its military dictatorships, such as the Depayin massacre of around 70 LDP supporters in 2003. Though the response to these massacres has empowered the human rights movement, few, if any, of the perpetrators have ever been brought to justice.

8.5 The Democratization of Southeast Asia

At the end of World War II, no country in Southeast Asia could be described as a democracy. While many did experiment with democracy in the post war period, by 1990, few could be described even as partial democracies. However, by the end of the 1990s, most countries underwent a process of **democratization**. Why the sudden change during this period? This section examines the rise of democracy in the 1990s and how it is linked to human rights.

Democratization

Democratization describes the process of becoming a democracy. Theories as to why democratization occurs include economic development, the rise of civil society during globalization, and strong leadership.

Democratization simply refers to the process of becoming a democracy. Democratization can take many forms, from sudden regime changes through uprising, such as the Philippines People's Power movement of 1986, to slow and gradual transitions as when the Myanmar's military government gradually increased the number of elected representatives from 2008 onwards. Regardless of how democratization occurs, the result allows people to play a greater role in the political system, which means that their human rights, and particularly their political rights, will be better protected.

8.5.1 Theories of Democratization in Southeast Asia

There are many arguments on what causes a country to turn democratic. Looking at the examples across Southeast Asia, no clear pattern emerges. While some countries did not become more democratic, others made huge transitions from authoritarianism to democracy. One theory proposed by Samuel Huntington in his book The Third Wave: Democratization in the Late Twentieth Century, is that democratic change does not occur individually to each state, but is more like a wave which sweeps across regions or even the globe. In this theory known as Huntington's Waves, the third wave of democratization occurred from 1970 to the late 1980s. In Southeast Asia, only events in

the Philippines—which overthrew the dictator, President Marcos, during the People's Power movement in 1986—fit the pattern. The wave of democratization in Southeast Asia came later, with democratization occurring in three other countries in the following decade (Cambodia in 1991, Thailand in 1992, and Indonesia in 1999).

CONCEPT
Huntington's Waves

Influential in the study of democracy, Huntington's book The Third Wave introduced the phrase, 'the third wave of democratization,' an important social science concept of the 1990s. Defined as "a group of transitions from non-democratic to democratic regimes that occur within a specified period of time and that significantly outnumber transition in the opposite direction during that period of time," this process began in Portugal in the mid-1970s and spread across the globe from South America to Asia and Eastern Europe by the end of the 1980s. It was preceded by two other waves that took place from 1828-1926 and after World War II from 1943-1964.

A combination of factors may explain the slow influence of democratization in Southeast Asia. In particular, the threat of communism was a great concern in the 1970s. Because neither of the major Cold War parties supported democracy (as mentioned previously, the West supported military dictatorships that fought communism, and communist parties rejected liberal democratic models), those advocating it had little support from the international community. In fact, they would not be heard until the end of the Cold War.

Fear of communism aside, two other factors prevented Southeast Asian countries from democratizing earlier: economy and culture. Most countries affected by the third wave of democratization in East and Central Europe and Latin America faced serious economic and, consequently, social problems. It was these problems that led people to feel dissatisfied with their governments and encouraged them to rise up in protest. On the other hand, most Southeast Asian countries enjoyed unprecedented economic growth in the 1970s, leading to a reduction in poverty and improvements in people's quality of life. Such prosperity gave Southeast Asians less incentive to demand political change. As a result, sustained economic growth during the third wave of democratization meant no significant opposition to dictatorship emerged in this region.

Culture, especially the influence of Confucianism, is another important factor which prevented Southeast Asian countries from democratizing. Characterized by its emphasis on collectivism, hierarchy, discipline and conformism, Confucian beliefs can be in conflict with the values of democracy, such as individual freedoms, equality, and the right to hold opposing political opinion. While Confucianism is mainly associated with Chinese culture, it has influenced other non-Chinese countries in Southeast Asia. In the context of their economic success, many Southeast Asian leaders supported Confucian values as collective values, later rebranding them as Asian Values. They opposed democracy as mostly reflecting the western values of individualism, and argued for the superiority of Asian Values as being culturally more relevant while also allowing for quicker economic growth.

