

**“Human Rights and Fundamental Freedoms, and
the Geopolitics of East Asia and the Rest of the World”**

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H.E. Abhisit Vejjajiva,

Guests and members of CALD, friends, ladies and gentlemen.

A pleasant noon to all! Thank you for this invitation.

It is my pleasure and privilege to address this distinguished audience on a subject that is very dear and close to me, as described above.

INTRODUCTION

On the way from Geneva to Manila last weekend, I chanced upon a wonderful event, media-covered by CNN/BBC. This was the ceremony in Paris in celebration of the Centenary of the 1918 Armistice ending World War 1, also popularly remembered as the Great War.

Having lived for almost seven (7) years in Paris – a city reputed to be the most beautiful and sophisticated of capital cities in continental Europe - I had the good fortune to witness many yearly ceremonies of these Armistice event.

These ceremonies have always exulted my senses, bringing ultimate happiness to my heart! And why, you may ask? Because the event is a celebration of the final arrival of **peace**, the diplomat's ultimate **target**, a final realization of **a diplomat's dream**.

But the particular ceremony last weekend **gave me a cold shudder**: a sense that today some danger could be lurking around the corner, that there is an **imminent threat to contemporary peace**. To note particularly, the host, France's President Emmanuel Macron, had stated: **“old demons are resurfacing....let us now vow to prioritize peace over everything.”**

Much later in the day, President Macron added eloquently the following most impressive words, obviously addressed to two (2) guests: President Donald Trump, the American President and President Vladimir Putin of Russia:

“Patriotism is the exact opposite of nationalism. Nationalism is the betrayal of patriotism. In saying our interest first, whatever happens to the others, you erase the most precious thing a nation can have, that which makes it live, that which causes it to be great, and that which is most important: its moral values.”

At the end of the Ceremony, the Head of Government of a leading State in the heart of the European continent, Germany's Chancellor Angela Merkel stated: “...could we the international

community today, establish a sterling example of the **Universal Declaration of Human Rights**....would we manage that, **I fear not !**"

And now, I would humbly query: **Is peace at risk once more?** Are human lives and the fortunes of humanity at stake again **as a consequence of the bloated, competing egos and pride of various leaders' of the world?**

THE DILEMMA...AND THE REST

Human rights carry words and concepts with a variety of dimensions governing the existence of humanity. When a Western country says that an individual has a **Right to Life**, it could well allude to the none imposition of the death sentence as a penalty. To people in other parts of the world, like the East, it could refer to the right of a woman to access abortion if her life and health are put at risk by her pregnancy. Yet the Catholic Church – a faith of Western origin - may consider such a move as a violation of the right to life of the foetus .The fundamental human right on the **Freedom of Expression** has been interpreted in many Western countries as **absolute**; but many other countries of the world, could well provide very good situations to overthrow such an assertion. The very concept of nationalism as referred to by President Macron could be the opposite stance of the colonies under imperial powers of long ago, while overthrowing the yoke of the **conquistadores**. Perhaps, a student of human rights today may well conclude: **"The West is the West, and the East is the East, and Never the Twain shall meet.."** Yet the people of France, the fundamental believers in the dignity of the human person, fought their revolution against the privileged and abusive French aristocracy, but today they declare very clearly: **"Vive le difference! "**. The call is not necessarily limited to the identification of a male or a female person, **but to the variety, as well, in the way of life of every individual all over the world.**

Let us illustrate the various interpretations carried out by people and states in the management of their human rights and democracies in their respective midst.

THE PHILIPPINES

The ideas of an enduring democracy, strong civil society, and respect for human rights animate the Philippines as a nation. This can be gleaned by how we organize our pantheon of national heroes. At the top of this Pantheon, we have the **celebrated warrior and great plebeian leader of the Philippine independence movement, Andres Bonifacio**. But still, over and above him, we have that **great Filipino Renaissance man, Asia's first liberal, Dr. Jose P. Rizal**. The question may be asked: **Why Rizal over Bonifacio? Bonifacio's goals were primarily political: Achieving an independent Philippines. But Rizal's goals were humanist; they transcend the political: independence is important, but ensuring that the Filipino is free, that he has freedom of thought and of conscience, and that his dignity and rights are respected – this is a higher, nobler goal.**

It is for this reason that the Philippines has played an important role in building the current international consensus that human rights are universal. This contribution has been recognized

when the Philippines was elected as a founding member of the United Nations Human Rights Committee, now the Human Rights Council in Geneva. Many of us – in my generation of Filipino diplomats – took part in shaping the current multilateral regime on human rights, and I am particularly proud of my work – currently for the third term - at the Committee on the Elimination of Discrimination Against Women (CEDAW). **After all, I take pride in announcing that I wrote the very first draft of said Convention in 1973, and negotiated it for my people until its fruition in 1979 as CEDAW.**

The Philippines' human rights record is not in itself unassailable. The Government strives to align itself with the principles enshrined in the **Universal Declaration on Human Rights**, 1948 but success in this regard rests on strong institutions and favourable socio-economic realities.

