

ein größeres aktives Interesse an einer Verbesserung des traditionellen Methodengefüges in der nigerianischen Landwirtschaft und skizziert dafür einige möglichen Bereiche.

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Caesar Espiritu

Law And Human Rights In The Development of ASEAN

(With special Reference to the Phillipines)

Friedrich-Naumann-Stiftung, 1986

Recently the topic of Human Rights has attracted a lot of writers and scholars. This may tempt one to think that there are no more new issues to be treated in this topic because it has been exhausted. Venturing on the topic one is a verge of being tautologous. However that is not true. A very interesting book for scholars and general readers interested in law, development and human rights has roled out of the printing press in the later half of 1986. Written by Professor Caesar Espiritu a renowned Phillipino scholar in human rights issues, the book, though centered on the ASEAN with special reference to Phillipines, is of immediate relevance to most developing countries. It raises issues of law, development and human rights which are currently the major areas of concern for all those involved in the challenging task of finding alternative theories of development for the third world.

Espiritu writes about the liberal – capitalist alternative which the ASEAN countries adopted after independence. The countries entrenched the capitalist model which emphasized rapid industrialisation which neglected Agriculture and the rural population.

The states borrowed capital from the West and from the international monetary agencies to develop infrastructure with a view to enticing the private entrepreneurs to invest. The World Bank and International Monetary Fund sold its traditional package of liberalisation of the economy in order to induce transnationals to invest in the ASEAN. The argument was always that these masters of industry and technology would bring into the ASEAN both industries, capital and technology which at the same time effecting economic growth.

Espiritu admits in this book that it is true that consumer goods industries were built, although of course these included obsolete lines of production in the West and these offered employment to local population. The problem which this strategy caused, according to Espiritu, was that it dismantled the protective barriers to local industrialists hence quickly killed them.

This represented a total regression since transnational corporations are rarely known to have helped developing countries to master the technology of any industry they are involved in Transnational are difficult to control even by legislation due to their geographical mobility of capital and technology, and can invest and disinvest at will both in manufacturing, service industries and agribusiness. (p. 9)

This is more critical when the regional economic programme of the ASEAN is taken into consideration. According to Espiritu, the programme involved creation of preferential trade arrangements, establishment of ASEAN industrial projects, establishment of industrial complementation scheme and creation of ASEAN joint venture projects.

The PTA is a now well known international trading arrangement intended to expand regional inter trade through trade liberalisation. According to Espiritu about 18 000 tariff concessions were already in application by September 1984 among the ASEAN countries.

The industrial project scheme was aimed at establishment of large scale industrial plants to meet the basic needs of the ASEAN countries while the industrial complementation scheme was aimed at enabling member countries to produce complementary products in specific industrial sectors for exchange among ASEAN member countries. The joint venture programme was aimed at bringing together two or more ASEAN members in equity participation in industrial ventures.

Taking into consideration the dependency nature of these programmes, Espiritu concludes that none of these has brought even a »fillip to the development of the region« (p. 10). Espiritu's conclusions are not an anti-capitalist rhetoric. They are based on a study of what is actually taking place in the ASEAN. Of course his conclusions call for further study. Yet his assertion that the liberal – capitalist alternative is has not only proved a failure in the ASEAN but has undermined and repressed individual freedom of the people is hardly contestable (p. 5).

According to Espiritu the trio-development strategies of the liberal – capitalist model i. e. export-led growth, import substitution and production for basic needs have all ended up in by-passing the poor in the so-called development process and subjecting them to two fold misfortunes – ruthless exploitation (p. 5) and being rod roughshod over their civil and political rights (p. 7).

The problem has been that regimes in developing countries obsessed with need for development demanded that they had a right to disregard human rights in order to be able to rush their nations to economic development. They become authoritarian regimes which destroyed the initiatives of the people for development. Once this initiative was lost it became impossible to mobilise the countries for development. The idea that individual rights are a luxury suited for western societies and unsuitable for developing countries become part of the national Legal ideology. Espiritu speaks of Philippines in the following terms:

»Thus, typically, in the Phillippine situation, the suspension of political rights, is claimed, should be supported to eliminate economic distortions introduced by government officials under pressure to win elections in a parliamentary democracy«

Truly, as Espiritu observes, the idea of considering individual rights as being negative rights and inferior and collective rights as positive and superior is baseless. Developmentalism is a lopsided theory which produces a lopsided society. The Professor shows how taken seriously by liberal-capitalist enthusiasts as it has been done in the ASEAN and most Third world countries, developmentalism can produce authoritarian regimes which

are thoroughly corrupt like those of Marcos, Baby Doc Duvalier etc which are extremely murderous, exploitative and mercenary in character. Espiritu recounts how Marcos turned liberal democratic constitution into a sham and how transnationals in the Bataan export processing zone violates human rights of the Philippines with the assistance of the coercive apparatuses of the state.

