

Indivisible Human Rights

**The Relationship of Political and Civil Rights to Survival,
Subsistence and Poverty**

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HUMAN RIGHTS WATCH

September 1992

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HUMAN RIGHTS WATCH

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INTRODUCTION

The Heads of State or Government further emphasized the indivisible nature of human rights, comprising civil, political, economic, social and cultural rights. They expressed concern over a tendency to selectively address aspects of human rights, often for extraneous political motives, and to neglect economic, social and cultural rights which relate more immediately to mankind's needs for food, shelter and health-care and the eradication of poverty and illiteracy.

Draft Final Document of the Tenth Conference of the Heads of State or Government of the Non-Aligned Countries, Paragraph 61.

The advocacy of civil and political rights is often perceived as neglect of social and economic rights. Many governments argue that their primary concern must be to address concerns such as hunger, poverty and illiteracy, implying that rights such as freedom of expression and association are somehow secondary. In its White Paper on human rights issued in October 1991, for example, the Chinese government argues, "It is a simple truth that, for any country or nation, the right to subsistence is the most important of all human rights, without which the other rights are out of the question."¹

We argue in this report that subsistence, indeed survival, often *depends* on the existence of political and civil rights, especially those related to democratic accountability. These rights are not luxuries to be enjoyed only after a certain level of economic development has been reached, nor are they only ends in and of themselves. In addition to being of intrinsic value, they are an essential means of allowing people in all countries to obtain the food they need to survive, to keep the land they need for subsistence, to organize with others to promote their own economic betterment and to resist environmental damage that poses severe threats to health worldwide.

The report is divided into four chapters: famine, land, environment and labor. In the first chapter, we show how the absence of political and civil rights helps cause famine. No famines are caused by drought or crop failure alone. If shortages exist, assistance to stricken areas can be mobilized, but only when people can get information about shortages to a government, and governments are obliged to act responsibly. It is no coincidence that a country like India, which generally enjoys a high level of freedom of expression and democratic accountability has succeeded in preventing famine, whereas Ethiopia and the Sudan have not.

In the second chapter, we document how abuses of civil rights have resulted in widespread alienation of land on which the poorest sectors of society depend for subsistence. If the lack of democratic accountability has led to famine in countries around the world, the lack of due process, discrimination on political or ethnic grounds, and abuse of political power have led to the impoverishment of millions. Developed countries are just as much to blame as developing countries, with the pre-World War II colonial powers responsible for setting examples of deprivation of civil rights leading to land alienation, examples which have been followed all too closely by many post-independence governments in Asia and Africa.

¹ *Beijing Review*, November 4-10, 1991, p.9

The third chapter documents how restrictions on the ability to address environmental issues around the world have contributed to environmental degradation with consequent ramifications for health and subsistence. Examples are taken from eastern Europe, Asia, Africa, Latin America and the United States, and there is a case study on the relationship in Malaysia between human rights abuse and environmental damage with severe long-term consequences.

The report concludes with a chapter on labor. It shows how restrictions on the right of both rural and urban workers to organize effectively condemn them to below-subsistence wages and often unsafe working conditions. In the case of migrant workers, government restrictions on freedom of movement may end up being a death sentence.

This report is published by Human Rights Watch to reaffirm the indivisibility of the protection of civil and political rights and the ability of peoples around the world to secure their economic, social and cultural well-being.

CHAPTER I: FAMINE

A famine is an act of extreme cruelty, perpetrated by one group of people -- usually the government or army of a nation -- on another -- usually the poorest and least powerful people in that country. Sometimes, it is done deliberately, occasionally, completely unwittingly; most often, from a mixed set of motives and without a clear idea of what the end result will be. A callous indifference to human suffering and human rights by those in power is the essential prerequisite for a famine.

The debate over the relative primacy of civil and political rights versus social and economic rights continues to rage. This report seeks to make a modest and specific contribution to this debate, by demonstrating empirical relationships between the enjoyment of certain sets of liberal human rights and the fulfillment of one of the most basic material rights, namely freedom from famine.

This report focuses on two primary areas of central concern for human rights. They are:

- (1) Democratic accountability, including freedom of information, expression and association, and competitive elections.
- (2) Freedom of movement and residence, and freedom from arbitrary deprivation of livelihood.

Although the right to food is enshrined in a number of human rights conventions, it will not be considered here, as such. We also do not cover war as a cause of famine in this report, although deliberate violations of the Geneva Conventions, the "laws of war", by parties to armed internal and international conflict are a cause of some of the world's worst famines.²

The report draws upon a range of examples from famines in three continents. In selecting examples to illustrate the links between famine and human rights, it was soon found that:

- (1) *Every single* major famine in modern history has been caused, at least in significant part, by systematic abuse of human rights.
- (2) In most cases, a *wide range* of human rights abuses has been involved in causing the famine. This illustrates the indivisibility of human rights; once one right is violated, it is generally true that others are violated too.

There are, of course, many contributory causes of famine, including climatic adversity,

² Africa Watch has published a number of reports on war and famine, including *Evil Days: 30 Years of War and Famine in Ethiopia* (September:1991) and *Mozambique: Conspicuous Destruction - War, Famine and The Reform Process in Mozambique*, July 1992.

environmental degradation, chronic poverty, failure of economic policies, and a history of economic neglect or exploitation. However, none of these factors is necessary for famine -- some famines have been caused by the conduct of a government or an army on an otherwise economically healthy society and economy. Nor are these causes sufficient to cause famine -- in every case in which they have contributed to a major modern famine, human rights abuse has also been a significant factor.

Effective methods of famine prevention have been known for over a century. At current prices, it costs less than US\$20 to provide an adult with basic staple food grain for a year, so that no country is too poor to afford a famine prevention system. Under these circumstances, famine can only come about when a government is unaccountable to many of its citizens.

Democratic Accountability

The diverse political freedoms that are available in a democratic state, including regular elections, free newspapers and freedom of speech, must be seen as the real force behind the elimination of famines. Here again, it appears that one set of freedoms -- to criticize, to publish, to vote -- are usually linked with other types of freedoms, such as the freedom to escape starvation and famine mortality.³

Principles of democratic accountability lie at the heart of any effective system for the prevention of famine. This is for the following reasons:

(1) Credible Information

In order for a government to act in time to prevent a famine, it is necessary for it to be aware in advance of the impending famine. It is for this reason that the "early warning systems" of today have been set up.⁴ However, the affected populace itself is invariably more aware of an impending famine than any technically-based system can be. The most effective early warning system is therefore allowing the people to make their fears known, by supplying credible information to the authorities. This may be done by direct representation to elected representatives or through a free press, or both.

(2) Triggering a response

It is one thing for a government to possess information about an impending famine, it is another for it to respond in a timely and effective manner. The failure of "triggering" is the greatest problem with technical early-warning systems. In a system with democratic accountability, this role is played by the very sources of credible information themselves, namely local organizations and the press. By playing an adversarial, critical role, calling to account those politicians and administrators who are failing to respond, local organizations and the press

³ Amartya Sen, "Individual freedom as a social commitment," *New York Review of Books*, June 14, 1990.

⁴ These systems were a direct descendant of the "intelligence" systems of the Indian Famine Codes, adopted by the British Raj in the 1870s after a disastrous series of famines in India. The Codes set out a famine prevention policy designed to enable the colonial administration to identify an impending scarcity in advance.

can ensure that the government responds appropriately and quickly.

(3) Accounting for the past

Famine relief and prevention is an evolving science. Mistakes are invariably made; it is essential to learn from them. In a democratic country, each time there is a disaster or averted disaster, a public enquiry is launched into what went wrong, who was to blame, what can be learned -- and also, what was done correctly. Such commissions of inquiry have been common to all effective famine-prevention systems.

Positive Example 1: India

India provides the best example of a country that has successfully averted famine since Independence in 1947, despite repeated droughts and enduring chronic poverty.

At Independence, the Indian government inherited the most sophisticated famine early-warning and prevention system in the world, known as the Famine Codes. Independence also came on the heels of a disastrous famine, that killed over one million people in Bengal in 1943. This famine occurred in part because the British authorities failed to implement the provisions of the famine code -- illustrating that the most sophisticated technical system is valueless unless it is used. The outrage caused by this famine intensified demands for immediate independence after the Second World War, and also ensured that a commitment to famine prevention would be at the top of the new government's political priorities.

Since 1947, the Famine Codes -- now renamed Scarcity Manuals -- have been continually updated and improved. Their provisions have frequently been implemented -- most notably in 1966, 1973 and 1987. In all cases, they have prevented severe food shortages degenerating into famine.

This enviable record has not been brought about by benevolence on the part of the Indian government. The reason is the functioning of democratic institutions, particularly a free press, independent trade unions and local organizations, and elected legislatures.

India's independent press has played a key role. It has displayed a greater degree of sophistication in dealing with the issue of famine than the western media. At crucial moments, the press has influenced the public mood and triggered governmental action. Press coverage of the scarcity in Bihar in 1966-7 created a national political drama, with two daily newspapers -- *Searchlight* and the *Indian Nation* -- taking particularly vigorous critical positions vis-a-vis the State and Central Governments, often contradicting official statements that the situation had been brought fully under control.⁵ During the Maharashtra droughts of 1970-3, *The Times of India* was noted for its sustained and nuanced coverage of the crisis.

Similar press attention compelled government action in 1985-86. Indian journalist N. Ram attributes actions by the Karnataka state government to alleviate distress there in late 1985 to coverage by the local press, and the itinerary of then-Prime Minister Rajiv Gandhi to areas

⁵ P. R. Brass, "The Political Uses of Crisis: The Bihar Famine of 1966-1967," *Journal of Asian Studies*, 45, 1986.

of extreme hunger in 1985-6 was strongly influenced by press coverage. When northern India was stricken by drought in 1987-8, of unprecedented severity, both press and government were vigilant. In August 1987, *The Statesman* criticized the Rajasthan authorities for ignoring the signs of distress migration from the countryside to the cities, and failing to pay laborers on relief works arrears of their wages. A year later, a series of articles in *The Times of India* carefully presented statistics for nutrition that showed that while starvation was not occurring, there were serious declines in nutritional status and, in a few isolated areas, increased levels of child deaths.

Hunger is an issue in local vernacular papers and national English-language and Hindi papers. At a more theoretical and academic level, it is also regularly debated in the journal *Economic and Political Weekly*. This has given the general Indian readership a greater familiarity with the realities of famine, and the varying theories relating to it, than exists anywhere else in the world. Western journalists, as a rule, lag well behind their Indian counterparts in the quality of their coverage of famine.