From a nation of 30 million at the time it joined the United Nations in 1945, the Philippines is now a nation of more than 100 million. It is on the cusp of either achieving upper middle income status, or falling into the middle income trap, depending on how it manages to address the myriad of challenges it currently faces. As the Philippines grows, its problems become much more complex. Unfortunately, socio-economic realities compel people to seek simple solutions to complex problems.

I mention this because the Philippines is not alone. This is a trend. Across the world, as the forces of globalization exacerbate the complexities of national problems, more and more people are seeking comfort in the promises of easy solutions by relatable leaders, rather than the convoluted jargons of bureaucrats and intellectual elites. **These easy solutions may at times come into conflict with established universal values**, leading to the argument that solving complex problems entails a measure of sacrifice: **More development may require less democracy. I believe this is what one means when one talks of the rise of illiberalism and the retreat of democracy.**

This new trend aggravates a familiar friction in the multilateral space. On one hand, civil society organizations and some like-minded nations seek the strictest non-contextual application of human rights conventions without due regard to national realities. On the other hand, there are nations that see themselves under siege from self-righteous forces. **Some nations are more successful than others in managing international perceptions of their human rights record.**

THE PEOPLES' REPUBLIC OF CHINA

The case of China is an interesting example. For the past forty years of Deng Xiaoping's policy of reform and opening up, China's development has been phenomenal. Under the current dispensation, however, we have seen some reversal of these political gains. **Party centrality in political and social life is again being stressed, and firm measures taken in the name of social stability have led to credible reports of enforced disappearances and massive internments.**

A number of civil society organizations as well as liberals and democrats around the world are working vigorously to document these alleged abuses and to persuade governments to call on

China to respect its human rights commitments. **Yet during the Universal Periodic Review (UPR) of China's compliance with its human rights commitments at the U.N's Human Rights Council (UNHRC) in Geneva on 6 November 2018, the majority of the delegations fielded favorable questions and comments that diluted issues related to serious allegations of human rights violations, particularly those against the Uyghur population in Xinjiang.** It was as if China had the same level of compliance with human rights instruments as Germany.

How did China manage to achieve this success? I would like to posit that China's success in effectively managing international perception of its human rights record can be attributed to **three factors.**

First, China's effective deployment of its sharp power continues to be a deterring factor. In recent years, China has boldly employed coercive measures short of force in expressing disagreements or displeasure with some countries.

China's diplomatic spat with Norway over the awarding of the Nobel Peace Prize for pro-democracy activist Liu Xiaobo in 2010 is a lingering example. Despite Norway's repeated explanation that the Nobel Committee autonomously conducts its affairs sans government oversight, China froze its political and economic relations with Oslo, severely affecting salmon trade and eventually compelling Norway to acquiesce to a one-sided Joint Statement on Normalization of Bilateral Relations in 2016, which affirms China's parameters for maintaining sound bilateral relations.

Second, China has been dispensing goodwill for other countries in the UN Human Rights Council in Geneva. China offers diplomatic support for countries – particularly those from the developing world – that find themselves subjects of intense scrutiny at the UNHRC. It has been observed that China's positive comments during UPRs of other countries have led to reciprocal gestures from those countries.

The Philippines and Myanmar have been recipients of this Chinese goodwill. When a number of critical countries assailed the Philippines' firm campaign against illegal drugs during the UPR of the Philippines' human rights record in 2017, Beijing offered firm support for Manila. China has also been consistently offering similar levels of support for Myanmar in the context of the Rohingya issue.

Third – and this is most important – China has been successful in articulating a compelling narrative. Beijing consistently argues that human rights issues are a Western preoccupation – one that is politically-motivated, fraught with biases, and intrusive in sovereign domestic affairs. This argument has resonated with the sentiments of a considerable number of U.N. members.