The picture becomes crystal clear when the author devotes a whole chapter to summarise data relating to socio economic conditions of the people in the ASEAN which requires no reproduction here. Professor Espiritu finds out that the liberal capitalist alternative has not helped the ASEAN countries to reduce inequality in income distribution, unemployment, quality of education, health and social and cultural services. Further it has not enhanced regional understanding vis a vis other nations and has only helped to plug the ASEAN people into further dependency on imperialism at both individual and institutional level.

The suggestion Professor Espiritu makes as the alternative theory of development is nonetheless controversial. The alternative theory must be people centered and anchored on democratic values.« Elaborating on this the Professor says:

»Central to the search for this alternative development is our vision of society. In a broad sense, development should bring about the progressive satisfaction of all human rights. Consequently, the formulation of development goals should include a broad framework of human rights as standards to be achieved through the development process.

A responsible society is a society that is at once just and humane and participatory. It is one which human life is made more human under the stress and opportunities of economic growth.«

This is a marvelous theory for the third world but one which may easily be reduced to nought if it is to depend on the sheer commitment of political leaders as the author at one point suggests. The crucial problem is whether it is possible to bring social change through reforms. The author raises useful questions which he skillfully skirts around without offering any practical solution other than the utopian one of gradual reformism.

How are the people going to create for themselves countervailing power both politically and economically without arousing the organised violence of the state? What are the possibilities of going around the state imposed structures which are not meant to assist the poor, without ending up in prison? These and many other questions are raised by the author but the answers he offers are far from being satisfactory. One can have committed political leadership, and can organise and mobilise the poor and do the many other reform programmes suggested by the Professor like restructuring education, law, and establishing exposure programmes and solidarity networks through non-governmental action groups, but is this enough?

Again one might carry out legislative reforms which takes into account all covenants on human rights but is constitutional and legal engineering enough? The first issue is who is this one? The second is, can people restore their lost freedom without having to overthrow the status quo? The epilogue of Professor Espiritu's book explains that as the

book was being taken into the printing Press, news had come by saying that the People of Phillipines have overthrown the authoritarian and dictatorial regime of Ferdinand Marcos. But is it not true that the final overthrow of this vicious dictator by a seemingly bloodless mass action was a result of many years of armed struggles by various sections of the people of Phillipines?

All in all Professor Espiritu has made a good study and issues raised in the study are so interesting and controversial that no one seriously interested in law, development and human rights can ignore them. It is a must reading.

Segondo E. A. Mwangi

Karl J. Newman, unter Mitarbeit von *Heinz Pankalla* und *Robert Krumbein-Neumann*
Pakistan unter Ayub Khan, Bhutto und Zial-ul-Haq

Arnold Bergsträsser-Institut, Materialien zur Entwicklung und Politik, 28. Weltforum Verlag, München, Köln, London, 1986, 190 S., DM 44,—

Pakistan wird in Kürze seinen 40jährigen Unabhängigkeitstag begehen (14. August 1987). Das Land hat in dieser Zeit eine unruhige und schmerzvolle Entwicklung durchgemacht. Wenn es sich im Großen und Ganzen auch gefestigt und internationales Ansehen gewonnen hat, so ist sein Werdegang doch noch nicht vollendet. Viele innere Probleme stehen noch zur Regelung offen; und außenpolitische Probleme kommen dazu aufgrund der geo-strategischen Lage des Landes im Spannungsfeld zwischen den beiden Weltmächten, der Sowjetunion und den Vereinigten Staaten von Amerika, im nun schon über 7 Jahre dauernden Konflikt um Afghanistan. Pakistan hat einen Flüchtlingsstrom von rd. 3 Millionen Menschen aus Afghanistan aufgenommen mit allen daraus entstehenden Problemen und hat gegen das von den Sowjets gestützte kommunistische Regime in Kabul Stellung bezogen. Es hat den afghanischen Widerstandsorganisationen Zuflucht gewährt und ihnen Hilfe geleistet. Es sieht sich dadurch dem Unwillen der Sowjetunion und daraus resultierenden Gefahren ausgesetzt. Andererseits genießt Pakistan die massive Unterstützung der USA, der westlichen Welt und der arabischen Staaten. Pakistan hat durch diese Situation wichtige internationale Bedeutung erlangt und nimmt in der aktuellen Konfliktsituation eine Schlüsselstellung ein.

Angesichts dieser Lage ist es zu begrüßen, daß die vorliegende Schrift von Professor Karl J. Newman und seinen Mitarbeitern jetzt im Rahmen der Veröffentlichungen des Arnold-Bergsträsser-Instituts erschienen ist, um genauere Informationen über Pakistan zu vermitteln. Bisher gibt es in Deutschland kaum entsprechende Literatur, so daß eine empfindliche Lücke gefüllt wird. Hervorzuheben ist noch, daß wir in dem Autor einen ausgezeichneten, kompetenten Sach- und Landeskenner haben, der lange und entscheidende Jahre (als ordentl. Professor 1950–1961 an der Universität Dacca und später als Gastprofessor an der Universität in Islamabad) verbracht hat, viele der zeitgenössischen