The preparedness of the press to take up the issue of famine has meant that politicians and administrators are vigilant to the signs of distress, and rural people are ready to make public protests about their conditions. These are possible because India remains a liberal democracy -- albeit a flawed one -- with regular multi-party elections, so that any representative who has clearly failed to act on behalf of his or her constituents is in danger of being removed by the electorate, and because it is possible to organize trade unions, farmers associations and other special interest groups to protest about impending famine. Famine is politicized: it is a key concern for ordinary people, and in a country where basic political liberties are respected, this means that it is a concern for politicians.

Positive Example 2: Botswana

Botswana is an anomaly in sub-Saharan Africa: a country that has enjoyed a functioning multi-party system since Independence, and a drought-stricken country that has succeeded in averting famine. Throughout most of the 1980s, Botswana's harvests were grossly inadequate compared to need, reaching a low of 13 percent of requirements in 1984. The relative food shortage was far greater than in either Sudan or Ethiopia, which both harvested about 80 percent of normal in that year. But, while the latter two countries suffered famine, Botswana escaped.

The immediate roots of this success lie in the aftermath of the drought crisis of 1979-80. In response to the disastrous harvest of 1979, the Botswana government began a program of the direct delivery of food aid to all parts of the country. It was not a success; large scale famine was averted, but there was increased malnutrition and death rates rose. The operation was also very expensive, as the food distribution was indiscriminate, with needy and non-needy alike receiving rations.

This type of relief program is familiar from elsewhere in Africa and would normally have been considered a success. The government of Botswana, however, thought it necessary to commission an independent evaluation of the lessons of the operation. A private consulting firm, Gooch-MacDonald, was employed, which undertook a painstaking and honest appraisal of what had happened. The Gooch-MacDonald report, completed in 1981, recommended the setting up of a famine-prevention system roughly along the lines of the Indian scarcity manuals.

The fact that the government commissioned the enquiry at all is a mark of democratic accountability; the fact that it took the recommendations seriously is another indication of its responsiveness to the needs of its citizens. It was, of course, assisted by a fast-growing economy - but the vigilance of MPs from both government and opposition parties played an important role.

Unlike in India, the press played a relatively small role in provoking the government to act. During 1980-2, the only newspapers in the country were government owned (largely for commercial reasons) and these reported the drought but did not take an adversarial stance vis-a-vis the government. The key factor was that members of Botswana's parliament feared losing their seats if they failed to respond to the demands of their constituents.

Thus, when drought struck in 1982-7, the government was prepared. A sophisticated famine-prevention strategy was implemented, based upon employment generation for the able-bodied and free relief for selected groups. Thus, while the drought was both more severe and prolonged than that of 1979-80, the human suffering was far less. Malnutrition rose slightly, and then fell -- to levels better than before the drought. No increased mortality was reported.

Mixed Example 1: Tanzania

Tanzania has a dismal economic record, having become one of the poorest countries in Africa after decades of economic mismanagement. Since shortly after Independence until 1992, it has been a one-party state, with a government-controlled press. However, Tanzania has a remarkably good record in preventing famines, despite its poverty and despite suffering droughts, floods and pest infestations that have led to food shortages that compare with those in Ethiopia and Sudan. However, the record is precarious.

At the center of Tanzania's anti-famine strategy has been the principle of district-level relief, given to all the residents of a district declared to be at risk of famine. This system is far less sophisticated than that at work in India or Botswana, and is based on the assumption that if a district is stricken by drought, then about 90 percent of the non-salary earning population will be in need of assistance. The effort and delay involved in identifying the ten per cent who do not need assistance is not an economic proposition, so that a general ration is given.

How is this system spurred into action? Usually, the district MP is the key figure, sometimes combined with coverage in the press. Though Tanzania has been a one-party state, its elections have been highly competitive, as more than one candidate can be nominated by party branches to contest each seat. At every general election, something in the order of one third of the sitting MPs are voted out by their constituents, including cabinet ministers. MPs are seen as "patrons" of their districts, and are expected to ensure that essential material goods are provided. This is encouraged by an entrenched administrative ethic inherited from colonial days, described thus: "Peasant food security was the linchpin of district policy, to ignore it was to commit gross negligence."⁶ It is also encouraged by former President Nyerere's stress on the primacy of food supplies; Nyerere once said that he would rather import maize from South

⁶ Deborah F. Bryceson, *Food Insecurity and the Social Division of Labor in Tanzania, 1919-85*, London, 1990, p. 69.

Africa than see Tanzanians go hungry.⁷ In addition, the press, while restricting its coverage of national political controversies, has been ready to cover issues such as corruption and local food shortages.

When national food shortages threaten, however, Tanzania relies on a technical early-warning system set up by the UN Food and Agriculture Organization, that records rainfall and crop performance, and passes its findings to the Ministry of Agriculture. This information is not normally made public.

Serious famine has been prevented in Tanzania in 1974-5, 1981-2, 1984-5, and 1990 by government food distributions.

However, the absence of transparent democratic safeguards has meant that the famine prevention system has come close to breaking down. In 1981, the famine early warning system predicted that 170,000 tons of maize would have to be imported. This information was not passed on in the normal manner, possibly because senior officials hoped to profit privately from making food aid deals. The extent of the crisis only became known when an expatriate in the early warning system office spoke to a foreign journalist, whose inquiries alerted the President. Famine was averted when the western donors responded quickly.⁸ Freedom of information and expression at the national (as opposed to local) level, and democratic accountability at the highest levels of government (as opposed to individual MPs) are needed to ensure that such a train of events does not occur again, perhaps with more tragic consequences.

Mixed Example 2: Kenya

Kenya offers another example of a mixed record on famine prevention. Kenya has been (until December 1991) a one party state with an extensive repressive apparatus, and intolerant of criticism in the press. However, MPs have been able to raise many issues affecting their constituents, such as hunger, and the press has been able to criticize aspects of government policy that are not key to the government's survival.

Government policies have contributed to famine vulnerability in marginal areas of the north and east, and serious famines have occurred, notably in 1979-80. These are areas that are systematically discriminated against by the government (see subsection on restrictions on nomads, below). In the central highlands, by contrast, the government has a good record of famine prevention. Thus in 1984, when Kenya suffered a greater food shortfall than either Sudan or Ethiopia, the government reacted quickly by importing large amounts of maize and initiating a general ration in affected areas. Later, international food aid arrived. These measures prevented famine, though some of the measures, such as restrictions on the internal grain trade, had a serious detrimental impact in the longer term.

It is clear that the fear of political unrest impelled the government to act. As has been pointed out, "The threat of political unrest seems to have been exacerbated by the fact that,

⁷ Quoted in: *The Guardian* (London), November 9, 1980.

⁸ Bryceson, 1990, pp. 208-9.

somewhat unusually, the drought of 1984 strongly affected a number of politically important and influential areas of the Central Provinces as well as Nairobi.⁹

As in Tanzania, most MPs see themselves as "patrons" of their constituents, who need to supply them with material benefits in order to ensure reelection. MPs are also anxious that there should be no unrest in their districts, lest they incur the wrath of the government. The personal interests of MPs thus facilitated the government's speedy response. Since 1984, this has also led to the situation where MPs compete among each other in trying to be the most vocal in attracting food aid to their districts, often exaggerating the extent of need.

Accountability to the populace on the basis of the fear of potential revolt is not the same as accountability on the basis of democratic institutions and procedures. The Kenyan example shows how this *may* lead to timely and effective famine prevention (e.g. 1984), but in other cases may not (e.g. 1979-80). Only the establishment of safeguards on government accountability can ensure that the government consistently prevents famine.

Mixed Example 3: Bangladesh

Since Independence from Pakistan in 1971, Bangladesh has suffered a famine (in 1974) and three narrowly-averted famines (1979, 1984 and 1988). The 1974 famine is probably closer to a natural/economic disaster than any other modern famine. However, even this apparently "morally neutral" famine does illustrate elements of lack of respect for human rights and severe limitations in democratic accountability.

The famine came about due to an unfortunate conjunction of circumstances. There was:

- (1) Serious flooding leading to a reduced rice crop (though overall food availability in the country was no different from normal).
- (2) A crisis in the government's foreign exchange reserves, due to a poor jute crop (Bangladesh's main export) and the oil price shock.
- (3) A major cut back in food aid from the US government, ostensibly because of Bangladesh's continued trade with Cuba.

However, what caused these factors to lead to famine were two other aspects of the national food system. One was the failure of the Public Food Distribution Scheme (PFDS) to deliver food to the famine-stricken areas. The PFDS was a major supplier of food in Bangladesh and a highly effective food rationing system. Its main three priorities were: (1) the army and civil service, (2) industrial workers, university students and school teachers, and (3) other urban dwellers. This prioritization accurately reflects the relative political power of the three groups, and the degree to which the still young and vulnerable government felt it had to placate them. Food aid was also a reward for political support: "the nationalist movement saw national

⁹ Jean Dreze, "Famine Prevention in Africa," in J. Dreze and A. Sen (eds.) *The Political Economy of Hunger*, Vol II, Oxford, 1990, p. 138.

independence as an opportunity to get a much larger share of the aid cake."¹⁰

Faced with a shortfall of food supplies into the PFDS (due to a dependence on food aid and the cut off of US assistance), and food needs in certain rural areas, the government was faced with the dilemma of diverting food from politically-important constituencies to avert famine, or continuing to placate the urban areas. It chose not to cut the ration to the priority beneficiaries, and to allow the famine to strike the marginal rural areas. The government estimates that 26,000 people died; other estimates are five times as high. Belatedly, a large relief program was implemented.

The other factor that created the famine was the speculative behavior of grain merchants.¹¹ Believing that a scarcity was imminent, grain merchants withheld their stocks from the market, forcing up the price in a speculative spiral. The price quickly rose out of the reach of the poorest sections of the populace. A key reason why the merchants did this was their (correct) perception that the government did not have the resources or the will to undertake large scale emergency grain imports.¹² In 1979, 1984 and 1988, faced with a similar or worse food supply situation, there was no speculative spiral, because in these years the traders perceived (again correctly) that the government would import sufficient food to enable the PFDS to reach the famine-affected areas.

If the government had decided to import more grain and divert grain in the PFDS to the famine-stricken areas, the famine would have been averted. Why did it decide not to do this?

