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**PART 1**

**Democracy and Human Rights for the World**

After the Helsinki process got under way, US and her NATO allies in Europe succeeded in placing democracy and human rights high on their agenda with the Soviet Union and the Eastern bloc. The process started under Brezhnev. It led to the dissolution of the evil Soviet Union empire under Gorbachev. This remarkable success made US and her NATO allies enthusiastic over the possibilities of democracy and human rights working in China, North Korea and

Vietnam, and in the Third World countries. Those dependent on the West for aid, trade and development can be made to see the light.

2. The Americans are great missionaries. They have an irrepressible urge to convert others. Because Japan has become the largest donor for Official Development Aid (ODA) they need to urge Japan to close ranks and support this mission to convert the world and make it a safer and better place. Japan has now laid down four yardsticks for her ODA:

- (1) no large military expenditure;
- (2) no development and production of weapons of mass destruction.
- (3) no large transfers of arms;
- (4) democracy, human rights and a market economy.

3. It is easier to spell out these conditions than to implement them. For instance, how does Japan implement them against the PRC? To deny aid to the PRC, after Tiananmen 1989, is to risk a giant neighbour sliding into disorder and maybe violence, with enormous consequences for Japan and the rest of Asia in refugees and other problems.

4. Perhaps that is why you have asked me to address the subject of democracy and human rights, in particular whether democracy has universal validity. Can 178 nation-states in the UN all become democratic? The universal declaration of human rights Article 20 Section 3 states that the will of the people is the basis of authority of government and that will is expressed in periodic and genuine elections by universal and equal suffrage in secret vote. It is the ideal standard, achieved only by a few First World countries, but is it realistic and achievable for all countries?

5. Can it be achieved in the Second World - the former Soviet Union now Russia and the other CIS states, Eastern and Central Europe? I have my reservations.

6. Prof Quicksfield in a BBC broadcast on 6 May 1991 said that Eastern Europe and Russia would need 10 to 20 years of political education in democratic practices to change attitudes, to learn the skills of participating in democratic discussion without punching each other or getting dispirited.

7. Can it work in the Third World, Latin America, Africa, the Middle East, Asia? How will these countries respond to persuasion and pressure through ODA?

8. Indonesia's reaction to the Dutch development aid minister when he pressed human rights issues in return for aid was to reject aid. President Suharto asked for Holland's removal from the Inter-Governmental Group for Indonesia (IGGI) group. Indonesia would go her own way without aid rather than submit to Dutch pressure on democracy and human rights. When the EEC tried to introduce human rights into a new cooperation ASEAN-EC Agreement in 1991, ASEAN rejected it outright. Later, Portugal vetoed a new ASEAN-EC Agreement because of Indonesia's Human Rights violation in East Timor. But it is doubtful if the pressure will work.

9. A more important case is China. The US Congress has threatened the withdrawal of MFN unless China observes democracy and human rights. The US President has threatened to veto such legislation. This is a yearly threat.

10. Can the habits and values of Chinese governance of over 4,000 years be changed overnight by resolutions of the US Congress? I believe change will come to China. But it will be an internally generated process of evolution. Indeed the history of democracy in developed countries shows it to be a slow, almost glacial process. They were so in the UK and the US. They reached full universal suffrage only after they had achieved a high level of economic growth with an educated population.

## PART II

### UK and US Established Modern Democracies

11. In modern times, two nations have long and unbroken records for democratic government. First, the United Kingdom, next the United States.

12. The British trace their democracy to the signing of the Magna Carta in 1215, which led to the development of their parliament. Indeed up to 1911, the hereditary noblemen in the House of Lords had as much power as the people's representatives in the House of Commons. Women got the vote only in 1928. And extra votes for Oxbridge University graduates and businessmen were abolished only in 1948.

13. The United States declared independence in 1776. In 1778 the constitution gave the vote only to those who paid property tax or poll tax, which meant the well-to-do. There were barriers of age, colour and sex. In 1860 income and property qualifications were abolished, but other barriers like literacy tests and poll taxes discriminated against blacks and other disadvantaged groups. In 1920, women got the vote.