CONCEPT
Asian Values

'Asian Values' argues that Asian countries do not share the same social, cultural and political values as Western countries, including differing views of human rights, democracy, and political practice. Asian Values assume that proper Asian citizens should respect their elders, not criticize their government, and know the importance of duty to one's community. Asian Values were used to criticize the belief in universal human rights during the 1980s and 1990s. The main elements of the Asian Values debate on human rights are:

- Human rights are culturally specific rather than universal;

- International systems should work on the principle of non-interference which means countries should not criticize one another on their human rights record; and

- A country's sovereign rights are threatened by human rights.

Despite opposition, Southeast Asian countries could not escape the demand for democracy. In the late 1980s and early 1990s democratization took place in the four Southeast Asian countries of Cambodia, Indonesia, the Philippines, and Thailand. Democratization in Indonesia and Thailand occurred as a process of negotiation between the ruling elites, the military, and the opposition democratic groups, while in the Philippines it took place following the overthrow of a president by a popular uprising. Cambodia took a different path of a peace treaty. These four processes will be briefly examined to show the variety of paths democratization can take.

In the Philippines, the ruling government under President Marcos was ousted through a 'People Power Revolution,' after more than two decades in power. Democratization began with an election in February 1986 with President Marcos running for a fourth term. He was opposed by Mrs. Corazon Aquino, whose husband was among those killed by his regime. As predicted, the fraudulent election gave victory to President Marcos but in so doing, sparked the anger of the people. Around 500,000 people, including prominent figures, took to the street on the day Marcos was sworn in, which resulted in his removal from power. President Marcos and his family were forced to leave the country and Corazon Aquino became the new president.

In Thailand, following weeks of violence in May 1992, democratic transition began with an agreement between the military junta led by General Suchinda and the opposition forces to amend the constitution with the ultimate aim of reducing the role of the military in politics. This amendment led to the adoption of the 1997 constitution, a foundation of Thai democracy. Similar to Thailand, democratization took place in Indonesia following huge protests against the government caused by frustration at the collapsing economy as a result of the economic crisis of 1997. With riots in the streets and military and political groups divided in their support, President Suharto handed power to Vice President Habibie in May 1998. A constitutional amendment was negotiated between Habibie, his ruling Golkar Party, the military, and opposition forces. Based on this democratic constitution, parliamentary and presidential elections were held in 1999, the first election after more than 30 years of military-backed authoritarian government under Suharto.

Cambodia underwent a unique democratic transition. In September 1991 peace talks were held between the warring parties of the Khmer Rouge, the royalist Funcinpec Party, and the Cambodian People's Party (CPP). The result of the negotiation was a peace treaty known as the Paris Peace Accords. The international community played a significant role in this peace agreement, with the UN Secretary General present at the meetings. The negotiation resulted in the establishment of a UN mission to Cambodia (called UNTAC or the UN Transitional Authority in Cambodia) to manage the transition to democracy and the founding of a democratic government, which divided power between supporters of the monarchy and the CPP. Although Cambodia did eventually hold a democratic election in May 1993, the results were overturned by a military coup in 1997 when the CPP forced the Funcinpec leader into exile.

DISCUSSION AND DEBATE
What makes a country turn democratic?

- Is it rising levels of wealth? Do wealthier people desire more input into decisions in the economy?

- Is it the increasing globalization of the media? Do people see democracy in other countries and want similar developments in their own?

- Is it because people have become more educated about politics, rights, and wealth?

- Is it because a small number of powerful people have decided democracy is a better system?

Find out what happened when your country democratized, talk to people who lived through democratic change and ask them why they think it happened, and why people supported the change.