At the time of the 1974 famine, the first elected government of an independent Bangladesh was barely a year old. Prime Minister Sheikh Mujibar Rahman saw his government as fragile and internationally isolated, and under severe internal threat. Between 1972-4, it engaged in violent suppression of the left-wing opposition, leading to tens of thousands of deaths and arbitrary detention.¹³ In 1973, it passed a law restricting press freedom and in 1974, assumed sweeping arbitrary powers. In January 1975, Mujibar abrogated the constitution and assumed Presidential powers, banning all opposition. Therefore, although the famine occurred at a time when Bangladesh was nominally a democracy, accountable institutions and procedures had yet to take root, and were being undermined from all sides, and the government's actions were driven chiefly by the need to retain power. The government saw that urban groups were more likely to create disruption and bring down the regime than rural people, and acted accordingly, giving them preferential access to food.

¹⁰ Rehman Sobhan, *The Crisis of External Dependence: The Political Economy of Foreign Aid to Bangladesh*, Dacca, 1982, p. 6.

¹¹ Martin Ravallion, *Markets and Famines*, Oxford, 1985.

¹² Siddiq Osmani, "The Food Problems of Bangladesh," in J. Dreze and A. Sen (eds.) *The Political Economy of Hunger*, Vol. III, Oxford, 1991.

¹³ Talkuder Maniruzzaman, "Bangladesh: An Unfinished Revolution?" in E. Ahmed (ed.) *Bangladesh Politics*, Dacca, 1980.

By contrast, in 1979, the government of President Ziaur Rahman had just won competitive, albeit flawed, elections.¹⁴ Although it was a limited democracy, it was moving in the direction of greater pluralism and tolerance, and was accordingly more responsive to the demands of the rural electorate.

The Bangladesh famine of 1974 therefore demonstrates the limits of accountability.

Negative Example 1: China

Socialist China established an enviable record for the improvement of living standards among the rural poor. This achievement was marred, however, by one appalling episode: the famine of 1958-61. This famine is the largest in recorded history, and is estimated to have claimed between 15 and 30 million lives. However, such was the secrecy surrounding the events that the very existence of the famine only became public in the 1980s, in the context of analysis of China's attempts to limit population growth. The statistics for the age structure of the population showed an extraordinary shortage of people born in the late 1950s and up to 1962 - a shortage explicable only by some huge calamity that had selectively stricken the young people of China at that time.

The genesis and progress of the famine is now well-known.¹⁵ It came about partly as a result of natural disaster, chiefly floods in the Yangtze basin and droughts in several provinces. However, these adversities came in 1959-60, whereas the famine was already under way in 1958, caused entirely by the disastrous results for agricultural production of Chairman Mao's "Great Leap Forward." This came on the heels of the collectivization of agriculture over the preceding years; during 1958 the collectives were grouped into huge People's Communes in the space of a few months. All the normal routines and procedures for peasant cultivation were disrupted, with devastating consequences for production. Meanwhile, 90 million people were forced from farming into steel production, causing a devastating loss to the rural labor force.

Another development intimately related to the famine was Mao's reaction to the short-lived program, "Let a hundred flowers bloom and a hundred schools of thought contend." For a brief period in 1957, open criticism was permitted -- but on finding "poisonous weeds" in place of flowers, Mao immediately instituted a campaign that led to at least 300,000 "rightist" intellectuals being silenced. At best, they were compelled to criticize themselves for their excesses -- ensuring that they would no longer speak out -- and at worst they were imprisoned or executed. Thus, by the time of the famine, unquestioning obedience to party dogma was required, and obtained.¹⁶

The authoritarian rule of Mao encouraged rural cadres to report wildly-optimistic figures for the yields from their collective farms, to show their revolutionary enthusiasm, and loyalty, and to try to gain attention and promotion. This was known at the time as "inflating the cow

¹⁴ S.R. Chakravarty, *Bangladesh: The Nineteen Seventy Nine Elections*, New Delhi, 1988.

¹⁵ P. Kane, *Famine in China 1958-61: Demographic and Social Implications*, New York, 1988.

¹⁶ Article 19, *Starving in Silence: A Report on Famine and Censorship*, London, 1990.

skin," referring to the way in which air was blown under the skin of a slaughtered animal to simulate fatness. During the fall of 1958, figures of ten and even over 100 times in excess of the normal yields were claimed. It was a good crop, of 200 million tons, but far less than the 350 million officially stated -- the leaders believed that they had over one hundred million tons in excess of what was actually available. Delivery quotas to the state were increased by 40 percent, so that over one third of the crop was procured, far beyond what was available. Deceived by the "wind of exaggeration", the government even ordered land to be taken out of agricultural production. By the end of 1958, severe famine was widespread in rural areas.

Hearing media reports of a nationwide food glut, hungry villagers believed that shortages were confined to their localities -- none knew the true extent of the disaster. No organization to protest against the shortages was possible, no independent press coverage was allowed. The government also did not know -- at least not until too late.

Even when Chairman Mao began, belatedly, to suspect that something was amiss, there was no compulsion for him to act. Providing relief was his decision alone; there were no structures of democratic accountability to ensure that he abandoned disastrous policies and met the immediate and pressing needs of his people.

Following a visit to the rural areas, party leader and Long March veteran Peng Dehuai became aware of the famine. He wrote the following poem:

The millet is scattered all over the ground
The leaves of the sweet potato are withered
The young and the strong have gone to smelt iron
To harvest the grain there are children and old women
How shall we get through the next year?
I shall agitate and speak out on behalf of the people!

In the summer of 1959, Peng confronted the Party with his criticisms. He was purged and detained, along with others who espoused his view.

The policies that had created the famine continued unchecked, and the concealment of the disaster was maintained. China continued to export grain right into 1960 and only finally imported a tiny amount in 1961, by which time the famine had abated.

The Chinese example is the single greatest loss of life directly attributable to the fact that people did not enjoy civil and political rights. Information was suppressed, debate prevented, and freedom of association prohibited. The government, even when it knew what was happening, was not accountable: it did not act to mitigate the famine, nor to provide famine relief, not even to try to learn the lessons of the disaster afterwards.

Negative example 2: Ethiopia

In the last two decades, Ethiopia has been hit by a succession of famines. While climatic adversity has played an important role, the main factor in creating these famines have been a consistent record of human rights abuse. Other aspects of these violations will be examined below; here, the absence of democratic accountability will be investigated.

(1) The "Unknown Famine" of 1973

In 1973, Wollo province of Ethiopia suffered a famine in which between 40,000 and 80,000 people are estimated to have died. The roots of the famine lay in decades of neglect by central government, ruthless exploitation of tenant farmers by the feudal landowning classes, the expropriation of pasture from herders, and drought. On top of this, the government of Emperor Haile Selassie refused to recognize the existence of the famine.

In concealing the disaster, the Emperor was following a long tradition. In 1958 and 1966, the government had failed to respond to famines in the northern provinces, that killed tens of thousands of people. The government's attitude is illustrated by one incident. In October 1965, the police in Were Ilu district of Wollo province became aware of impending famine; they informed the governor, who dispatched a report to the Ministry of the Interior one month later. Exactly 302 days later, the Ministry replied -- by asking the governor for the names and addresses of those who had died.¹⁷

Famine conditions first became apparent in Wollo in 1972. One visitor noted that "It must be hard for the Afar, facing the overwhelming prospect of famine and starvation, to see anything other than the immediate provision of food as consequential now"¹⁸. Nothing was done. In August 1973, two consultants to UNICEF visited Wollo and prepared a report on the famine conditions, that detailed the number of deaths and the sufferings of the survivors. Twenty copies were circulated before it reached ministerial level, whereupon the order came that the report should be suppressed. When it was suggested that the report might help to attract international donations, the Vice-Minister of Planning responded: "If we have to describe the situation in the way you have in order to generate international assistance, then we don't want that assistance. The embarrassment to the government isn't worth it. Is that perfectly clear?"¹⁹ The report was withdrawn, and government officials did their best to discredit its authors and its findings.

There were no investigations into the famine by Ethiopian journalists or the government. After the relaxation of censorship the following year, the editor of the *Ethiopian Herald* was asked to list the subjects that were restricted. He replied:

A host of subjects. In fact it is much easier to enumerate the subjects you could write on than to say which ones you were not allowed to write on because the list is so long. You could write on practically nothing, except Reuter news from Kuala Lumpur and Afghanistan and such places . . . Critical political comment here at home was unthinkable.²⁰

¹⁷ Mesfin Wolde Mariam, *Rural Vulnerability to Famine in Ethiopia, 1958-1977*, London, 1986, p. 106.

¹⁸ Noel Cossins, "No Way to Live: A Study of the Afar Clans of the Northeast Rangelands," Addis Ababa, 1972, p. 2.

¹⁹ Quoted in: P. H. Brietzke, *Law, Development and the Ethiopian Revolution*, Lewisburg, 1982, p. 127.

²⁰ Quoted in L. Nolan, *The Forgotten Famine*, Dublin, 1974, p. 51.

However, it was not possible for the government to suppress a television documentary made by Jonathan Dimpleby, called "The unknown famine." This showed graphic pictures of the suffering in Wollo, and the attempts of the government to ignore the famine, especially during the celebrations of the Emperor's eightieth birthday. Roadblocks were mounted around the capital, Addis Ababa, to prevent destitute people marching on the city.

The film and the ensuing publicity contributed to the "creeping coup" of 1974, which resulted in the overthrow of Haile Selassie. The largest circulation newspaper commented: "It is true that the Ethiopian people who are by nature kind and generous have not participated adequately in relief operations because nobody had told them about the famine."²¹ On the evening before his eventual deposition, on September 11, Ethiopian television showed clips of Dimpleby's film juxtaposed with footage from the wedding of the daughter of a prominent governor, for which the cake had been specially flown from Italy.

The fall of Haile Selassie's government, and the role of the famine in causing that fall, should have been enough to ensure that the new government was sensitive to the issue of famine. Indeed, in 1974, there were encouraging signs. Most of the censorship of the press was lifted. A commission of inquiry was set up to examine the causes of the famine, and the Relief and Rehabilitation Commission (RRC) was established to build up a capacity for preventing and ameliorating future famines. The RRC was given considerable autonomy, a large budget, and access to international donor organizations. The Provisional Military Administrative Committee (known as the Dergue) appeared committed to radical social and economic reforms -- such as the removal of onerous forms of tenancy -- that would benefit the poor. In 1974, there appeared to be the real promise of eliminating famine from Ethiopia.