14. Only in 1965 did the Voting Rights Act suspend literacy tests and other voter qualification devices which kept the blacks out.

15. So full democracy was established in UK in 1948 and in the US in 1965.

### France

16. The French Revolution was in 1788 when they stormed the Bastille. Since then France has had five republics and two monarchs. Liberte, egalite and fraternite in 1788 did not succeed as a democracy until the 20<sup>th</sup> century.

17. Is it any wonder then that so many Third World countries, former colonies that have received democratic institutions fashioned after US, British, French, Belgian, Dutch, Portuguese constitutions, were not able to make these constitutions work without radically altering their nature, like converting themselves into one-party systems? What the UK, US and France took 200 years to evolve, these new countries, without the economic, educational and social pre-conditions, were expected to work on independence, when during all the years of colonial tutelage there were no elections and no democratic government.

## **PART III**

Western Democracy Universality Presumed But Unproven

18. The existence of a civic society is a precondition for success in democratic government. What is a civic society? It is a society with the whole series of institutions between family and state to which citizens belong, independent voluntary associations, religious institutions, trade unions, professional organisations, movements to promote specific common interests, whether the Green movement, or the gun lobby, or anti-smoking, and so on.

19. Prof Seymore Lipset of George Mason University<sup>1</sup> states the condition for democracy in a different way: “A large middle class, economically secure, many people having skills, knowledge and security to take part in politics.”

20. Dr Barbara Goodwin of Brunel University<sup>2</sup> said that liberal democracy needs economic development, literacy, a growing middle-class, political institutions supporting free speech and human rights. It needs a civic culture resting on shared values making people with different and conflicting view willing to cooperate. She adds that democracy does not require everybody to be thinking the same but thrives on division or cleavages.

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<sup>1</sup> BBC World Service broadcast 19.4.91

<sup>2</sup> BBC World Service broadcast 29.4.91

21. The crucial point is that they must be able to live with their differences. As Prof Werber of Harvard University<sup>3</sup> says, cultural preconditions, whether the majority wants to live in this community with relatively low conflict, relatively low violence and agree to a set of rules and procedures governing collective life, a set of deep beliefs and values to their culture is fundamental for democratic government.

22. If we apply these preconditions to countries in Asia, we will understand why Asian democracy has had such a chequered history.

23. Take Thailand: In May this year we saw Bangkok's population of about 7-8 million willing to demonstrate its anger against a military regime whose coup it had a year earlier approved of. But it disapproved of General Suchinda becoming the Prime Minister when he was not elected or at least that was the ostensible reason. The trouble was that the opposition or outrage of 7-8 million people of Bangkok was not shared by the 50 million other Thais in the countryside. Bangkok opposed Suchinda not because he was not elected but because they felt that the military were not honest themselves and that honest government was what they wanted. They wanted to remove the military and get

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<sup>3</sup> BBC World Service broadcast 29.4.91

an honest government. When Anand Panyarachun was appointed prime minister, there was widespread support and no protest. But he was not elected. Indeed he had not participated in elections and said publicly that he did not want to. What the people wanted was to get rid not only of the military but also the corrupt drug traffickers. They have now got rid of the military. But they still have drug traffickers. Narong Wongwan, the man who was named as Prime Minister after the March elections before General Suchinda became Prime Minister was denied a visa to the United States in July 1991 because he was suspected of being involved in drug trafficking. He has won again in the September elections. In due course he will again become a Minister. Overall, in the September elections, the four pro-democracy parties only marginally improved their positions, winning 185 seats, an increase of only 23 seats or 6%. The traditional big spending parties maintained their grip in the rural areas of the North and Centre. What is needed for democracy to produce good governments are fundamental, social and educational changes so that good men like Anand will contest and win elections without vote-buying or intimidation.

24. Next the Philippines. Six years ago, Mrs Imelda Marcos fled the country with her husband; so did Eduardo Cojuangco. Yet they were able to return and contest in elections for President. They were amongst the top four candidates.