8.6 The Emergence of Universal Human Rights

Human rights, as currently understood, that is, the rights as found in international treaties, and managed by the United Nations, became more accepted in the region from the 1970s. Human rights had been acknowledged before this period - as previously mentioned in this chapter, human rights were noted by the NAM movement, and parties to the Cold War conflict sometimes mentioned rights as related to their cause—but the idea of a universal set of rights relevant to all humans was not widely accepted by States, individuals, and organizations until more recently. This section details the rise of a contemporary understanding of human rights by explaining how it was accepted by civil society groups and enforced by UN activities.

8.6.1 The Rise of Civil Society: Women and Students
Throughout Southeast Asian history, people have organized into civil society groups to oppose ruling powers. Some took the form of nationalist movements, others became revolutionary armies, and more recently, social movements were formed. In this section, the term 'civil society' does not refer to revolutionary armies or opposition governments, but groups of people organizing outside the military and

State. These civil society groups mainly formed from the late 1960s and went on to become either social movements (such as People's Power in the Philippines) or NGOs. Two important precursors to civil society human rights movements will now be briefly examined: women's rights and student movements.

Today, many people would never question whether women are equal to men in value and rights. But not long ago, in Southeast Asia and throughout the world, equal rights for women were an outrageous notion. By the 1970s though, the women's rights movement gained momentum, firstly in the west and soon after in developing countries. Women's rights were being discussed in the media, at university, and in politics for the first time. In Indonesia, Gerwani, a women's organization working in the 1950s and 1960s with millions of members, advocated for equality but its close association with communism led to its abandonment by the late 1960s. Many other Southeast Asian countries had similar women's rights groups, which are discussed in Chapter 9.

The women's rights movement could establish the broader acceptance of human rights in the region whereas other human rights activists had great difficulty. There are a couple of reasons. First, many supporters of women's rights were already working in government, and in some cases, were the wives and daughters of officials. The women's rights movement was not overtly political in the sense of challenging State power, and as such, they were not considered an anti-government force. A second reason is that there was a developed civil society network around these rights in pre-existing women's organizations working on issues like education, health, and employment. Finally, many Southeast Asian governments already had women's commissions, women's development plans, government-run shelters, established departments, ministries, and social welfare programs for women, all of which allowed for greater engagement between women and the government. For all these reasons, human rights activism first developed through the women's rights movement in many Southeast Asian countries.

Students also constituted another significant movement. Most countries in the region have seen student movements challenging governments, and many of these have been harshly put down. There are a variety of reasons students are politically active: they're enthusiastic and passionate about events; they are affected by poorly run economies and bad governance which can deteriorate university standards and prevent students finding jobs after graduation; students are already organized into institutions through universities; and finally, they are often exposed to ideas such as rights, democracy, and freedom through lecturers and fellow students. Many were also influenced by communist movements in the post-war years.

The more famous student movements were anti-government. In Thailand, student protests in 1973 led to the fall of the military government; a few years later students were attacked by pro-government forces, killing around 100 students. Similarly, in Myanmar, students have been active since the 1920s, with movements in the 1960s and more famously, in the 8-8-88 (8 August 1988) uprising. They also faced repression from the military. Like Thailand, after military crackdowns, students left the city to take up arms in the jungle, forming groups such as the ABSDF (All Burmese Students Democratic Front). But not all student groups were anti-government. Pro-government student groups were also active on ethnic or religious issues. In particular, Malaysia had strong student groups who sought greater recognition of Islam in universities, and some Indonesian student groups sided with Suharto and played an important role in his rise to power, although other student groups were aligned with communists in an attempt to overthrow him.

Although student movements did not actively advocate specifically for human rights, they did work around rights issues such as democracy, livelihood, and equality. Student movements peaked in the 1970s when they helped to depose governments. Following this period, most students in Southeast Asia faced restrictions from their governments, making protests difficult. For example, the Myanmar government closed its universities for about 5 years after the 8-8-88 movement. In fact, in 2015, student protests are still banned in Thailand, Singapore, Malaysia, and Vietnam. Even under these restrictions, many student groups continue to advocate for rights, democracy, and peace.

