

Asia Democracy Network / FORUM-ASIA / May 18 Foundation

Gwangju Asia Forum: The Future of Human Rights in Asia Proceedings

May 18 Foundation Memorial Cultural Center, Gwangju, Korea

16 May (Saturday) 2015



I. Concept Note

1. The Gwangju Forum on the Future of Human Rights in Asia is a joint initiative of the Asia Democracy Network (ADN) and the Asian Forum for Human Rights and Development (FORUM-ASIA) in partnership with May 18 Foundation as part of the Gwangju Asia Forum (GAF) to be held in Gwangju from 16-18 May 2015.
2. The Forum will be held from 2:00 to 6:00 in the afternoon of 16 May (Saturday) 2015 as part of the Gwangju Asia Forum(GAF) on 16-18 May 2015 hosted by May 18 Foundation. It is also a follow-up to the Special Session on Human Rights in Asia and Vision of a Human Rights City being organized by the Gwangju Metropolitan City and the Korea Human Rights Foundation in the morning of May 16, 2015 during the 5th World Human Rights Cities Forum (WHRCF) on 15-17 May 2015.
3. The Forum aims to reflect on human rights and democracy in the past decades and identify emerging trends and issues in socio-political-economic contexts in Asia which are considered as key challenges to the human rights and democracy movement in Asia in order to develop a collective vision and explore ways to create more impact in the future according to the following guide questions:
 - 1) What are emerging challenges and opportunities for human rights movement in your field(s) and/or in Asia or sub-region?
 - 2) What are the lessons we have learned from the past decades? What key issues in human rights and democracy do we need to address as priorities in the region?
 - 3) What kind of regional human rights and democracy standards and mechanisms are needed to meet these challenges?
 - 4) How can an initiative of developing a people's charter on human rights and democracy in Asia contribute to the future development of regional human rights / democracy mechanisms?
 - 5) What is the future of human rights in the region?

The outcome of the Forum will be used as one of the inputs for the General Assembly of FORUM-ASIA in January 2016 and a joint initiative to develop the People's Charter on Human Rights and Democracy as a tool to articulate the people's vision and strategies for human rights and democracy movement in Asia. The Charter is expected to be adopted in 2018 during the 70th anniversary of the Universal Declaration of Human Rights (UDHR).

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II. Program Agenda and Schedule

Time	Agenda
13:30-14:00	Registration
14:00-15:40	<p>Co-Moderators</p> <ul style="list-style-type: none"> ➤ Evelyn Balais-Serrano, Executive Director, FORUM-ASIA ➤ Anselmo Lee, Co-Convenor, Asia Democracy Network (ADN) <p>Learning from the past – reflections on the human rights and democracy movement in Asia in the last decades</p> <p>Presenter (30 minutes):</p> <ul style="list-style-type: none"> ➤ Prof. Vitit Muntharbhorn, Chulalongkorn University, Thailand <p>Discussants (5 minutes):</p> <ul style="list-style-type: none"> ➤ Amihan Abueva, former Philippine Representative to the ASEAN Commission for the Protection of Women and Children, Executive Director, Child Rights Coalition- Asia ➤ Rafendi Djamin, Indonesia Representative to the ASEAN Inter-governmental Commission on Human Rights (AICHR), Indonesia <p>Open floor discussion with all participants</p>
15:40-16:00	Break
16:00-17:40	<p>Looking to the future- Identifying emerging challenges and opportunities for the human rights and democracy movement in Asia</p> <p>Presenters (20 minutes):</p> <ul style="list-style-type: none"> ➤ Prof. Francis Lee, Sungkonghoe University, Korea ➤ Prof. Tae-ung Baik, University of Hawaii, USA <p>Discussants (5 minutes):</p> <ul style="list-style-type: none"> ➤ Poenky Indarti, Imparsial, Indonesia ➤ Samson Salamat, Center for Human Rights Education, Pakistan ➤ Prof. Kwak Nohyun, Adviser, Asian NGO Network on National Human Rights Institutions (ANNI), Korea ➤ Shui Meng Ng, wife of Sombath Somphone, 2015 Gwangju Human Rights Special Awardee, Lao PDR <p>Open floor discussion with all participants</p>
17:40-16:00	<p>Synthesis/Closing Remarks</p> <ul style="list-style-type: none"> ➤ Henri Tiphagne, Chairperson, FORUM-ASIA