(2) War, Famine and Resettlement, 1983-5

Despite the hopes of 1974, ten years later, there was a re-enactment of the same tragedy, except on a larger scale. During 1983-5, Ethiopia was stricken by a famine that killed 400,000-600,000 people. The epicenter of the famine was located in Wollo and Tigray -- exactly where it had been a decade earlier. For six months in the middle of 1984, the government suppressed all information about the famine, and prevented journalists from travelling to the famine-stricken areas to see for themselves. A major reason for this was the government's preparations for the tenth anniversary of the revolution, which involved erecting triumphal arches in Addis Ababa, organizing parades, and stationing patrols outside the city to prevent destitute people from entering to spoil the celebrations. Only when permission was belatedly given for a television crew from the BBC to visit the towns of Korem and Meqele in October 1984, and their film was shown throughout the world, did the famine receive the domestic and international attention that it warranted.

In fact, there had been hidden famines in southern Ethiopia from 1979 to 1983, on account of the counter-insurgency methods used by the army against several rebel fronts, but these had passed without any international attention at all.²² In the end, however, the great

²¹ *Addis Zemen*, March 27, 1974.

²² Africa Watch, *Evil Days: 30 Years of War and Famine in Ethiopia*, September 1991.

famine in the north could not be concealed.

To attribute the famine to government concealment would be misleading. Beforehand, the government had been frank about the existence of hunger. Colonel Mengistu mentioned the famine in his 1983 May Day speech, and the RRC continued to collect relatively accurate figures for the numbers of people in distress. The government, and indeed the international community, was well-informed about the crisis, though the latter was consistently skeptical about the RRC's predictions -- wrongly, as it turned out. The strict concealment of the mid-1984 period was the exception to the rule, albeit a very important exception, coming at a point at which the famine developed from being a regional crisis into a national disaster.

To understand why the promises of 1974 came to grief less than ten years later, a more complex explanation than merely "censorship" is needed. Despite the fact that the information and the technical means were there, the political will for effective relief was absent -- there was no democratic accountability. After a brief period of freedom after 1974, the press had again been subjected to severe censorship, and faithfully echoed the government line. All independent organizations, such as trade unions, had been banned. Academic freedom was sharply constrained, and the social scientists who had earlier criticized the man-made elements in the 1973 famine were silenced. Any political dissent was met with repression -- most notably in the Red Terror period of 1977-8, when about 30,000 young people were executed. The years 1982-5 saw four major government offensives against the rebels in Tigray and Eritrea, probably the most destructive in the entire three decades of the war. No criticism of the war was possible -- the slightest suspicion was met with detention or execution. In 1984, thousands of Tigrayans were imprisoned on suspicion of anti-government sympathies. The head of government, Colonel Mengistu Haile Mariam, was under no compulsion at all to respond to the needs of the rural poor.

For the most part, the government did not deny that famine existed. Instead, it deliberately misrepresented the nature of the famine. In reality, the major causes of the disaster were, first, the counter-insurgency methods adopted by the army in the north and second, the Soviet-style agricultural policies doggedly followed elsewhere. However, the Ethiopian media (and indeed much of the international media) faithfully echoed the government line that it was a "natural problem." An examination of the timing and spread of the famine shows that the climate and environmental degradation, while also important, cannot account for the occurrence or the development of the famine.²³

The official distortion meant, for instance, that assistance was given almost exclusively to the minority of famine-stricken people residing in government- rather than rebel-held areas, and that proposals for free passage of relief to all civilians were consistently rejected. Thus, while military and socio-economic policies created the disaster, the restrictions on freedom of expression and freedom of association associated with the war were intimately bound up with the failure to ameliorate it.

In addition, lack of accountability meant that the government could ensure that priority in relief aid was given to the politically-important urban centers, to the army, and to a

²³ See below and: Africa Watch, *Evil Days, 30 Years of War and Famine in Ethiopia*, 1991, chapter 9.

gargantuan scheme of social engineering, the resettlement program.

The resettlement program was partly a counter-insurgency effort -- removing people from the rebellious north -- and partly a way of obtaining a captive population to work on collective farms. It was presented to the world as a famine relief measure, although it killed people at a rate far faster than the worst of the famine. Its implementation began at the height of the famine, and continued unchecked even when the disastrous human consequences became clear. Resettlement was suspended temporarily in 1986, but resumed unchanged two years later, despite the fact that several Ethiopian scholars had in the meantime produced scathing critiques of the program, even accepting the desirability of the government's overall goals. This dogged persistence in the face of contrary evidence is reminiscent of Mao's China.

The Ethiopian famines of the 1980s illustrate that it is not sufficient to have a well-resourced and sophisticated famine prevention system, if the political will is not there to make it function -- echoes of Bengal in 1943. In this case, the political will was absent because there was a totalitarian government that refused to respect the civil and political rights of its people.

Negative example 3: Sudan

In the last ten years, Sudan has suffered three famines. The drought-related famine of 1984-5 affected mainly the western provinces of Darfur and Kordofan, the war-famine of 1985-9 affected the south, and the drought-related famine of 1990-1 affected the entire north. In each case, a wide range of human rights abuses were largely responsible for the famines.

(1) Nimeiri's Famine: 1984-5

In 1984, Sudan was an authoritarian state headed by the increasingly erratic President Nimeiri. His rule was sustained by the military and security services, though a greater degree of press freedom and freedom of association was allowed than in neighboring Ethiopia.

Sudan had not suffered famine since before Independence in 1956, and the Famine Regulations of the colonial period had been dropped. In 1983, a severe drought added to the deepening economic crisis in the country, and threatened severe hunger for the first time in a generation. In disgust at central government indifference, the governor of drought-stricken Darfur region resigned in December 1983 and went into exile. In early 1984, the United Nations sent an assessment team to estimate the relief needs of the province; the mission's original figure of 39,000 tons of food aid needed was cut down to 7,000 tons by central government. There was no appeal for international assistance.

The main reason for government indifference was that Sudan was heavily reliant on investment from the Gulf states, particularly in mechanized agriculture, as part of a plan to make the country "the breadbasket of the Arab world". The "commissions" to ministers -- and the President himself -- on these investments were highly lucrative. Nimeiri and his circle were afraid that if they were to declare famine, the failure of the breadbasket strategy would become apparent, and the funds would dry up. Perhaps the most striking example of this was the Faisal Islamic Bank (owned by the Moslem Brothers, a fundamentalist organization that was Nimeiri's main partner in government at the time) which hoarded grain during the famine -- profiting from the increase in price, at the expense of the ordinary people. Without democratic

accountability, the greed of a few could prevail at the expense of the survival of many.

When the rains failed again in the summer of 1984, conditions became more desperate. Thousands of drought migrants from Kordofan province began to arrive on the outskirts of the capital seeking sustenance. There were attempts to assist them by the citizens of Khartoum, but the government continued to deny that famine existed. In November, Nimeiri announced that the food situation was "reassuring", and ordered the forced removal of the drought migrants back to their homes. The President maintained that the food crisis was confined to refugees coming from Ethiopia and Chad.

However, Nimeiri lacked the political control to prevent the famine becoming a political issue. The rebel Sudan People's Liberation Army (SPLA), in its radio broadcasts, repeatedly chastised the government for its inaction, and found a responsive chord among the mainstream population, who would otherwise have been hostile to the rebels. A group of leading doctors published a report on famine conditions, and the Ministry of Agriculture made public its estimates for relief food needs. The English-language magazine *Sudanow* covered the drought in its August 1984 issue, but the issue was not taken up by the mainstream Arabic press.

Only when the US government -- Nimeiri's cold-war patron and major donor -- published its own assessment of the famine in the new year, did Nimeiri respond. On January 10, 1985, some fourteen months after the crisis had first become apparent, Sudan asked for international food relief. The huge relief effort that was mounted was too late for about 250,000 Sudanese citizens, who are estimated to have died, and also too late for Nimeiri -- the famine contributed to his unpopularity and helped cause the April 1985 popular uprising that brought down his government.

Sudanese tradition gives each famine a name, and some historical famines have been named after generals or rulers who are alleged to have caused them. It is therefore appropriate to call 1984-5 "Nimeiri's famine."

The 1984-5 famine demonstrated that Nimeiri had overstepped the limits of the tolerance of the Sudanese people, who were able to organize and bring him down. The same was not true in 1990-1, when the military government of Gen. Omer al Bashir presided over a famine of similar proportions, making only minimal concessions to the need for relief.

(2) Al Bashir's Famine: 1990-1

The famine of 1990-1 followed a similar pattern of two years of successive but unrecognized drought causing a severe famine. In this case, the economic crisis was more acute, worsened by a crisis in confidence caused by the government's support for the Iraqi invasion of Kuwait in August 1990 and the fear that remittances from the large numbers of Sudanese living in Saudi Arabia would be terminated.²⁴

The Bashir government is a military regime controlled by the Moslem Brothers. After seizing power in a coup in June 1989, the Bashir government took drastic steps to suppress all

²⁴ See: "Sudan: Nationwide Famine," *News from Africa Watch*, November 9, 1990.

civil and political liberties in Sudan, going much further than Nimeiri had ever succeeded in doing. All independent newspapers were closed, political parties and trade unions dissolved, and any public discussion of political matters effectively prevented by a pervasive security network. Hundreds of political dissidents were detained.

In contrast to 1984-5, there were no efforts by citizens' groups, the doctors' union, or members of important ministries, to publicize the famine and change government policy -- people were too intimidated to contemplate such action. The doctors' union, so important in 1984, had been a particular target for the new government, with leading doctors charged with "waging war against the state" in December 1989 after planning a peaceful strike -- one, Dr Mamoun Hussein, remained under sentence of death for six months until he was reprieved after an international campaign.

Also in contrast to earlier years, there were no attempts by the Sudanese media to cover the famine and related subjects. In the aftermath of the 1984-5 famine, some sections of the then-independent press had vigorously pursued the case of Faisal Islamic Bank, forcing a lawsuit against it (later dropped at the instigation of the Moslem Brothers). In 1990, the Bashir government exported most of Sudan's strategic grain reserve, chiefly to the European Community and Saudi Arabia (for animal feed), under the auspices of the Faisal Islamic Bank and other Islamic banks. This action was undertaken clandestinely, and the government consistently denied it, even when faced with contrary evidence. There was no press coverage, let alone criticism. Later, journalists who tried to draw attention to the famine were intimidated. One provincial administrator who admitted to journalists that there was a crisis was dismissed.

The military government adopted a slogan, "We eat what we grow" and insisted that a bumper harvest was expected. Television pictures of fields full of excellent crops were shown, arousing only bitter laughter from farmers whose areas were ostensibly being depicted. The Minister of Agriculture denounced accounts of impending famine as "unfounded rumors" circulated by "some malicious circles to serve their own political objectives." Throughout the last months of 1990, the government refused to recognize the famine, or to appeal for aid. It described the problem as a "food gap" of a mere 75,000 tons of grain.

