Preface

Our aim in this book is to explore human rights in Asia from a mainly political perspective. Asian countries are now engaging with human rights, albeit unevenly and in complex ways. The distraction of ‘Asian values’ has largely passed, and the politics of influencing regime change and government behaviour with respect to human rights are a major part of the politics of most countries. The authors in this collection use different approaches to highlight the current politics of rights protection in a range of Asian countries. Indicative of this new era, even countries like Singapore and Malaysia that previously eschewed human rights are now participating in Asian forms of accommodation.

Nine of the twelve chapters focus on particular Asian countries: Indonesia, the Philippines, Singapore, Malaysia, Thailand, Cambodia, Myanmar, India and China. These are countries with huge differences in population; contrasting political histories, cultures and current political economy circumstances; and, not surprisingly, major differences in their records of rights protection. Despite these differences, however, there are similarities that justify our Asian focus on rights protection. Seven of the countries – Indonesia, the Philippines, Singapore, Malaysia, Thailand, Cambodia and Myanmar – are members of the Association of South East Asian Nations (ASEAN) and in 2009 inaugurated the ASEAN Intergovernmental Commission on Human Rights (AICHR). Even though this new organisation is severely qualified by other principles of national sovereignty, non-interference and respect for different cultures, and has no enforcement role, it represents a significant milestone in the adoption by Asian countries of universal human rights standards as their own. Human rights are now formally part of Asian ‘values’; not Western constructs that could be dismissed by some influential Asian leaders in decades past.

China and India are included because of their sheer importance as the emerging international giants of the twenty-first century, and also because of their richly diverse profiles with respect to human rights. India has the most congenial profile of democratic governance and commitment to human rights, despite huge challenges of economic development and some notable rights infringements. China demands attention because of its highly authoritarian, Communist party government and eschewal of...
political rights in favour of economic and social rights, with welfare and
distribution replacing subsistence as primary policy imperatives in recent
decades. Moreover, China is emboldened in championing its brand of
authoritarian government as well as improving economic and social con-
ditions for its people which might provide an alternative paradigm for
some Asian countries.

Our selection is not comprehensive, either in its inclusion of Asian
countries or broader religious and cultural themes affecting rights. Not all
Asian countries are included, but the key ones are – leaders and laggards,
large and small. There is a chapter on Muslim debates on human rights
and freedom of religion, but not on Buddhism or Confucianism. The
topic is simply too extensive for a single book to include everything; and
our choices were somewhat restricted by the availability of scholars who
could contribute. Some of the gaps in our coverage are filled elsewhere:
for example, Kenneth Holland has a critical article on rights protection in
Japan in the special edition of the *Australian Journal of Political Science*
on ‘Rights Protection: Comparative Perspectives’, (44 (1), 2009), edited
by Brian Galligan and Emma Larking. Indeed, this collection on rights in
Asia was conceived in part as a complement to that special edition, which
was prepared under the auspices of the International Political Studies
Association’s Research Committee on Comparative Judicial Studies and
included only one article on an Asian country – Holland’s on Japan – in
its ten articles on mainly North American, European and Australian sub-
jects. One of our primary aims is to make the study of rights in Asia an
integral part of the broader scholarship on human rights; it is a rich field
that has often been ignored or otherwise only partly explored.

How Asian countries deal with human rights is highly complex and
variable, and a strong theme that emerges from the chapters collected
here is that there is no progressive march towards greater acknowledge-
ment and firmer protection. Despite some collective measures such as
the ASEAN countries’ 2009 formation of AICHR mentioned above, the
pattern is one of uneven and country-specific pathways, with advances and
reversals occurring depending on the historical circumstances and politi-
cal struggles in particular countries. Human rights issues are politicised
and contested, and are used for different political purposes by rulers and
ruled in maintaining power or demanding greater political participation
or justice in economic distribution. Political elites in some countries have
become astute in rights governance: in some cases advancing rights causes,
but in others manipulating or subverting them in their quest to hang on
to power. Ironically, greater rights awareness in a country can also stiffen
the resolve of authoritarian and corrupt leaders to cling to power lest they
be prosecuted for rights abuses when they lose office. But human rights do
provide a universal, if contested, standard for judging governments, and a rallying call for political reforms in a range of countries from Singapore to Myanmar. As is clear in several chapters in this book, they can serve to help to mobilise people in ongoing struggles for basic subsistence and fairness.

Human rights have obvious international and national dimensions, and it is this bifocal character that underpins some of the political complexity that we find in particular countries. Whether international rights instruments are adopted or not is important but by no means the end of the human rights story. Malaysia, Singapore and Myanmar, for instance, have not adopted the core International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights, yet all three have had to deal with both international and domestic pressures. Other countries, like Cambodia, that have adopted a full slate of rights accords are delinquent in honouring them. Constitutional and democratic institutions in Thailand and the Philippines are periodically trashed by military coups and dictatorships, and at other times perverted by violence. Governments can be adept at playing multiple level games in responding to international and domestic pressures while clinging to power. The effectiveness of international organisations in progressing the human rights agenda depends on their interactions with local groups and whether governments are open to reform. Nor are governments always the instigators of human rights violations; in some cases, entrenched local interests can override government policy and law in the name of religion or traditional social practices that infringe rights.

The politics of human rights in Asia is a wonderfully rich and complex topic that has been addressed throughout the chapters of this book. We hope it both informs and provokes greater attention as Asian countries increase their prominence in world affairs.

Tom Davis and Brian Galligan

Human rights in Asia