On May 16, 2015, the Asia Democracy Network (ADN) and FORUM-ASIA in partnership with the May 18 Foundation organized the “Future of Human Rights in Asia” workshop during the annual Gwangju Asia Forum.

The Gwangju Asia Forum is an annual event organized by the May 18 Foundation in Gwangju, Korea, providing a space for activists across Asia to share their experiences and discuss ways to strengthen solidarity among those defending human rights, peace, and the improvement of democracy in Asia.

III. Session 1. – Learning from the past – reflections on the human rights and democracy movement in Asia in the last decades



The first session on “Learning from the past – reflections on human rights and democracy movement in Asia in the last decades” invited **Prof. Vitit Muntarbhorn**, law professor from Chulalongkorn University in Bangkok, Thailand who served as the Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea between 2004-2010. Prof.

Vitit began his presentation with his encounter with the democratisation movement in Korea and other countries in Asia where he experienced a series of massive demonstrations and physical clashes that claimed peoples’ lives. He acknowledged that those experiences taught him the importance of political rights, including right to freedom of expression, freedom of assembly and association, and press freedom, as well as the importance of diplomacy. Being a teacher in the classrooms where a great deal of his contribution is being made, it has been challenging to decide how to narrate the past experience to his students and even how to speak about democratisation in Thailand itself.

To elaborate on his views, Prof. Vitit enumerated on a number of currently pressing issues in Asia: peace building with regard to Syria and North Korea; sustainable development and environment with regard to the Millenium Development Goals (MDGs); democracy at the UN and democracy in the classroom (or in your community); human rights with regard to migration and trafficking; and robotisation of human beings and its impact on the human rights discourse. With these in mind, he suggested three different entry points, such as multilateral, regional, and national level, for the younger generation to push through in setting an urgent agenda and realizing the promotion of human rights.

As it is evident that UN is not democratic in representing the people, he stated that we need more entry points to multilateral institutions like the UN to regional and sub-regional institutions, and national institutions.

The regional human rights mechanism across the different regions of Asia is hardly visible except in the case of Southeast and South Asia where some respective structures that protect human rights have been established. In both West and Central Asia, although many countries there are still not fully democratic, there has been some progress.

Related to the future of human rights, Prof. Vitit recommended the following strategies for Asia:

- 1) Advocacy – Ratification of the nine international human rights treaties as the required standard for the region.
- 2) Protection – Calling on the UN can be necessary when you do not have a protection system in place.
- 3) Accountability and end to impunity – There needs to be more focus on truth and reconciliation processes.
- 4) Collaboration and cooperation – There is a significant need for Asian countries to collaborate with both African and Latin American countries. Youth are also key-players when it comes to stimulating activism in the region. Volunteering needs to be encouraged, both for the experience and to stimulate a giving mind-set.
- 5) Humanization of technology – As every aspect of our life is being digitalised, we need to make sure that when it turns against us, we can still switch it off.

In his conclusion, he stressed that the ultimate future for Asia needs to include a sense of humanity, kindness, and respect for human life and the environment.

After the presentation by Prof. Vitit, the discussion focused on challenges shared by the discussants from their own experiences. **Ms. Amihan Abueva**, Executive Director of the Child Rights Coalition – Asia, recounted her own experience of becoming an advocate for child rights by learning the new human rights language on child rights. At the initial stage of her career in advocacy, child rights were a new concept. Particularly in Asia many of the issues identified relating to child rights were stemming from the presence of foreign troops in the region. From then on, her focus was to ensure a better legal system for children. It led her to a career which also saw her taking up the position of Philippine Representative to the ASEAN Commission for the Protection of Women and Children for a while. Malnutrition, climate change, and violence are major threats to children. She asserted that a part of building democracy is to ensure children’s participation in society.