The government also tried to make a virtue out of its obstinacy in the face of reality. Its fundamentalist ideology is deeply antipathetic to the actions of western humanitarian organizations, which it accused of trying to play up the famine for their own ends, and of conspiring with the SPLA against the government. One prominent political advisor said: "We will never accept food aid, even if famine is declared."

The Bashir government obstructed food aid deliveries and harassed relief agencies. Finally, a tacit compromise was reached whereby the government admitted that its food requirements were those estimated by the international relief agencies, but did not formally declare a famine.

The part climb-down by the Sudan government undoubtedly came too late to save the lives of many Sudanese citizens -- although the government continues to claim that no famine occurred, and no one died. No systematic investigation of mortality levels was permitted. This famine is a clear-cut instance in which the complete failure of a government to hold itself

accountable to its citizens was a major cause of an entirely preventable tragedy. It was "Omer al Bashir's famine."

(3) The War Famine of 1985-9

The southern famine of 1985-9 was radically different, in two respects. First, it occurred during the short period, between the military governments of Nimeiri and Bashir, when there was parliamentary rule in Sudan, with numerous political parties, very little censorship on the press and free and independent trade unions and other organizations. Over forty journals and newspapers published, and frequently criticized the government; strikes and citizens' demonstrations were permitted. Second, the famine occurred in the south, where a civil war was raging between the government, drawing its support largely from the northern, Arabic-speaking section of Sudanese society, and the rebel SPLA, drawn from the non-Arab, non-Moslem south. The southerners have long been subject to ethnic discrimination in northern Sudan; they argue, with justification, that they are "second class citizens." The famine was to prove the accuracy of this charge.

The southern famine was caused by war. Natural adversity played no significant part, though, as always, when the famine became international news, the Sudanese and the international media and relief organizations preferred to blame the climate.²⁵ Though the SPLA had enjoyed widespread popularity in northern Sudan in 1985 on account of its role in the downfall of the Nimeiri regime, that popularity soon waned when its leader, Colonel John Garang, refused to join the new government and instead insisted on continuing the war. In 1986, a government headed by Prime Minister Sadig al Mahdi was returned to power in free multi-party elections. The SPLA rejected peace overtures while the government also used the war as an excuse to crack down on dissenters in the north who advocated more of a compromise with the south.

As in the case of Ethiopia, the issues of war and famine became inextricably intertwined. Restrictions on information about the south, invoked in the name of the war, were also effective at suppressing news about the famine. Reprisals against people who advocated negotiating with the SPLA also prevented free discussion of the famine issue. Lastly, northern antipathy to the SPLA contributed to indifference to the plight of suffering southern civilians.

In March 1986, Mike Kilongson, a journalist in the southern capital, Juba, who worked part-time for the BBC reported on the developing famine there. He was immediately arrested, under State of Emergency legislation effective in the war-affected regions, and spent two months in prison. Another journalist, Siddig al Zeilai, investigating government-sponsored militia for the Communist newspaper *al Medan* was intimidated, and finally imprisoned in 1989. Working in the war areas was also dangerous -- one journalist was killed by a land mine in 1987. The government also imposed tight restrictions on journalists wishing to travel. These all served to deter other journalists who considered trying to cover the famine.

Self-censorship and indifference among the northern media was such that even when the

²⁵ See below and: Africa Watch, *Denying 'The Honor of Living,' Sudan, A Human Rights Disaster*, 1990, chapter 4.

famine encroached into the north in a dramatic fashion, they failed to cover it. For example, in April 1988, a train arrived in Khartoum having borne several thousand destitute famine victims from the south. Many victims perished inside the hot and barely-habitable carriages or in wayside stations; sleeping infants rolled off the train roof and were left by the trackside. Six children died at Khartoum railroad station. This event was not covered by a single Arabic newspaper; it was left to the English language, southern-oriented *Sudan Times* to report it. The deaths of southern civilians -- even in central Khartoum -- was simply not considered of interest to the northern reading public.

From 1986 onwards, humanitarian agencies recognized that effective mitigation of the famine in the south depended upon an agreement between the government and the SPLA to restrict military activities in such a way as to make possible the delivery of relief. Proposals to ensure the neutrality of relief, the accountability of deliveries targeted to civilians, and zones of peace for civilians, were floated. There were some successes in 1986, but most of these were reversed by government restrictions on aid agencies, including the extreme measure of expelling the United Nations Resident Representative in October. The government repeatedly denied that relief was needed, and argued that needs were being met (sometimes by inventing fictitious deliveries). It was totally unresponsive to the needs of southern citizens. Only in March 1989 were these proposals resuscitated, finally meeting with some success. This occurred under massive domestic and international pressure for an agreement to end the war.

By contrast, the Sudan government was highly sensitive to the demands of the residents of Khartoum. The residents of major cities, who are a privileged class by Sudanese standards, were entitled to bread at a fixed -- and highly subsidized -- price. The bread subsidy became increasingly expensive during the 1980s, costing over US\$90 million per year, and its removal became one of the preconditions for the International Monetary Fund agreeing to assist Sudan. Despite the enormous advantages that would have followed the removal of the subsidy, the government was not able to do it -- popular protest on the streets and objections in the Constituent Assembly repeatedly forced it to maintain the scheme.

There were no demonstrations by southerners demanding recognition of their right to relief assistance. Protests in the south would have been ignored; protests in Khartoum would have been met by reprisals. Indeed, on several occasions when there was an increase in ethnic tension on account of the war, the government threatened the mass expulsion of southerners from Khartoum, and on one occasion began to implement it.

In summary, the 1985-9 famine in southern Sudan demonstrated that, under conditions of civil war and ethnic discrimination, a government could hold itself accountable to one section of its citizenry while wholly ignoring the needs of another.

Negative example 4: Somalia

In 1992, Somalia is suffering the most severe famine in the contemporary world, and the most severe famine in that country's history. The immediate cause of the famine is the major disruption to the food system in the country brought about by civil war, endemic banditry and the resulting collapse of any form of organized civil society. Drought has also played a minor role. However, the deeper roots of the crisis lie in the legacy of the 21-year rule of the former

dictator, President Siad Barre.

Siad Barre ruled Somalia from the time he seized power in a military coup in 1969 until he was driven from power by a bloody uprising in the capital Mogadishu in January 1991. During that time he tolerated no opposition or dissent. His first target was the traditional clan structure of Somalia, which he identified as hostile to his scientific socialist revolution. The clan structure was, until that time, the most enduring factor in Somali social and political identity. While competition and occasionally conflict between clans retarded economic development, clan leaders played a key role in moderating disputes and keeping the peace. From 1969 on, Siad Barre decimated the ranks of the country's traditional leaders, detaining and torturing many. Clan identity became a forbidden subject; it was even illegal to mention clan names in public. However, clan loyalties were not eliminated. Particularly after threats to his rule escalated in 1978, Siad Barre began to play clan politics, rewarding members of his own Marehan clan and other affiliated clans of the Derod clan family.

Siad's repression also prevented the emergence of organized civil society. Independent trade unions and professional associations were prohibited. The university was subjected to severe restrictions. Censorship was routine and far reaching. The only functioning structures were those associated with Siad's repressive rule, namely the army and security forces, and those linked to his corrupt stranglehold on the national economy, namely trade secured through mafia-like networks of smuggling and extortion. Meanwhile, with support from the Soviet Union (until 1977) and the U.S. (thereafter), Siad Barre acquired a huge arsenal of modern weaponry and trained hundreds of thousands of young men in its use. Corruption and violence became the only political culture of the country.

Tragically, the opposition to Siad Barre was unable to rise above his debased style of politics. The opposition movements were based on clan and family favoritism, corrupt commercial dealings and rewarding young men with firearms and license to pillage.

Thus when Siad Barre was finally driven from Mogadishu in January 1991, there was no structure in place to assume power and reconstruct a society with even a minimum of democratic accountability and conflict resolution. Traditional structures were destroyed and modern structures strangled at birth. The anarchy of clan and commerce-based warlordism is the consequence of this.

Rural Somalia benefitted little from Siad's rule. This was particularly the case for the farming populations in the south and center of the country. These people, consisting of the Rahanweyn Somali clan and Bantu peoples, descendants of former slaves, were traditionally disadvantaged in Somali society in comparison with the main pastoral clan families. They were ripe for exploitation. For example, the Gabaweyn subclan of the Rahanweyn inhabited the banks of the upper Juba river, adjacent to the homeland of Siad's clan, the Marehan. The Gabaweyn's fertile riverbank land should have ensured their prosperity; instead it ensured that the Marehan systematically and often violently dispossessed them in the mid- 1980s. The Marehan clansmen used their relatives in the Ministry of Agriculture to register Gabaweyn land in their names, or simply drive the indigenous farmers from their fields at gunpoint. Similarly, many Bantu groups were dispossessed to allow the creation of banana and sugar cane plantations.

As disadvantaged groups, the farmers had great difficulty in obtaining firearms and in making alliances on equal terms with the forces fighting against Siad Barre. Thus, when anarchy came in 1992, the farmers were ripe for plunder by their better armed neighbors. The Juba and Shebelle valleys and the dryland farming region of Bay were pillaged on at least three separate occasions by different armies from other contending clans. The inhabitants were unable to resist. They lost their crops, their livestock and many of their possessions. Only those living in remote villages away from roads and towns stood a chance of surviving with a few resources.

It will come as no surprise to learn that the Rahanweyn and the Bantu are the two groups most stricken by the famine. The other group suffering most severely is composed of people displaced by the fighting, who are forced to live in squatter camps on the edges of towns, in appalling conditions.

The well-armed pastoral clans who are contending for power are less badly hit. Within each clan there is a measure of mutual support and a minimal level of accountability. Traditional clan leaders do not have enough power to resolve conflicts, but they have enough influence to ensure that most members of the clan receive any relief food that is provided to the clan. Relief agencies negotiate with clan elders to do the food distributions; the practicalities of security and access mean that powerful clans are first in line for negotiating such deals. This means that members of powerful clans, such as the Hawiye, are fed first. Less powerful clans are fed next, and groups outside the clan system altogether, such as the Bantu groups and Ethiopian refugees, are fed last or not at all.

The Somali famine is a result of a savage civil war. But the manner of that war, and the pattern of the famine, reflect the system of political oppression and reward established by the former dictatorship.

International Assistance

It has been noted that no country has developed from being famine-prone to famine-free by dint of receiving large-scale international food aid. This points to a fundamental problem with international assistance.