The President, Fidel Ramos, got 5.3 million votes, Cojuangco got 4.1, and Mrs Marcos 2.3. In other words, had Cojuangco and Mrs Marcos combined, their votes could have beaten Fidel Ramos.

25. A society where such remarkable events are possible needs a special kind of democracy. In other societies when a dictator is overthrown, the wife and close collaborators would probably have been mobbed and lynched before they got away, and if they got away would never return.

26. Take Pakistan. In 1988 after General Zia-ul-Haq, the President was killed in an aircraft explosion, elections were set for October 1988. On 21 August 1988, in Sunday Telegraph London, the late Prof Elie Kedourie, Professor of Politics at the London School of Economics, who has studied Pakistan, explained that to expect the coming elections to re-establish democracy was a triumph of hope over experience. He wrote: "Civilian, constitutional government was proved to be inept, corrupt, and quite unable to arrange a Third World economy, or deal with the ills and conflicts of a divided society suffering from deep rivalries, mutual fears and antagonisms ..."

27. "For such a style of government to be practicable and tolerable, it has to be rooted in attitudes to, and traditions of, governance which are common ground

between the rulers and the ruled: the supremacy of law, the accountability of those in power and continuous intercourse with the public from whom they derive their authority; the sturdiness of civil society, and the practical impossibility for any government to ride roughshod for long over its innumerable and multifarious interests and associations. None of this, of course, obtains in Pakistan, or in the Indian sub-continent from which it was carved. Here the ruling tradition was of Oriental despotism where the will of the ruler was law ...”

28. “May it not be a regime of elections, parliaments and responsible government is unworkable in countries like Pakistan, and that to persist in attempts to set up or restore such a regime must lead to continual tumults in the body politic, and successive interventions by the armed forces?”

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29. Pakistan held its elections in December 1988. Mrs Benazir Bhutto won and became Prime Minister. In less than two years, her government was dismissed on allegations of massive corruption. Nawaz Sharif's Islamic Alliance won the elections in October 1990 and he became Prime Minister. In less than two years, his coalition was under stress. The Army was sent in May 1992 to put down violence and lawlessness in the province of Sind. I know both Prime Ministers, Ms Benazir Bhutto and Nawaz Sharif personally. They are capable leaders and the equals of other leaders in the Third World. But the essential pre-conditions for democracy in Pakistani society are missing.

30. Let me mention one simple but fundamental problem. The majority of the voters, both in the Philippines and in Pakistan, are peasants or farmers. The landlords control their lives and their votes. The majority of members elected into the legislature of both countries are landlords. They have blocked legislation for land reforms without which there can be no fundamental change in the economy. They have also blocked moves to have the children of their peasants educated. They prefer to have them uneducated but loyal, and beholden to them.

31. Neither country has a background for democratic government. There are no habits in the people for dissension or disagreement within a restrained and peaceful context. Murders and violence are part of every Filipino election. The lawlessness that is in Sind province , the shootings with heavy weapons and automatics between warring Sindhis, Muhajirs, Pashtuns, Baluchis in the city of Karachi bear witness to the absence of a civic society.

32. What of Latin America, where the tide for democracy has been widely praised by Americans? Early this year there was a coup in Venezuela which nearly succeeded. Yet there is no public anger or resentment against the coup. Indeed there is widespread support for the coup leader, Lt Col Hugo Chavez. And in Peru President Fujimori who was constitutionally elected, had to dissolve Congress, dismiss the Judges, and suspend Congress in order to clear up a corrupt system. A poll showed overwhelming support for what Fujimori was doing in order to establish honest government. Can he succeed in a country where democracy has no historical or cultural roots, and the institutions do not reflect the desires of the people in economic and political decisions?