Although there has been progress in structures and instruments, these do not automatically translate into practice. She pointed out that civil society organizations in Asia need to work on cross-sectional aspects within human rights issues. There has been too much segregation between the different issues within human rights. In conclusion she emphasized that civil society organizations need to be accountable for their own funding and operations.

The next speaker was **Mr. Rafendi Djamin**, a committed human rights activist and currently the Indonesian Representative to the ASEAN Inter-governmental Commission on Human Rights (AICHR). He observed a culture of impunity has been a long-standing problem in the region. However, he also pointed out to this reality has meant that most human rights activists in Asia have experience in working under a repressive regime. As impunity is dominant in many countries Southeast Asia, like in Indonesia, none of the people or leaders who committed crimes against humanity were indicted or even put on a trial. He went on to state that, in addition to other issues, we are now facing new challenges, such as the treatment of migrants on boats who are not given any protection.

Having been in AICHR for the last five years, he confessed that while there have been a lot of discussions, there has been little action. However, it is not always negative to take the time for talking. What matters most is how civil society organizations engage in this process of discussion. He argued that sometimes long discussions are necessary in convincing Governments, and in such a way are a means to make a difference. On the other hand, it seems that even among human rights advocates, people are separated into two groups: some being labelled as “jungle” activists, while others are being called “lobby” activists. Rafendi, however, underlined that he believed that such a differentiation is not useful for our cause, defending and promoting human rights and democracy in Asia. Each type of human rights activist has its own respective task with different roles, both are needed.

VI. Session 2. – Looking to the future – Identifying emerging challenges and opportunities for the human rights and democracy movement in Asia

The second half of the meeting focused on “Looking to the future- Identifying emerging challenges and opportunities for the human rights and democracy movement in Asia.”

The first speaker was **Prof. Francis Lee** of Sungkonghoe University, as well as of the People’s Solidarity for Participatory Democracy (PSPD) from Korea. The overall topic of his

presentation was on “Inter-state conflicts and militarisation, and challenges to human rights and democratisation.”

He posed the following question of, “How can we think of the future of human rights, when there are so many challenges?”. Unless we understand democracy, since human kind has never



understood militarisation and security, we can never truly be democratic. Democracy is very weak in the region, since we have side-lined elements of human rights.

In Northeast Asia, we now see structure setting with an assertive China, a normalising Japan, and a rebalancing of the United States. Since 2010, sovereignty claims over a few islands in the disputed seas have grown into potential major inter-state conflicts in East Asia. This challenging environment is at the core of the future of human rights in Asia. Issues at play relate to: natural resources and de-colonisation; national-territorial sovereignty; difficulty with maritime borders; naval military build-up and questions around control; and the rise of ethno-nationalism and right-wing/realist politics.

The conflict over and in the South China Sea may become a key-testing ground of global power politics in the coming decades.

Issues related to the military collaboration between the US, Japan and the ROK are left out of the human rights debate. The build-up and integration of their regional/global military defence system should be at the heart of the human rights debate. Technological information and operational integration of the US and Japanese forces into the military defence system is the most remarkable militarisation in East Asia at the moment. This weapons system covers China and most of Russia, and is a definite trigger for a massive arms-build-up.

In Asia, the integrated US-Japan-ROK military system has become the most aggressive, massive and destructive system in human history. However, the system operates in a much larger and flexible regional system based on a network of US military facilities in Japan, the ROK, Thailand, Indonesia, Australia and the Philippines. It is no longer a domestic issue, which means that the sovereignty of countries involved has become questionable.

In response, China is focusing on the mobility of its attack capability, longer-range and faster intercontinental ballistic missiles (ICBMs) and multiple-warhead nuclear missiles. They are all aimed at neutralizing military defence systems. Linked to this is an increase in naval power and projection.