Most international famine relief is flawed in a number of technical ways. It is rushed, based upon inadequate information about the society and economy suffering famine, and based upon the direct distribution model of famine relief that is rarely effective. However, its most basic problem is that it erodes the democratic accountability of the recipient government.

International assistance gives important but marginal assistance to rural people suffering famine. Its contribution to the finances and foreign exchange earnings of the recipient government is, in general, far higher. In Tanzania in 1980, aid was 18.1 percent of gross national product, 106.8 percent of domestic tax receipts, and 152.8 percent of export earnings. In the words of the British economist Lord Bauer:

Unlike manna from heaven, aid does not descend indiscriminately on the population at large, but goes directly to the government. Because aid accrues to the government it increases its resources, patronage, and power in relation to the rest of society. The resulting politicalization of life enhances the hold of

governments over their subjects and stakes in the struggle for power.²⁶

Bauer was talking about development aid; much famine relief is administered directly to the people. Nevertheless the same principles broadly apply. He was concerned that the competition for power diverts people from productive activities, and can result in armed conflict.

Bauer did not mention another, perhaps more important, corollary of aid: it removes one plank of the accountability of a government to its people. A basic principle of democratic societies is "no taxation without representation." In the case of an impoverished country whose government has become almost wholly dependent on international assistance, that principle can be reversed: "no taxation, no representation." Many poor countries have become far more accountable to their western donors than to their own electorates.

The example of Tanzania above shows that, when western donors act rapidly and responsibly, famine can be averted, even when the government has failed to respond. However, this is an unusual example; most cases illustrate the reverse case. The role of the cut off in US food aid to Bangladesh in creating the 1974 famine is a case in point.

An extreme example of preferential accountability to donors is provided by Sudan during 1984. Just as famine was developing, Sudan's Minister of Finance was in daily contact with the US Treasury and the International Monetary Fund trying to ensure that continued financial aid would be forthcoming, to keep the government solvent, and to keep up the large payments to businessmen and army officers necessary to maintain President Nimeiri in power. The government did not have the inclination, need, or even time to respond to the demands of its populace. The US government did supply 250,000 tons of famine relief four months before Nimeiri declared famine, and this aid played a key role in mitigating the effects of the famine, but had the government appealed publicly and sooner, a far greater domestic and international response could have been mobilized.

Similarly, in Zimbabwe in 1990, the changing demands of the country's western creditors and donors led to a disastrous alteration in food security policy, leading to the running down of the national grain reserve. This decision -- of enormous moment to the electorate as well as Zimbabwe's financiers -- was not discussed with the people, only with the foreign donors. Officials of international financial institutions do not go hungry when their policies fail, and so make different demands on governments than do electorates.

It follows that if international aid is to play a role in preventing famine, rather than increasing vulnerability to it, it must increase democratic accountability in recipient countries. In addition, it is important that the whole aid process itself be opened up for democratic accountability in the same manner. At present, international aid organizations remain largely unaccountable. As a rule, they are subject to the principles outlined at the beginning of this section only to a limited extent. While the press is clearly an important actor in influencing their actions, the press often does not play the required adversarial role, criticizing their inactions and representation to elected representatives. Finally, they are rarely, if ever,

²⁶ Peter Bauer, *The Development Frontier: Essays in Applied Economics*, London, 1991, p. 45.

subjected to scrutiny in a public inquiry. These shortcomings are undoubtedly a major reason for the continuing inefficiency and slowness of international relief efforts.

CHAPTER II: LAND

In arguing for the primacy of social and economic rights over political and civil rights, the governments of many developing countries argue that basic food, clothing and shelter needs must first be met before the luxury of political freedoms can be granted. In doing so, they ignore the fact that in many cases, their own policies, like some of their developed counterparts, serve to dispossess or further impoverish the poor.

These governments -- Kenya, Indonesia, Sudan, South Africa, Thailand, to name a few -- would undoubtedly agree that the most basic right, from which all social and economic rights flow, is the right to subsistence.²⁷ In both urban and rural areas of developing countries, subsistence is directly linked to land: land to farm or to have animals graze on or simply land to live on while earning a living from agricultural labor or any of the myriad small trades that make up the "informal sector" of a country's economic structure. When land, whether owned, rented or occupied, is taken away, the ability of the very poor to subsist is often jeopardized. And the nexus between social and economic rights and political and civil rights becomes clear: it is easier for a government to deprive a community of land and violate the right to subsistence when few, if any, checks on executive authority exist and when freedom of expression and association are restricted. Protest invites repression. And the absence of due process or access to the courts deprives the dispossessed of any channel to communicate their grievances or receive compensation for their losses.

Modern notions of land tenure and the laws which codify them have repeatedly been used to dispossess people from land they have used for sustenance, sometimes for centuries. One of the most blatant examples is the dispossession of Native Americans by settlers in the United States. Settlers scoffed at the idea of communal or ancestral land ownership: the sooner the concept of private property was introduced, the faster the natives could be civilized. The process of claiming land on the American frontier pushed the original inhabitants into increasingly smaller areas and involved the slaughter of countless thousands of indigenous people and impoverishment of those who survived.

In some recent cases where the poor have been evicted from their homes or land, arguments have been advanced that a greater good was being served by a development project -- irrigation, electricity, road-building, environmental protection -- undertaken on the site and either that a few had to sacrifice for the good of the many or that ultimately, the poor would benefit.²⁸ All too often, however, there are less noble reasons for eviction: removing an eyesore; removing or deliberately discriminating against a politically or ethnically undesirable population; serving the business interests of the political or military elite.

Throughout the world, evictions which threaten the subsistence of a group have occurred

²⁷ "In no case may a people be deprived of its own means of subsistence." Article 1(2), International Covenant on Economic, Social and Cultural Rights.

²⁸ Even in cases where that argument has had merit, governments have often committed human rights violations in the course of planning and implementing the projects in question.

in the following situations:

1. A government forcibly evicts or relocates urban squatters who have tribal or political affiliations that have put them at odds with the authorities. (Kenya, Burma, South Africa, Sudan)
2. A government denies freedom of movement or grazing or water rights to groups which have suspect tribal or political affiliations or forces the sedentarization of nomadic groups with those affiliations. (Kenya, Ethiopia, Mali)
3. A government forcibly evicts peasants or forest dwellers in the name of protecting the environment but where business interests are also at stake. (Indonesia, Thailand)
4. A government turns a blind eye to the killing of rural unionists trying to organize desperate farmers to occupy unused farmland or resist eviction from land they have been farming (Brazil, Paraguay).
5. A government transfers or encourages the transfer of outsiders to an area for commercial, political or security considerations, displacing or further impoverishing the original inhabitants and sometimes jeopardizing the subsistence of the newcomers as well. (Bangladesh/Chittagong Hill Tracts, Israel/Occupied Territories, China/Tibet, Indonesia/East Timor, Iraq/Kurdistan).
6. A government ignores tribal or customary rights and authorizes businesses to use communally-owned land for logging, estate crops or other forms of commercial agriculture. (Philippines, Mauritania, Sudan, Brazil). Ironically, for governments like Malaysia which have touted their respect for collective over individual rights, it is often only when tribal communities have managed to acquire individual titles to land that they can protect that land from acquisition by businesses.
7. A government evicts villagers so that a new dam or other development project can be constructed (India, Brazil, Paraguay).

In all of the above situations, the government puts the right to subsistence at risk, and the absence of civil rights or effective enforcement of those rights, makes effective resistance almost impossible. Moreover, evictions or transfers are all too often accompanied by wanton destruction, threats, physical violence and disregard for human life and dignity.

1. Urban Squatters

The Muoroto killings in Kenya are one of the most blatant examples of a government's destruction of a community's livelihood. In the guise of a campaign to "clean up the city", the government destroyed the livelihood of thousands of its citizens. The attack had strong ethnic and political overtones. The government intimidation, the absence of accountability and the constraints on public debate made it impossible to prevent the attack. The constraints on civil and political rights in the one-party state then prevented those who were physically or economically harmed from obtaining redress.

On May 26, 1990, hundreds of soldiers and riot police, backed up by members of the youth wing of the Kenyan African National Union (KANU), moved without warning on the

shantytown of Muoroto, about three miles from the center of Nairobi. They demolished the kiosks and homes of the mostly Kikuyu residents, then brought in bulldozers to complete their handiwork. When kiosk owners tried to resist by throwing stones, the soldiers overpowered them with stones, sticks, whips and iron bars. Residents, including small children, were dragged out to the streets and savagely beaten. At least 13 people died and an estimated 2,000 lost their homes.²⁹ In many cases where governments decide to evict urban squatters, they do so on the pretext that shanty dwellers and kiosk owners had no right to be there; in the case of Muoroto, most of the destroyed kiosks had been licensed.

The government of Kenya at first tried to prevent any coverage of the violence, full information being the first step toward redress. Two days later, however, Nairobi's *Sunday Standard* published a story that two people had died in the attack and 11 children remained missing. The provost of All Saints Cathedral in Nairobi, Rev. Peter Njenga, who had seen the destruction first-hand, issued a press release noting that at least seven were killed.

Even more shattering is the possibility of the missing children or some of them having been killed by the bulldozer in their parents' houses, or trampled to their deaths by grown-ups running for their lives...the savage beatings inflicted on helpless people including children, women and old men is an occurrence which must raise the question -- is this the Kenya we want? Is this the independence we fought for?³⁰

Kenyan President Daniel arap Moi accused Njenga of spreading lies, and a campaign of harassment against the prelate began shortly afterwards. The campaign was aimed at showing that Njenga's wife, who died in October 1989, had been murdered or driven to suicide by her husband. At the same time, a government cover-up went into full gear, with bodies removed from mortuaries, relatives persuaded by bribery and intimidation to deny the deaths, and money handed out so that any funerals would take place outside the capital.

The May 1990 attack on Muoroto, however, was just the beginning, as Nairobi authorities announced their intention of ridding the city of all "illegal" dwellers and traders. A second campaign against the shantytown took place in October 1990, and this time, the motivation became clearer. The slums, the government argued, were hotbeds of subversive activity and the kiosk owners were actively working against the government. The rationale for the evictions of "cleaning up the city" was in fact a pretext for crushing perceived political opposition, with a large anti-Kikuyu element thrown in for good measure. As Africa Watch reported,

[President Moi's] evident fear of discontent among the poorest sections was well grounded, but for the wrong reasons. Bitterness among the poor came not only from the callousness of the evictions, but also from the popularly held belief that land in the city was being acquired by President Moi to give to loyal political supporters or for personal gain. The persistent refusal of officials to identify the

²⁹ Africa Watch, *Kenya: Taking Liberties*, (New York: July 1991), pp.251-268.