DISCUSSION AND DEBATE
Is history made by people or organizations?

In all this talk of kingdoms, slaves, military governments, and democratic movements, it may appear that individuals matter little; that it is larger and more powerful institutions which determine history. While it is true that a single individual cannot overthrow a political system, many individuals working together can.

How important were individuals to the history of human rights? Can one person change a society, or rather is it their activities in coordination with many others that leads to change? For example, within the region, many hardworking women and students helped to force change in human rights. But who can take the most credit for the ensuing democratization and women's rights? The people or the movements they led?

8.6.2 The Rise of Civil Society: From NGOs to New Social Movements

The women's and students' movements were important precursors to the national-level human rights NGOs which started in the 1970s in many Southeast Asian countries. Among the first was the Indonesia Legal Aid Foundation (YLBHI) established in 1970. This organization gave legal aid mainly to political prisoners. Appearing soon after, the Task Force Detainees of the Philippines (TFDP) was established in 1974, which like YLBHI, supported political prisoners jailed under Marcos's martial law. In Thailand, the Union for Civil Liberty (UCL) was formed in 1973 by university lecturers (although they were not officially registered till 1983), mainly to support the student movement and to ensure the civil liberties of members of the democracy movement.

Why human rights organizations appeared in these three countries at about the same time could be because they all experienced similar political upheavals at about the same time – martial law in the Philippines, the 1973 coup in Thailand, and Suharto's 'New Order' of the late 1960s. This was a period of great upheaval in many Southeast Asian societies. Students were politically active. Farmers, workers, and peasants were organizing into protest groups. Communist and anti-communist groups were actively recruiting people in villages, universities, and workplaces. Most of these groups were seeking some solution to their problems, whether it was democracy, peace, or better treatment, and in the next decades some groups would turn to human rights.

Some external factors contributed to the development of human rights at this time too. In the Philippines the actions of the Roman Catholic Church did much to support

human rights. Likewise, in Latin America, Catholic churches engaged in poverty alleviation and opposed military dictatorships believing that the promotion of human rights, alongside peace and charity, were important church activities. These actions were known as liberation theology. Another influential organization was Amnesty International which after it was established in early 1960s highlighted the injustice of many prisoners of conscience (prisoners jailed for their political beliefs), and picked up the causes of Indonesian and Philippine prisoners alongside the NGOs working in these countries.

It should be remembered that in the early 1970s no human rights treaties were in effect in any country, the UN did not protect human rights, and for most countries, human rights was considered solely a domestic issue not open to criticism by other countries. One challenge for those seeking to document the history of rights is that when these organizations began, they did not label their activities 'human rights.' Rather they defined their work under such terms as civil liberties, civil rights, constitutional rights, peasant mobilization, rights of prisoners of conscience, and so on. It was not until sometime later, in the 1980s, that the term 'human rights' would be adopted to describe all these diverse activities.

Human rights organizations would appear later in other Southeast Asian countries. In particular, this occurred when national organizations began developing regional networks. In Malaysia, SUARAM was established in 1989 in response to government detention of political opponents, and in 1992, LICADHO was launched as one of Cambodia's first human rights NGOs. By the early 1990s, many human rights organizations had been established throughout the region and an umbrella organization, Forum-Asia (Asian Forum for Human Rights and Development), was founded to bring together 46 member organizations from across Asia. Forum Asia was established in Manila in 1991 and has been headquartered in Bangkok since 1994.

Alongside NGOs, in the late 1980s, new social movements emerged. A new social movement is a large movement of people that involves many sectors of society including the middle class, students, and civil society organizations. Mostly, they took part in public assemblies and protests often organized around rights-based values such as democracy, equality, the rule of law, and livelihood issues. New social movements are much broader and more powerful in scope and as such, can challenge the State. Social movements played a role in toppling governments in Thailand, Indonesia, and the Philippines. The challenge to the Marcos regime by the People's Power Movement in 1986 is an early example of a new social movement. This mass civil society uprising used street protests and government walkouts to force Marcos from power and out of the country. Likewise, in 1988, student-led uprisings in Burma set in motion an anti-military movement which continues to this day. And in May 1992, revolution by people massing in the streets of Bangkok replaced a military-appointed prime minister with an elected head of state for the first time in 18 years. These changes were evidence of increasing space for civil society and human rights in Southeast Asia.