The naval integration of the US now includes the freedom and right to use most of the naval and navigational facilities of its allied countries. The dispute over the naval base on Jeju Island is only one small facet of this dynamic.

This brings up questions related to the correlation between democracy and inter-state conflicts. The assumption has long been that if you have a functioning or good democracy, you will have peaceful international or inter-state relations. Improvements at the domestic level will automatically trickle to the international level.

History, however, shows this is a questionable stand-point. Only working nationally is not enough. Advocacy for democratic change needs to be aligned with international pressures. Militarised power-politics, in this context, will dictate many aspects of regional relations for quite some time to come. Whether or not we can address or even control the regional

power-politics in Northeast Asia, among countries like the US, China, Japan, the ROK and the DPRK, will affect the course of democracy on a national level tremendously.

Security is the primary good, justification and goal of States, because that is what they have learned from history and they see no alternative. Ethics and values play just a minor role in this world. Security is achieved by military force and backed up by economic power. A balance of power – or détente – is the only practical means of gaining peace. All other paths to peace are mere ideal.

This primacy of security or securitisation is further characterised by the belief that military dominance can only be achieved by the state – under exceptional circumstances – or by aligning oneself to a hegemonic state, like the US. In either case it is essential that the state pursues rigorous militarisation. The military and security sector are not democratic. In this sense, democratic principles have very little influence. State will always put security first.

From a democratic and human rights view point we need to address the militarisation of security. The debate needs to go beyond arms races, military budgets and other such discussions that are always held behind closed doors. It also involves overall militarisation of society and culture. We need to address the very serious state of militarisation of society, which is maybe even worse than when we were under military rule. We need to gain democratic control of the increasing militarisation of our societies and move towards de-securitisation.

So how do we link our assets of democratisation to address militarisation?

- Target the security/military/foreign policy sectors as the interface between domestic and international power formation,
- Investigate and develop an advocacy agenda related to the impact of militarisation and securitisation of democracy,
- Investigate and develop an advocacy agenda related to militarisation and securitisation deforms and influences media in each of our societies,
- Strengthen democratic control over military and foreign policies, by means of watch-dog roles, participatory processes and capacity building.
- Reformulate our understanding of democracy to include non-militaristic concepts of security and international relations,
- Security sector reform, including democratic control, watch-dogs, partnerships and alternative policies, as well as redefining democratic rights and the sovereignty of people in these areas,
- Envision and plan for peace building and peaceful regional arrangements, like those proposed by networks like the Global Partnerships for the Prevention of Armed Conflict (GPPAC).

To make all of this happen it is crucial to build a strong alliance between the human rights and democracy movement to promote peace. Movements to learn from and get involved

with include those working for the human right to peace, the anti-nuclear movement, the Jeju Declaration on the Right to Peace, UNSCR 1325 and others.

The second speaker **Prof. Tae-ung Baik**, Associate Professor of Law at the William S. Richardson School of Law at the University of Hawaii at Manoa, USA, focused his presentation on “Institution Building Strategy for Asian Human Rights Mechanism.”

He stated that although human rights are principles, whereas democracy is a form of organisation, human rights are not static though. They change according to work of people.

First of all we need to define what are human rights? What do we mean when we speak about human rights in Asia? And what do we want to change?

In terms of the definition, human rights are a series of norms and values. These are generally understood to be universal norms. However, many believe that human rights need to develop their own particularities and experiences, while still maintaining universal standards. It is need to how Asia can contribute to the development of universal human rights, including the right to democracy and the right to peace. Same goes for women’s and children’s rights. We have suffered a lot, so from that experience we can contribute to the universal formulation of human rights.