³⁰ *Ibid*, p.254

owner of Muoroto land despite the insistence that it was private property, reinforced this suspicion...What the government achieved was to destroy the livelihood of thousands of people and then to condemn it as subversion.³¹

Burma (Myanmar)

Politically-motivated relocation of urban dwellers have also taken place in Burma (Myanmar), threatening the livelihood of those moved. Just prior to the May 1990 elections in Burma, diplomats estimated that as many as 500,000 people had been forcibly removed from their homes, up to 200,000 in Rangoon alone. The government characterized the relocations as standard economic development tools to clean up the cities and provide safe, clean housing for squatters who previously had none. Reports that many of the new sites to which they were moved lacked housing, water, electricity and health facilities suggested at the least that the government had not achieved its stated goals. Many were also moved far outside city centers, where opportunities for regular employment are fewer than in the cities.

But there was some evidence that people were being moved for political reasons. On March 22, 1990, the government ordered the residents of Lut Lat Ye Independence Ward in Ahlone township -- a neighborhood of over 300 families -- to dismantle their homes and move to Hlaing Thaya, a relocation site across the Rangoon river from downtown Rangoon. Independence Ward was a working class neighborhood dating from the late 1940s which had a tradition of opposition to government policies. In a letter to the local army-controlled Law and Order Restoration Council, 11 heads of households from the neighborhood appealed the order to move; all were reportedly arrested. In early April, fire trucks and special police vehicles arrived in the Ward and ordered residents to commence dismantling their homes. The few who protested were arrested. The rest complied with the order. By April 10, the neighborhood had been reduced to rubble.³²

According to diplomats in Rangoon, many of the neighborhoods targeted for relocation were those which gave widespread support to the anti-government protests in September 1988. One, Bahan, was the township of opposition leader and Nobel peace prize winner Aung San Suu Kyi; in December 1989, more than 500 houses were reportedly demolished in Bahan and their inhabitants evicted.³³

Sudan

The military government of Sudan has in recent months bulldozed and burned the homes of about 500,000 of its poorest citizens in a forcible and often violent program of expulsions from Khartoum to new camps located outside the city. In the process, it has denied the victims any access to the courts, meaning they have no possibility of claiming damages against the State. The relocations are a flagrant violation of the rights of displaced and squatter

³¹ *Ibid*, p.263.

³² Asia Watch, *Human Rights in Burma (Myanmar)*, May 1990

³³ *Far Eastern Economic Review*, January 25, 1990. See also *The Washington Post*, February 18, 1990.

communities to live where they choose. The government's rationale is that the large displaced and squatter populations, numbering over one million, present a threat to environmental health. This may be the case, but repeated studies have concluded that this problem should be solved by improvements to existing settlements, rather than by forcible relocation. Fear of and hostility to the migrants, most of whom originate from southern Sudan, is an important factor in the expulsions.

The government has taken on sweeping arbitrary powers in order to enforce the expulsion program, violating fundamental legal principles, such as barring legal actions on behalf of the squatters, and also abrogating established Sudanese land tenure practices. The legislation on which the relocations is based is so contrary to all legal principles that the relocations themselves must be considered illegal.

In the relocation program, houses of the displaced and squatters are demolished without compensation, and the destruction is often accompanied by looting. Schools and clinics are also destroyed. The relocations are often violent; in the worst incident occurred on December 22, 1992 in Kurmata where at least 21 people were killed in a clash between squatters resisting relocation and the army. People are transferred to new sites up to 25 miles from the city. Conditions in the new sites are poor, without employment opportunities, and with few services. Deaths from exposure have been reported.

One visitor to the Jebel Aulia camp in early February 1992 described the conditions he saw there:

We saw lorries arriving at the camp, and we passed more on the road when we were driving back to Omdurman. I watched one of the lorries unloading. The area was completely virgin sand, like an empty parking lot of dirty sand, and open expanse. The only things there were were marks in the ground made with sticks, marking the plots, like football pitches marked out. The lorry turned up and tipped its load onto the plot. Pots, pans, sticks, wood from the family's previous home, bits of sacking; all this jumble was tipped out. There were two adults -- I presume the parents -- an old woman, and a child.

It was late afternoon and it was beginning to get cold. The family had absolutely nothing. I asked what they were going to do; they said all they could do was to start to dig holes in the ground to put the children in to protect them a little from the cold.

2. Freedom of Movement and Grazing Rights

A drought-stricken [west African] immigrant [to Sudan] was asked when he would expect to go back to his homeland. His reply was "What is my homeland? Wherever there is land and rain will be my homeland."³⁴

³⁴ Interviewed by Dr Abdel Rahman al Bashir, former Commissioner of Refugees, Sudan.

In many parts of the world, mobility is key to survival. This is true par excellence for pastoral nomadic populations in Africa. For example, the west African herder quoted above had originated in Niger and travelled almost to the eastern border of Sudan, apparently oblivious of international borders. Nomadism over such distances is unusual, but shorter migrations are common. Mobility is also important where people depend to any extent upon trade or migrant labor.

Governments impose restrictions on populations for mixed motives, such as counterinsurgency, social transformation or economic development, and ethnic discrimination. Restrictions and removals, involving violations of the freedoms of residence and movement, the abrogation of land tenure rights without due compensation, and abuses of power over the grain trade, tend to be the most draconian when imposed for counter-insurgency, but those implemented for other reasons can also have disastrous consequences.

Abuses of rights which have, for convenience, been grouped under the "right to a livelihood," have been perpetrated by left-wing and right-wing governments alike; socialist governments tend to impose communal villages and farms, while capitalist governments typically deprive people of land in order to establish commercial farms or ranches. The importance of respecting these rights does not amount to a right-wing argument for allowing unfettered economic freedoms.

In the last twenty years, pastoral nomads in Africa have been subject to famine more than any other category of people. There are many reasons for this; for example they tend to inhabit environmentally marginal areas, and to be neglected by state-provided services. However, perhaps the most important reason has been government policies that deliberately or inadvertently undermine the economic viability of nomadism, by enforcing restrictions on movement and by alienating pasture.

Kenya

Some of the most longstanding and systematic policies of restricting the mobility of nomads are to be found in Kenya. These policies, based upon the deprivation of pasture and other land reserves from pastoral peoples, have often had to be implemented with considerable violence. The results have been the impoverishment of many of Kenya's peripheral people, such as the Boran, Samburu, Rendille and ethnic Somali, and their descent into famine when subjected to otherwise unexceptional climatic stresses.

At the time of the colonial occupation of Kenya, vast areas used by pastoralists were alienated for the benefit of white colonial settlers. The colonial administration termed many of these areas "unused" because they were not occupied at the time; in fact, Kenyan pastoralism requires keeping large reserve areas for use when rainfall is low or poorly distributed. The colonial government defined only limited "grazing areas", confining the herders to a fraction of the land they had previously used. Following independence in 1963, these policies were continued essentially unchanged by the Kenyan government, which in addition imposed a State of Emergency in the Northern Frontier District, inhabited by ethnic Somalis, on account of the so-called "Shifta war" (a low level insurgency by ethnic Somalis agitating for union with Somalia). The State of Emergency empowered the administration to limit the movements of pastoralists, and to confiscate the livestock of those who failed to comply with administrative

orders. Many Boran and Somali were forcibly settled on irrigation schemes or in camps adjacent to administrative centers. Other former pastoralists congregated in towns along the few rivers in the area, living by working on farms or selling charcoal to the main cities. Those with animals covered ever-shorter distances in their annual migrations.

As a result, the droughts of the 1970s and 1980s -- which could have been survived with hardship in earlier years -- were devastating for most herders right across northern Kenya.

Ethiopia

Another striking example of the creation of famine among a pastoral population comes from the Awash valley of Ethiopia. The people of the valley are Afar herders, who rely on the pasture provided by the seasonal floods of the Awash river for grazing, particularly in drought years. In the late 1960s, under the Emperor Haile Selassie, the valley was opened up for commercial cotton farming, by a combination of local and foreign businessmen. By 1972, 50,000 hectares of irrigated land had displaced 20,000 herders from their homes, and many more from seasonal access to the pasture. This "development" was critical in the creation of famine among the Afar in 1972-3, when a drought duly occurred, but no reserve grazing area was available.

Mali

Mali provides a third example of how the long-term curtailment of nomads' mobility and ability to utilize pasture has led to famine. The Tuareg of northern Mali have historically been disadvantaged in relation to the inhabitants of southern Mali. A small revolt in 1963 was the spark for a series of punitive measures against the Tuaregs. Thereafter, numerous restrictions were imposed upon the herders, and the government encouraged settled farmers to deny them access to pastures and markets. These were undoubtedly an important reason why the region suffered famine during 1969-73. In 1990-1, as the Tuareg revolt intensified, so did the scale of government repression and restriction. This included confiscation of the vehicles the Tuareg use for trade, closure of markets, incitement of the settled population against the nomads, and punitive measures such as killings and burnings by the army. Again, these contributed to famine conditions.

The prevention of future famine among pastoral nomads is a challenge requiring policies to promote development, environmental protection, that -- equally importantly -- human rights. In the last category, the two measures most needed are guarantees of freedom of movement and the recognition of pastoral land tenure systems, i.e. the herders' rights to utilize drought grazing reserves when necessary.

3. In the Name of the Environment

In both Indonesia and Thailand, mass evictions of villagers, accompanied by arrests, threats of arrest and destruction of property have taken place in the name of protecting forests. There is no question that the evictions jeopardize the ability of those forced out to subsist. It is less clear that the end result is a protected environment; too often, it is rather additional profits for the local military.

Thailand

In Thailand in 1990, the military launched a program popularly known as *kor jor gor*, or Land Allocation Project for the Poor in Degraded Reserve Forest Areas. The program, coordinated by the Internal Security Operation Command of the Thai military, was directed by General Suchinda, then army commander, and General Issarapong Noonpakdi, his deputy. Both men were effectively forced out of office in the wake of the May 1992 violence in Bangkok, and the program has since been halted. It remains a good illustration, however, of how a program, touted as an effort at both land reform and environmental protection, can lead to misery for those affected in the absence of effective safeguards of their civil rights.

The five-year project aimed to resettle 10 million people living in protected or reserve forests in 17 different provinces. The earmarked areas had all been degraded by excessive cutting -- some say by military-owned businesses. The ostensible goal was to promote reforestation with fast-growing trees for which there was a ready market, develop agro-industries and enable the resettled villagers to increase their income through acquisition of new land and the technologies necessary to farm it.