PAKISTAN AND INDIA

Pakistan's support for China provides an anecdotal example. Observers have been noting that a number of Pakistani citizens have been entangled in the alleged crackdown in Xinjiang, causing political difficulties for Islamabad. Yet the Pakistani delegation remained silent in

Geneva, prompting media speculations that this silence was motivated by Chinese largesse. While I cannot totally discount this link, I submit that Islamabad's support for Beijing in Geneva is rooted in Pakistani aversion to what some **Pakistani diplomats often describe as Western pontifications and double standards.**

The Pakistani example reflects a prevailing sentiment across the world. Governments perceive a measure of liberal pontification that intrudes in the sovereign realm – **some sort of modern ideological colonialism.** This perception has always been there. Even countries like India have been expressing concerns about the politicization of human rights in multilateral forums: There have always been regular attempts to subject individual countries to intrusive monitoring so as to point out the failure of state mechanisms to protect and promote human rights, leading to some call on the need for the international community to reflect on whether such action had genuinely improved the human rights situation.

But as anxiety about globalist forces and the trend of illiberalism intensify, so too is this perception enhanced. China understands. China is able to exploit this perception, and ignore questions – legitimate or otherwise – about its human rights record while at the same time emboldening others to do the same.

I MENTION CHINA'S SUCCESS NOT FOR ANYONE TO CONDEMN IT, BUT FOR ALL OF US TO REFLECT ON IT.

Liberals and democrats around the world hold the ideas of an enduring democracy, strong civil society, and respect for human rights, very dear to their hearts and beliefs. **For the past seventy years, we have built a rules-based liberal international order that enshrines these values. Yet the success of China's counter-narrative implies that the universality of these values is slowly eroding.**

NOW WE NEED TO ASK OURSELVES.... WHY? AND ... WHAT ARE WE LOVERS OF DEMOCRACY AND HUMAN RIGHTS, GOING TO DO ABOUT THIS SITUATION?

ASEAN

In ASEAN, it was the Philippines that had initially involved the Association on human rights principles, issues and concerns. **I should know it; I chaired the drafting of the ASEAN Charter in 2007, and successfully maneuvered and negotiated for the existence of Article 14 in the ASEAN Charter.** Subsequently, **I represented the Philippines from 2009 to 2015 in the AICHR** (the ASEAN Intergovernmental Commission on Human Rights), the agency at the forefront of promoting and protecting human rights and fundamental freedom of the people of ASEAN,

In its almost ten years of existence since its establishment in 2009, AICHR achieved a number of major accomplishments.

One of this is the adoption of the ASEAN Human Rights Declaration (AHRD) in 2012, which is a comprehensive framework for human rights cooperation. This Declaration reflects the commitments of ASEAN to the Universal Declaration of Human Rights. It also

expands on current international standards such as, the rights of minorities such as the elderly, persons with disabilities, migrant workers, and the vulnerable and marginalized groups.

The Declaration is also unique in its provisions for the **RIGHT TO DEVELOPMENT** and the **RIGHT TO PEACE**. It also calls for the avoidance of stigma for those suffering from communicable diseases such as HIV.

AICHR conducts various studies on thematic issues relating to human rights. Among these are: (1) the Thematic Study on Women Affected by Natural Disasters, (2) on the Right to Life which focuses on the Rights of Persons Convicted with Death Penalty; (3) on Juvenile Justice; (4) on Legal Aid; (5) on Migration and Human Rights; (6) Right to Safe Drinking Water and Sanitation; (7) Right to Education and Access to Tertiary Education; and (8) on Right to Peace.

AICHR-Philippines and AICHR-Singapore, in collaboration with Child Rights Coalition Asia and with the support of the Swiss Embassy in Manila, held an ASEAN Dialogue on 25-26 October 2018 in Manila on the **UN Convention on the Rights of the Child (UNCRC) and its Related Instruments**.

The Dialogue raised the awareness and deepened the understanding by ASEAN about children's rights. It opened the possibilities of ratifying all of CRC's Protocols by the 10 Member States.

Apart from its engagement within ASEAN, AICHR is also engaged with civil society of the region and the rest of the world. To date, there are thirty (30) CSOs with Consultative Status with AICHR. Civil society is also greatly involved in the implementation of many of AICHR's programs/activities.

BUT THE FOREGOING DESCRIBES ONLY THE PROMOTION OF HUMAN RIGHTS IN SOUTH EAST ASIA...WHERE IS THE APPLICATION OF PROTECTION OF HUMAN RIGHTS OF THE PEOPLE IN THIS REGION OF THE WORLD?

CONCLUSION

With this brief survey, I hope that I have been able to present an objective but brief overview of the state of human rights and democracy in East Asia, in relation to the rest of the world.

I have now returned to my initial home on Human Rights, the Committee of CEDAW, now located in Geneva - after my ten (10) years of absence. I left it as the last Chairperson to serve it in New York, 2005-2006.

This ends my narrative which I hope demonstrates to you my tireless involvement and endless respect for democracy, human rights and fundamental freedoms for all.

Thank you and good day!