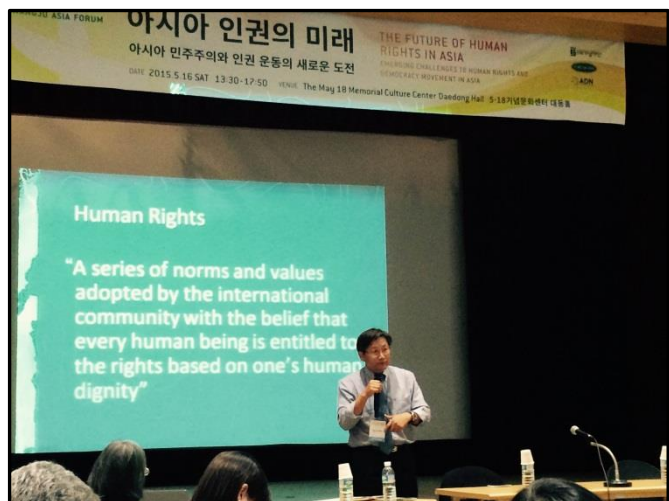
But norms and values develop through internal dynamic processes not by automatic transplantation of external concepts. It is needed to pursue universality while incorporating particularities.

So what has been the significance of Asia in the 21st century? To begin with the concept of what is Asia is very inconsistent. There is no consensus on what is Asia, not even among different IGOs.

We need to address the implications of creating a regional identity. To overcome the hurdles of regional integration, including the regional broadness, cultural diversity, historical animosity, the fear of regional hegemony and the dominating emphasis on bilateral relations, which is played on by the US.

The starting point of the formation of Asia was at the end of the Cold War, when the US ended its divide and rule policy and developed the East Asian Community, including Australia, New Zealand, the US and Russia.

Sub-regional integration, in the meantime, is rapidly taking place. It might be needed to question the particular groupings. But besides its challenges, it is good. Pursuing heightened



regional norms and strengthen institutions, will help both international and local systems. They are opportunities, in particular when it comes to human rights.

While there are challenges in East Asia, the ASEAN is moving ahead and the SAARC is trying to develop. And the same goes for the Pacific Islands States. Some believe that sub-regional engagement needs to come first, although the professor indicated that he does not believe in it. The bigger challenge is the fight between China and the US, the Regional Comprehensive Economic Partnership versus the Trans-Pacific Partnership.

However, having many different sub-regional institutions in Asia should not be a problem. Europe has many different RIGOs and all have value.

Characteristic of Asian integration have been that economic cooperation comes first, there tends to be delays in institutional development, and a general lack of coordination in this institutional development.

There is a need for open regionalism, Asia as an open and flexible concept. It should deconstruct old perceptions of what Asia is. Identities in the end cannot be defined by outsiders, but need to come from internal resolutions. The re-discovery of self-identities in Asia is an ongoing agenda. A human rights system should be a key element in this process.

It was indicated that the US has the option to join if they are willing to go along with the human rights discussions. In addition, Russia can also join too as long as they meet set standards.

Asia as a concept and identity needs to be (re)formulated. Part of this should be the development of a new Asian Human Rights Charter. This should come formulated not just by civil society, but come from a conversation and dialogue with officials. Eventually this needs to lead to the establishment of a Human Rights Court for Asia.

After the two presenters, four discussants reflected on what had been presented.

Samson Salamat from the Centre for Human Rights Education in Pakistan discussed the main emerging challenges for human rights and democracy in Asia, being: The focus on securitisation and militarisation and less on development; Religious extremism and fundamentalism; Counter-terrorism laws and policies; and the increase in threats against human rights defenders.

Prof. Kwak Nohyun, Adviser to the Asian NGO Network on National Human Rights Institutions (ANNI) and himself from South Korea, spoke about the changes in the challenges countries go through, including China and India. This requires the Asian people to be united, particularly in relation to democracy and human rights. If only a few people dream, it will remain a dream. If all of us have the same dream, it should become a reality.

When it comes to the future of national human rights institutions in Asia, it is important to consider there is not one category or type of National Human Rights Institute (NHRI). Asia is too vast, too many and too variant. Nineteen countries have established NHRIs, 31 still remain without any institutions, mostly in the Central and Middle-East Asia.

Currently, China and Japan still lack human rights Institutions of any kind. However, there is still a high probability they will establish them.