### Adverse Economy Breaks Down Democracy

33. There is one phenomenon which poses the question whether democracy is secure even in the developed countries. Democracies broke down and gave way to dictatorships in Europe, during the world depression of the 1930s. The two, U.K. and U.S., withstood the Great Depression pressures. They were severely tested. There were general strikes in Britain. But constitutional democracy weathered the storm. A Labour coalition government was formed in which the Labour Party was a minority supported by Conservatives, to accommodate the demands of the workers. But the Labour Party was soon discredited for having taken office in this opportunistic way and produced no results. In the US, a charismatic leader in Franklin D Roosevelt brought in the new deal. He laid the foundations for the social security programs that were to be carried to excess in the 1960s.

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34. But in Italy in the 1920s, the Depression led to the rise of Mussolini and the Fascist Party. In Germany, Hitler and the Nazi Party came to power in 1932. In Japan the military took charge and led Japan first into Manchuria in 1931, and next into China in 1937. In 1941 General Tojo took charge openly as prime minister and led Japan into Southeast Asia in December 1941. In Spain, there was the dictatorship of General Franco, in Portugal that of Salazar.

35. There is no guarantee that the present democracies will survive if there is a prolonged world depression.

## **PART IV**

### People Want Good Government

36. All peoples of all countries need good government. A country must first have economic development, then democracy may follow. With a few exceptions, democracy has not brought good government to new developing countries. Democracy has not led to development because the governments did not establish stability and discipline necessary for development. What is good government? This depends on the values of a people. What Asians value may not be what Americans or Europeans value. Westerners value the freedoms and liberties of the individual.

37. As an Asian of Chinese cultural background, my values are for a government which is honest, effective and efficient in protecting its people and allowing opportunities for all to advance themselves in a stable and orderly

society where they can live a good life and raise their children to do better than themselves. In other words:

- (a) people are well cared for, their food, housing, employment, health;
- (b) there is order and justice under the rule of law, and not the capricious, arbitrariness of individual rulers. There is no discrimination between peoples, regardless of race, language, religion. No great extremes of wealth;
- (c) as much personal freedom as possible but without infringing on the freedom of others;
- (d) growth in the economy and progress in society;
- (e) good and ever improving education;
- (f) high moral standards of rulers and of the people;
- (g) good physical infrastructure, facilities for recreation, music, culture and the arts; spiritual and religious freedoms, and a full intellectual life.

38. Very few democratically elected governments in the Third World uphold these values. But it is what their people want. When Asians visit US many are puzzled and disturbed by conditions there:

- (a) law and order out of control, with riots, drugs, guns, muggings, rape and crimes;
- (b) poverty in the midst of great wealth;
- (c) excessive rights of the individual at the expense of the community as a whole; criminal regularly escape punishment because the law which presumes innocence over-protects their human rights.

39. The United States cannot tackle its drug problem by solving the problem within its country. So it has to try to solve the problem by attacking the drug problem in the drug producing countries. It has invaded Panama to capture Noriega. It has secretly kidnapped the Mexican doctor for having tortured and killed a US drug enforcement agent. The United States courts have held these actions as legal. But if put to the International Court at the Hague there can be little doubt that they were clear violations of international law, whether or not they were in accordance with the US law.

40. It is Asian values that have enabled Singapore to contain its drug problem. To protect the community we have passed laws which entitle police, drug enforcement or immigration officers to have the urine of any person who behaves in a suspicious way tested for drugs. If the result is positive, treatment is compulsory.

41. Such a law in the United States will be unconstitutional, because it will be an invasion of privacy of the individual. Any urine test would lead to a suit for damages for battery and assault and an invasion of privacy. Only members of the US armed forces can be required to have urine tests. That is because they are presumed to have consented when they enlisted. So in the US the community's interests have been sacrificed because of the human rights of drug traffickers and drug consumers. Drug-related crimes flourish. Schools are infected. There is high delinquency and violence amongst students, a high dropout rate, poor discipline and teaching, producing students who make poor workers. So a vicious cycle has set in.

## PART V

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Democracy and Human Rights Presumed to Lead to Good Government

42. Whilst democracy and human rights are worthwhile ideas, we should be clear that the real objective is good government. That should be the test for ODA. Is this a good government that deserves ODA? Is it honest

and effective? Does it look after its people? Is there an orderly, stable society where people are being educated and trained to lead a productive life.