CASE STUDY
Philippines–People Power Movement

The 'People Power Movement,' sometimes known as the EDSA Revolution, after the street where many protests occurred, of 1986 was a mass uprising which led to the non-violent removal of Ferdinand Marcos in the Philippines. It included a wide range of organizations from the Catholic Church to trade unions, human rights groups, and students, and used techniques such as civil disobedience and mass rallies to put pressure on the regime.

After declaring martial law on 22 September 1972, Marcos abolished democracy and silenced the media. By the beginning of the 1980s, the Philippines was suffering from a weak economy, corruption, and widespread human rights violations. When the opposition leader, Benigno Aquino Jr, was assassinated at the airport after returning from exile in 1983 a broad civil resistance movement grew. These non-violent protests eventually put so much pressure on the Marcos regime that it was forced to call a snap election in early 1986. Marcos believed he could win the election through fraud, violence, interference with the ballots, and improper counting of the votes, but was defeated when a group of 35 election commission workers walked out of the vote counting centre and protests grew in the streets leading to factions of the military to call for his resignation. Only then did Marcos realize he could not win so fled the country with his family to the safety of the USA. The Marcos dictatorship ended on 25 February 1986, a day which is now celebrated by a national holiday.

The rise of new social movements is commonly attributed to globalization because it is argued that global media and technology allows people to be better informed about their rights which empowers them to organize protests (as discussed in Chapter 12). Globalization was at the same time the reason many NGOs and social movements gained in strength and importance, while also being the target of protests because it can lead to instability in the economy, environment, and the workplace.

Despite the progress of the 1990s, many human rights challenges remained while others emerged. The military remains a powerful political force across the region. Likewise, the media, which should hold State power in check, is controlled or monitored by the State in most Southeast Asian countries. Some governments have remained resilient to political change. Other governments have made progress, but refuse to make genuine reforms towards greater transparency and accountability, and political opponents continue to be threatened. Human rights have also been threatened or undermined in the name of national security. For example, the so-called 'War on Terror' has led many States to dismiss human rights in the name of counterterrorism. In other words, the task of regional civil society to ensure that human rights are protected has faced many challenges in recent years.

8.6.3 Southeast Asia and the UN Human Rights System
Southeast Asian countries have played an active role in the United Nations and in the development of international human rights. Among the member states which voted in favour of the UDHR on 10 December, 1948 were Burma, the Philippines, and Siam (as Thailand was then called). The other eight of the eleven countries in Southeast Asia were not yet in existence and at the time, the General Assembly only comprised 58 member States. Southeast Asia's contribution to the UDHR was not limited to voting,

as the Philippine diplomat, Carlos P Romulo, also helped in the drafting process. He would later become president of the 1949 UNGA. As an outspoken anti-colonialist, Romulo ensured that the UDHR did not ignore the rights of colonized people. Previously, he also led a successful campaign to ensure the UN Charter explicitly state that human rights applied to all "without distinction as to race, sex, language, or religion." Romulo's influence shows that the Philippines has been actively involved with the UN since its very inception, even holding a seat at the first convening of the Commission on Human Rights in 1947.

During the period of decolonization, Southeast Asia was active in the UN process. In the 1960s, the Secretary General of the United Nations was Burmese diplomat, U Thant. During his tenure, large numbers of decolonizing countries joined the UN. By 1965, when the number of member States had risen from 51 to about 130, developing or Third World nations outnumbered developed and communist countries which enabled them to determine the agenda of the General Assembly. As a result, concerns of Third World countries, such as development, decolonization, and racism, came to the fore.