Is it possible for a NHRI to function under authoritarian regimes? Or will it end up being an exercise in window dressing? Are there any examples of a functioning NHRI in an authoritarian regime? In places where impunity is the norm, unless there is rule of law, there is no way to protect human rights in the first place. In such situations, a tiny institution like a NHRI cannot exercise much influence.

Prof. Kwak ended by proposing that ADN, FORUM-ASIA and the May 18 Foundation develop very strict guidelines under which we do not deceive ourselves when to think that NHRI can truly function.

Poenky Indarti of Imparsial from Indonesia talked about the human rights situation in her country. After the 2014 election in Indonesia, the new Government has been busy working on its image, but they are still surrounded by old military powers. While people understand the relevance of human rights the recent focus has been on corruption.

While the people enjoyed an increase in human rights and other freedoms for a very short time in the beginning of the reform era, this has since been overtaken by the elite. The people stayed silent, since that is what they learned under Suharto. Laws are still favouring the elite, which includes the military. The military still very powerful in Indonesia, including in business and in practices related to corruption. That is why the security sector reform is so important.

At times it feels the country is still under ‘colonial rule’, still being ruled by the powerful. For the moment it is not clear whether the ASEAN Economic Integration will improve things and will truly benefit the people.

That is why it is needed to strengthen the grassroots, and to develop different strategies to approach decision makers. In all of this it is important to prioritize the following subjects: Advocacy on security sector reform and human rights; Strengthen human rights institutions as well as ACWC and AICHR; and international monitoring of these issues.

Finally, **Shui Meng Ng**, the wife of Sombath Somphone, the 2015 Gwangju Human Rights Special Awardee, from Lao PDR spoke. “Looking back”, she started, “when Sombath and I were involved in activism, the issues were more simple. Now there are so many issues at play. And with that come both many challenges and opportunities.” She underlined a few main points.



We should never forget to engage with young people. Youth are very distracted, but they also seem to be less driven by the idealism that we have. It is crucial to bring them into the discussion. We need to start earlier, to look at school curricula, maybe peace education. Need to start right from the beginning and all the way through.

It is also important to use all the media and tools they use. We need to reclaim our space as activists, but need to figure out which ones. We need to redefine Asian values, to engage young people to discuss a new definition. Also, bring young people into discussions on the regional and global level on these issues.

If we have young people understand peace, dignity and respect. They will take that into whatever future career they have. We need to expose them to a variety of paths and show the young people the vast amount of hope they have. If this is not done, we place them in danger to fall into dangerous influences like the ISIS.

During the discussion several topics were touched upon.

- The need to be more proactive in the formulation of a 5th generation of human rights to cover emerging issues, like the right to security and the pursuit of happiness. At the same time it is needed to assess what has been achieved so far when it comes to human rights. There are many areas of human rights that have not been adopted into human rights norms. It requires more discussion about how rights need to be elaborated further.
- Criteria for the reform of the global mechanism on human rights, and the establishment and improvement of regional mechanism.
- Religious fundamentalism, in particular Islamic fundamentalism.
- The role of the Asia Infrastructure Development.
- How to work on a regional mechanism, when certain countries, like China are not open to an Asia human rights mechanism, while other like Sri Lanka, Pakistan or Burma, do not have rule of law.
- The need to rejuvenate Paris Principles.
- To recognize security concerns, including those related to terrorism, are strongly related to human rights. The need to look at the link between peace, development and human rights.
- The question whether it is possible to strengthen human rights within a nation state? Or whether it needs to be based on communitarian norms.

Finally, **Henri Tiphagne**, the Chairperson of FORUM ASIA shared his final thoughts. While not trying to recap or synthesize the discussion, he indicated that the future of human rights is not just something the organisers should be involved in but something the entire and all parts of societies in Asia should be included.

Activists from all over Asia need to come together every year in May in Gwangju to report on what they have worked on. We will all go back home and work in our own countries and places, but we will always come back to Gwangju.