43. You may well ask: How do people get a good government in a developing country? I believe we can learn a valuable lesson from the property and educational qualifications the UK and the US had in their early stages of democracy. This can work well in the towns where most people are educated. Moreover it will encourage people to get educated. In the rural areas, the educated are fewer. So more traditional methods of representation, like the village headman or chief, can be the basis of representation. Such an approach can be criticised as elitist, but the chances of getting a good government is better.

44. In its initial stages pressures can be partially successful. For example, Zambia's President Kaunda had to reverse his policy of one-party government, to allow multi-party elections. He was in desperate need of aid. He lost the elections. Whether the newly elected President can do better with unpromising social and administrative structures is doubtful.

45. In Kenya, President Moi has had similar pressures. He too has promised free multi-party elections. Can a change of leader in a more or less free election change the country's direction? Nigeria has had 4 elected and 6 Military Governments since 1960. No election has yet produced a good government.

46. I have reservations whether multi-party elections will lead to the outcome African peoples want, namely good government. Whether that good government is democratically elected or otherwise is of secondary importance to African peoples.

47. A special difficulty in Africa is the lack of a sense of nationhood transcending the tribe. An African's highest loyalty is to his tribe. African nations are enormous conglomerations of thousands of totally different tribes, speaking different languages with different cultures, put together as one colony by European colonial powers.

48. Next, for good government, the leaders, whether elected or otherwise, must have a sense of being trustees with the people. The traditional chiefs were autocratic, even dictatorial. But they had a sense of responsibility for their tribe. Unfortunately, the loyalties of presidents and ministers of new African countries are primarily to the people of their own tribe.

49. In no new African country is there a culture of tolerance for dissenting views amongst the people. Disagreements time and again have broken out along tribal, not economic interest lines.

Human Rights : progress likely if approach more realistic

50. On the whole, I think it is more difficult to achieve a working democracy than to make some progress in human rights. Greater respect for human rights is a worthwhile objective. The only practical way forward is the step-by-step incremental approach. Standards of what is civilised behaviour varies with the history, and culture of a people, and of the level of deterrence or punishment people in a society are accustomed to.

51. Our common humanity requires us to persuade all peoples and their governments to move towards more humane, open, responsible and accountable government. Governments should treat their own people, including prisoners, in a humane way. Helmut Schmidt wrote in Die Zeit on 29 May 1992, after a visit to China, on the Yellow Emperor: "It seems that the formative force of the Confucian cultural heritage with its tendencies towards vertical meritocracy and hierarchy according to age, with its willingness to learn and to be thrifty, and with the tendency to family and group cohesiveness does not need Europe's and

North America's religious ethics, which are based on a totally different spiritual concept, in order to achieve equal economic performance. Perhaps the West must admit to itself that people living in other continents and other cultural groups with firmly rooted traditions can be thoroughly happy even without the democratic structures which we Euro-Americans consider indispensable.

Therefore we should not ask China to profess democracy, but we should insist on respect of the person, personal dignity and rights." And one cannot ignore the history, culture and background of a society. Societies have developed separately for thousands of years at different speeds and different ways. Their ideals and their norms are different. American or European Standards of the late 20<sup>th</sup> century cannot be universal.

52. Attitudes are changing. Worldwide satellite television makes it increasingly difficult for any government to hide its cruelties to its own people.

By international convention what a government does with its own people is an internal matter and does not concern foreign governments. This convention is difficult to uphold when people worldwide see and condemn the cruelties and want something done to stop them. On the other hand, Western governments often use public opinion as an excuse to interfere with another government's actions. But are Western governments prepared to help financially to ease the severe economic difficulties which are often the cause of upheavals and their

suppression by force? Only if they are, do they have a moral right to interfere and to be listened to. Eventually the international community will find a balance between non-interference in a country's internal affairs, and the moral right to press for more civilised standards of behaviour by all governments. However, I doubt if there will ever be a common universal standard of what is acceptable behaviour.