At this time, human rights were driven by issues of racial discrimination and self-determination. However, it could be argued that Southeast Asian States have had an inconsistent relationship with the UN human rights system, especially during the Cold War. While many actively participated in the system, it was not always in a positive manner. Many governments were accused of using the system to protect themselves and their allies, or to challenge the very principles of human rights. The delayed ratifications of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is one such inconsistency. While the elimination of racial discrimination was a cause promoted by Southeast Asian States and by the NAM, few Southeast Asian States ratified the convention. By 1990, only four Southeast Asian States had ratified. The Philippines was the first to do so in 1967, followed by Laos in 1974, then Cambodia and Vietnam.

DISCUSSION AND DEBATE
How Active is Your Country in the UN System

Is your country a member of any UN special bodies, such as the councils or commissions? Do some research to find out if your country has ever been a member of any council or commission (for example the UNSC, the Human Rights Council, the ECOSOC, or the Commission on the Status of Women).

Southeast Asian States challenged the international human rights system in a variety of ways, but one collective challenge is particularly notable: the Bangkok Declaration. In the lead up to the 1993 World Conference on Human Rights (as discussed in Chapter One), ministers and representatives of Asian States met beforehand in Bangkok to bring a regional understanding of human rights to the global conference. This regional understanding, as led mainly by Singapore and Malaysia, argued that human rights vary from country to country, dismissing the idea of a universal standard. Human rights, they contended, could be modified by States to suit their specific cultural and historical contexts. In addition, they argued that human rights should be considered

a sovereign issue and as such, should not be open to interference from foreign countries. In other words, they should not even be considered a part of international affairs. This is known as the 'Asian Values' debate, referred to above.

These regional ideas challenged many fundamental concepts of universal human rights: that they are universal, that they limit State power, and that they are an international issue. Regional civil societies responded immediately by drafting and submitting the Bangkok NGO Declaration on Human Rights to the UN General Assembly on 19 April 1993. More than 240 delegates from over a 100 NGOs across Asia reaffirmed their commitment to the universality and indivisibility of human rights, and to reiterate that human rights should reinforce Asia's cultures and traditions.

DISCUSSION AND DEBATE
Why was the Bangkok Declaration Disliked by Human Rights Defenders?

NGOs were quick to criticize the Bangkok Declaration and a brief examination of some of the articles reveals why. For example, Article 5 attempts to domesticate human rights:

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

In other words, this article attempts to prevent outsiders from criticising the human rights record of a country. Why is this not a good idea?

Similarly, Article 8 expresses the dominant theory of Asian Values:

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

Why is this article inconsistent with the principles of human rights? What is the danger of allowing national particularities, or giving importance to religious or cultural backgrounds?

At the World Conference on Human Rights, which produced the Vienna Declaration and Program of Action (VDPA), the arguments raised in the Bangkok Declaration were addressed with concessions made to both sides, but the universality of human rights was never questioned. Article 5 of the VDPA states:

> All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various

historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

As this article makes clear, recognition was made of the concerns of regional particularities, but were considered subservient to universal standards. Most people saw this as a victory for the NGO declaration, and a negation of the Asian Values view of human rights.

Currently, Southeast Asian States play an active role in the UN as members of various commissions (including the Human Rights Council). They are also active in peacekeeping and work with coalitions of States for the development of rights.

8.7 Is There a History of Human Rights in Southeast Asia?

The history of human rights in Southeast Asia is not just the history of UN activity. As has been detailed, many organizations in the region undertook human rights work before the UN became active. While it has been vital in setting standards through the adoption and promotion of international treaties, much human rights work on the ground was done by local NGOs and activists. As such, one cannot say that human rights were introduced into the region by the UN, by foreign States, or international NGOs, but neither were they invented entirely within the region.

The idea of human rights has no single source as it came from both within and outside the region. While ideas of dignity are inherent in religions and cultures throughout the region, they were not adequately protected until States wrote laws recognizing them as such. Unfortunately, States will often only do this reluctantly, following pressure from civil society, NGOs, and the international community.