53. In the next 20 to 30 years, few societies will be isolated. All will be ever more open to outside contacts, though trade, tourism, investments, TV and radio. These contacts will influence their behaviour, because their values, perceptions and attitudes will change. There will be no convergence to a common world standard. But we can expect more acceptable standards where bizarre, cruel, oppressive practices will become shameful and unacceptable.

54. We cannot force faster change, unless the advanced countries are prepared to intervene actively. If a target delinquent government collapses and the country breaks down, are the donor countries prepared to move in and put the country together again? In other words, recolonise and create the preconditions for democracy?

55. Take the case of Burma. Tough sanctions can break the grip of the military regime. It is better to do it with UN Security Council authority. When the regime breaks down and disorder breaks out in Burma, the UN must be prepared to move in and restore order. Do they move in as peacekeepers or peacemakers? As peacekeepers, they will not be able to control the minorities who are armed and have been fighting the Burmese government since independence in 1947. The Karens, Kachins and others, all want independence. Should they get their independence? Or should they be put down and incorporated into one Burmese union or made into more autonomous states in a loose federation? Will advanced countries undertake the responsibilities for their fate?

56. If Japan presses for democracy in return for ODA, is she prepared to undertake the responsibility for the integrity of the state and the people's welfare if a government loses its capability to govern, or otherwise disintegrates?

57. An analogous dilemma faced the United States in Iraq. Iraqi Republican Guards and forces were on the run. President Bush decided not to break the Republican Guards. If he brought down the Iraqi government, he would run the risk of the Shiites in the South and the Kurds in the North rising up in rebellion against the Sunni Muslims.

58. If President Bush had decided on an imposed democracy, the result would have been difficult. One-man one-vote means that the Shiites who outnumber the Sunnis will become the majority group to the Iraqi government. Then Iraq would get closer to Iran which would be unacceptable to the United States and Saudi Arabia. Worse and more likely, Iraq would have been broken into three states with Kurds in the North, Sunnis in the centre and Shiites in the South.

59. Therefore for geopolitical reasons, the American mission to convert the world to democracy and human rights had to be put aside. The US allowed Saddam Hussein's dictatorship to carry on. The likelihood of an unsatisfactory geopolitical balance in the Gulf was the reason.

#### Some questionable assumptions

60. There are some flaws in the assumptions made for democracy. It is assumed that all men and women are equal or should be equal. Hence, one-man, one-vote. But is equality realistic? If it is not, to insist on equality must lead to regression. Let me put it to the test in some theoretical situations. If we had a world government for this small interdependent world, will one-man one-vote lead to progress or regression? All can immediately see that the developed and educated peoples of the world will be swamped by the undeveloped and the

uneducated, and that no progress will be possible. Indeed if the UK and the US had given universal suffrage to their peoples in the 19<sup>th</sup> century, then economic and social progress might well have been less rapid.

61. For reasons of equality, it is one-nation-one-vote in the UNGA. But UNGA resolutions do not carry the force of sanctions. Only the UNSC has that power. There, although a majority of 8 out of 15 members is sufficient, any one of the five permanent members can veto it. Who are the 5? They were arbitrarily determined at the end of the last war.

62. Herman Khan, the late futurologist, once said, only half in jest, that it could have been, in the UNSC, one-missile-one-vote, and in the UNGA one-dollar-one-vote. I am not sure whether this is acceptable to the world. But it is more workable than one-man-one-vote in world government or even one-nation-one-vote in the UNGA. It will be more in accord with reality.

63. The weakness of democracy is that the assumption that all men are equal and capable of equal contribution to the common good is flawed.

64. This is a dilemma. Do we insist on ideals when they do not fit into practical realities of the world as we know it? Or do we compromise and adjust to realities?

65. On balance, if I were a Japanese, I would like my Government to assess countries on the substance of good government, rather than the forms of democracy. Of course good government includes humane and civilised standards of behaviour.

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