This chapter has given an overview of the history of human rights in Southeast Asia by examining how human rights were understood at various points in time, and also by looking at the main historical actors who either supported or violated human rights: governments, the military, civil society, and social movements. Throughout history, no clear moment can be pinpointed when human rights were accepted as a mainstream concept. There is a view that human rights were used during fights for self-determination and independence, but nationalist movements barely made reference to them. Human rights could have been used by NAM to protest the abuse of power by the main actors in the Cold War, but again, they were not mentioned. In democracy movements, people claimed rights to democracy, but not always as human rights. It is true that the first NGOs would now be considered human rights organizations but at the time, even they did not use the term.

As the opening paragraphs of this chapter detailed, the term 'human rights' itself can mean different things to different groups in different periods, making any history open to interpretation. Without a doubt, standards of rights have significantly improved over the past hundred years: slaves were freed, colonial subjects gained equal rights, and people became citizens in independent countries. They gained access to services, and understood they had rights and freedoms. These improvements can be attributed to other factors besides human rights, such as the rule of law, economic development, or the dispersal of values based on non-discrimination and human dignity. In conclusion, there is still much to understand about the history of human rights with much of it, such as the beginning of social movements or the end of slavery, still being closely studied.

A. Chapter Summary and Key Points

Introduction

There is no single, simple, and undisputed history of human rights in Southeast Asia, nor is there a single starting point. This leads to two debates: (1) how to write the history of human rights, and (2) what history should be included? How human rights are interpreted will influence this debate. They can be a set of ideas advocating the dignified treatment of people which exists in religions and a society's moral values. This viewpoint associates the spread of human rights with the rise of religions and the development of organized communities. Supporters of this idea see human rights emerging with the spread of religions and link them to the establishment of rules and religious principles. Another approach argues that human rights are linked to how people are protected from the power of the State, and this view considers human rights originate with the formation of States. A final viewpoint is that human rights are a universal standard of protection above and beyond the State, enabled by international laws and organizations, which is how they are mostly seen today.

Pre-Colonial History of Human Rights

Rights have existed in all periods of Southeast Asian history, but were limited to someone's religion or place of residence. The diversity of political units (such as sultanates, kingdoms, tribes, and colonies) throughout history meant the relationships between rulers and ruled were different in each, for they had their own legal systems, structures, morals and values of human life, and therefore their own concept and use of rights.

Colonialism

In some cases, colonial rule granted rights but often unequally (for example, colonizers and the colonized were treated differently). Although colonialism had many negative impacts, it did introduce the rule of law, recognise some women's rights, and improved health and education for some. Nationalist and later independence movements from the late 19th century demanded more freedoms and equalities for local citizens, with the focus on citizen's rights, political rights, and freedom from abuse by colonial governments. A major turning point towards independence came with the Japanese occupation of Southeast Asia which at first appeared to liberate people from colonialism, but this was not the case. With the defeat of the Japanese, many Southeast Asian nationalist movements assumed they would gain independence, but colonial nations returned to reclaim their colonies setting off a series of wars of independence in the region.

Struggles for Self-Determination

Self-determination movements in Southeast Asia were influenced by Marxism, Maoism, and liberalist ideologies. Also, many justified self-determination through the UN Charter, the UDHR and later declarations and resolutions. These movements occurred in the context of the Cold War, when countries were forced to side with either western or communist rule following independence. In response, many decolonizing countries formed a Non Alignment Movement which was supportive of human rights, especially as regards self-determination and racial equality.

Authoritarianism and the Cold War

Most Southeast Asian countries had authoritarian or military governments during the Cold War because of internal conflict, political instability, or powerful militaries. Widespread and systematic human rights violations occurred at this time. Military

governments generally have poor human rights records, as can be seen in the regimes of Pol Pot in Cambodia, Marcos in the Philippines, and Suharto in Indonesia. During the Cold War, alliances took precedence over human rights. Conflicts were common, such as the American War in Vietnam and communist insurgencies in most other Southeast Asian countries. The conduct of these wars commonly disregarded international standards. The greatest atrocities of this time were the Cambodian 'genocide' and Indonesia's brutal suppression of a supposed communist coup in the mid 1960s.

Democratization of Southeast Asia
From World War II to the 1990s, nearly all Southeast Asian countries improved their levels of democracy. Democratization was slow because of anti-communist activities, the economic growth, and the support of Asian Values through Confucianism. Strong democratic movements include the Philippine's 'People Power Revolution,' and the May 1992 event in Thailand.

The Emergence of Universal Human Rights
Human rights became more accepted in the region from the 1970s and can be linked to the increase in civil society groups and the women's rights movement, both of which spread the influence of human rights. Students were also a significant force in some countries. National-level human rights NGOs started in the 1970s, often in response to dictatorships. They worked with farmers, workers, and peasant groups. The 1990s saw the rise of new social movements in response to the negative impact of globalization.

Southeast Asia in the UN Human Rights System
Since its inception in 1945 and through the period of decolonization, Southeast Asian countries have played an active role in the United Nations, but they have had an inconsistent relationship as some governments used the system to protect themselves from human rights criticisms or delayed their ratifications of human rights treaties. The Bangkok Declaration by Asian States in 1993, which argued for a non-universal understanding of rights, was widely challenged, especially by regional civil society organizations. Currently, Southeast Asian States are still active in the UN.

B. Typical exam or essay questions

- What violations occurred in the early history of your country? How did society or the State justify violations such as slavery or the caste system?

- What are the positive and negative aspects of colonial legacy in any selected country? Consider the laws introduced and how they either supported or violated people's rights.

- Was the self-determination movement in your country linked to human rights? How did national or local groups fight for independence, and did they use or violate human rights?

- What was the impact of the Cold War on democracy and rights in your country?

- Was the introduction of human rights the result of foreign influence, or was it developed inside your country? What factors influenced the first human rights advocates and organizations in your country?

- Is it true that military governments abuse human rights more than democratic governments?

- How does the current respect for human rights in your country compare to the situation in 1990 or 1970?

- What is the history of either the student movement or the women's rights movement in your country? Who were the first figures in these movements, and what did they advocate for?

C. Further Reading

Many histories of Southeast Asia are used in university classrooms but it should be noted that few writers discuss human rights.

General History of Southeast Asia

- Clive Christie

- Milton Osbourne

- Craig Lockhard

- Clark Neher

- David Chandler

- D. R. SarDesai

- Martin Stuart-Fox

- Benedict Anderson

Writers Addressing Particular Rights in History

- James Scott and Christopher Duncan (minority group rights)

- Dan Slater (authoritarianism)

- Phillip Hirsch (land rights)

- Barbara Andaya and Jane Atkinson (women's rights)

- Clive Christy and Merle Ricklefs (self-determination and modern Southeast Asian history)

Writers on the Cold War and Military Governments

- Benedict Anderson (Indonesia and Thailand)

- Than Myint U, Mary Callahan, Martin Smith, David Steinberg (Myanmar)

- Much has been written on the Vietnam War, including documentaries available on YouTube, original documents from the Virtual Vietnam archive, and documents from both the Vietnamese and US governments

- Much has been written on the Khmer Rouge period by authors such as David Chandler, Ben Kiernan, Elizabeth Becker, and Chanrithy Him. Especially useful is the work of the Documentation Centre of Cambodia (DC Cam), and the Cambodian Genocide Program at Yale University

Debates on the History of Human Rights

- Samuel Moyne and Jan Eckyl: started much of the debate about the origins of human rights
- Mark Mazower
- Barbara Keys
- Akira Iriye

Historians of Human Rights

- Lynee Hunt
- Gary Bass
- Kenneth Cmiel
- Michele Ishay
- Paul Gordon Lauren
- Costas Douzinas

Online History Resources

- Asian Studies WWW virtual library
- *Journal of Southeast Asian Studies*