The project got underway in late 1991 in the northwestern region of Thailand, with the eviction of 1,793 families from 13 villages. The squatters from Mouroto would know how their Thai counterparts felt. In early September, the Second Region Army forcibly evicted 360 families, all cassava farmers, from Nong Yai, Soeng Sang district in Nakhon Ratchasima province. The villagers earned their livelihood from tapioca production; the military wanted the land for eucalyptus and bamboo plantations. The villagers were told to move in the morning, and soldiers began tearing down their houses in the afternoon, warning residents that they would be arrested and fined if they did not leave. The villagers had been promised 14 *rai* of land and compensation for loss of income, but in the area to which they were taken by truck, there was no land, no water source, no sanitation and no food. Each family was given rice and stocks of canned fish, but the expiration date on the cans had long since passed. The compensation of B2,000 (about \$100) was barely enough to cover the costs of materials to build a thatched roof house. (Anyone who tried to protest the move was denied compensation altogether.) The military brought in water by truck each day but in insufficient amounts to cover the village's needs. The school in the old village was destroyed, and no school at been built at the new site.³⁵

On June 13, 1992, 500 villagers, still landless, deeply in debt because of their inability to farm at the new site, and faced with the hostility of local farmers, moved back to their original village, Nong Yai. Three days later, some 300 soldiers, police and forestry officials raided the village and arrested 17 community leaders on charges of trespassing and causing a nuisance to men and animals in a national park.³⁶ They were reportedly struck with rifle butts and pushed into pick-up trucks. All but one, a minor, were remanded to the provincial jail. A hearing was scheduled on July 28.

³⁵ Malee Traisawasdichai, "Empty Promises," *The Nation* (Bangkok), September 30, 1991.

³⁶ "PM against Forced Eviction of Villagers", *Bangkok Post*, June 18, 1992.

Kenya

A similar incident took place in Kenya where large internationally-sponsored game reserves for flora and fauna research have been created from inhabited and arable public land. Kora National Park, created in the 1970s with the sponsorship of Cambridge University, once was an important grazing land for the semi-nomadic Somali and Borana people. These traditional dwellers are now subject to a government shoot-to-kill policy which applies to all unauthorized people caught in the park. The day the park was created, these traditional inhabitants became illegal trespassers.

Indonesia

Another case took place in Indonesia in 1989. An estimated 2,000 homes in Pulau Pangung in Lampung, Sumatra were torched by the local military in an effort to evict villagers so that a protected forest area could be replanted.

Pulau Pangung and surrounding hilly areas had been designated a protected forest in the 1930s, but after Javanese immigration to Sumatra in the 1960s created pressure for land, thousands began to move into the forest with the full knowledge and acquiescence of the local government. They were given logging rights but no title to the land they cleared; most of the residents planted coffee and clove trees in the cleared area. In the late 1970s, the central government decided that the subdistrict needed to be reforested to halt erosion and prevent floods and landslides. Local officials began a low-level campaign of crop destruction and intimidation in order to force residents to leave.

After a decade of harassing the farmers, the government decided to take more drastic measures. On November 18, 1988, the subdistrict head, Hasdidi Thoyib, led a team of security forces to the hamlet of Datar Setujuh Satu, and together they burned 85 houses to the ground. No judicial process preceded the destruction. Within three weeks, some 476 homes had been destroyed, belongings stolen and crops uprooted. Thoyib had given the residents one day's notice, but they had no time to pack up entire households.

Some of the residents went to the regional military commander to complain, and he reportedly ordered Thoyib to cease the burnings. But those who lost their homes were already living in plastic tents or makeshift shanties in an area where the terrain was difficult to begin with and the rainy season made it worse.

In February 1989, the remaining residents sought the help of the Jakarta-based Legal Aid Institute and worked out a negotiating position whereby they would be allowed a grace period of three years to get the income that would enable them to move to a new location. They also requested that the evictions be carried out in a gradual, just, and humane fashion.

Thoyib responded with more house-burning, saying mass burning was more efficient than tearing down houses one by one. Security forces conducting the operations number about 150 men. They reportedly tore up coffee plants, looted rice supplies, took away identity cards of anyone they encountered and demanded money. In some hamlets, people were left with just the clothes on their backs. In one, a hamlet called Datar Lebuai, evicted residents were forced to harvest the coffee they themselves had planted, and anyone who refused was threatened with

being labelled an Islamic extremist, which could bring subversion charges, a capital offense. A clash between Muslim radicals and the army earlier in the year in the same province made that threat a potent one. By the end of May 1989, most of the area had been destroyed, but no effort had been made to relocate the residents or find the funds for doing so. Allegations that the reforestation in the area was going to be carried out by a company linked to the President's family were never substantiated.³⁷

4. Turning a Blind Eye to Landowner Violence Against Rural Organizers

Brazil

In Brazil, rural unionists who attempt to organize peasant farmers to occupy unused farmland or to resist eviction from land that they have been farming are often met with violence by the hired guns of large landowners.³⁸ This rural violence is in turn fed by the failure of the Brazilian government to adequately protect rural organizers and prosecute those responsible for their deaths, creating a deadly cycle of impunity. Overall, between January 1, 1964 and January 31, 1992, at least 1,681 rural workers and others linked to the land struggle have been assassinated. During that same time period there have been trials in only 26 cases, of which a mere 15 resulted in convictions of some of the defendants. Most of the successful prosecutions involved cases in which substantial pressure was brought to bear as a result of the victim's status (attorney, priest) or international interest, as in cases of murders of Indians or the environmentalist Chico Mendes.

Particularly singled out for assassination and harassment are the organizers of rural unions. In 1991 alone, five rural unionists were assassinated, nine survived assassination attempts and 43 were threatened with death.³⁹

There is little dispute as to the causes of rural violence, one of which is concentration of land ownership in the hands of a powerful few who can block all reforms from environmental controls to labor laws to redistribution of land. The Brazilian Minister of Agriculture, Antônio Cabrera, himself a conservative politician, has said:

The violence in the countryside is, in its essence, the result of an unjust agrarian structure that, besides generating tensions and deaths for possession and use of the land, constitutes the heart of the problem of accelerating urban growth.⁴⁰

³⁷ Asia Watch, *Injustice, Persecution, Eviction*, New York:1990, p.59-61.

³⁸For a fuller discussion, see *Rural Violence in Brazil*, Americas Watch, (New York: 1991), and *The Struggle for Land in Brazil*, Americas Watch (New York: 1992).

³⁹ Comissão Pastoral da Terra, *Conflitos no Campo — Brazil/1991*, Goiânia: May 1992, charts 6 - 8.

⁴⁰ Opening remarks of Minister of Agriculture and Agrarian Reform Antônio Cabrera to the Congressional Inquiry Commission on Rural Violence (*Comissão Parlamentar de Inquérito da Violência no Campo*, CPI), Brasília, June 17, 1991.

Land is not only the basis of wealth but also of political power, and Brazil has one of the highest degrees of concentration of land ownership in the world. In 1989 large estates of over 500 hectares each occupied half the land, although they constituted less than two percent of the farms.⁴¹ At the opposite end of the scale, three million small farms averaging 3.25 hectares each comprised the majority of Brazil's five million farms, yet occupied less than three percent of the country's farmland.⁴² Estimates of the number of rural landless in Brazil vary, but the number is thought to be between two to seven million. Brazil's distribution of income is also extremely inequitable. In 1989 the wealthiest 20 percent of Brazil's households accounted for 62.6 percent of the nation's total household income while the bottom 20 percent accounted for just over eight percent.⁴³

In order to ensure their survival, the rural landless workers have at times adopted the strategy of occupying unused land and cultivating it, usually for subsistence and, when possible, for profit. These occupations are both individual and organized, collective efforts. These rural workers occupy land not only for subsistence, but also to put pressure on the state and federal agencies to expropriate the land. In 1991 there were 77 such occupations involving 9,644 families. Rural peasants have also often had to organize themselves in order to resist eviction from land which they have been farming but whose legal title is in dispute. In such cases the rural poor have to face well-financed landlords and land-speculators and often bear the brunt of the violence that ensues. In 1991, the Pastoral Land Commission (Comissão Pastoral da Terra), sponsored by the (Catholic) Brazilian Bishops Conference, registered 383 conflicts over land ownership involving over 240 thousand people and 7 million hectares.

Not surprisingly, those who have attempted to organize rural farmers to engage in land occupations and resist evictions have met with extreme violence. In one town in a particularly conflictive part of Brazil alone (the town of Rio Maria in the southern part of the state of Pará), six leaders of the Rural Workers Union have been killed since 1985. The most recent murder was the February 2, 1991, killing of Expedito Ribeiro de Souza, the President of the Rio Maria Rural Workers Union. Prior to his death, Expedito had received continual death threats in connection with his union activities, but had received inadequate protection from the Brazilian government. A month after Expedito's death his successor as the president of the Rural Union, Carlos Cãbral Perreira, narrowly escaped an assassination attempt.

Brazilian activists who support the struggle of the rural poor have little doubt as to why the leaders of rural unions have been increasingly singled out for assassination attempts. Some have coined a phrase to describe this targeted campaign of intimidation: pedagogical violence. That is, violence specifically designed to "teach" the rural poor the results of organizing to challenge the power of the landed elite. In its 1991 report, the Pastoral Land Commission states:

⁴¹ One hectare is equal to 2.47 acres.

⁴² Secretária de Planejamento e Coordenação da Presidência da República and Fundação Instituto Brasileiro de Geografia e Estatística (IBGE), *Anuário Estatístico de Brasil, 1989* (Rio de Janeiro: IBGE, 1989), p. 293.

⁴³ The World Bank, *World Development Report 1991* (Washington, D.C.: World Bank, 1991) p. 263.

Although the total numbers of conflicts and assassinations in Brazil have declined, it is important to remember that the problem of rural violence cannot be measured by the number of conflicts alone. More troubling is the increased refinement in the use of violence. This pedagogical violence is selective, designed to damage workers' organizations and to destroy the means of production available to the rural poor. As a result, the violence is not random. Instead we have seen that the number of assassinations of rural leaders has increased. The large landowners realize that a movement without leaders is a movement that faces great obstacles in mobilizing its supporters.⁴⁴

Paraguay

Paraguay faces a similar situation.⁴⁵ Although laws exist on the books to protect the rights of landless peasants, they are ignored in practice, and peasants cannot defend their rights even when they are aware of them. Paraguayan peasants customarily believed that land belonged to the tiller and therefore no land titles were necessary. In 1963, however, Stroessner launched a land reform program whose stated goal was to give peasants title to state-owned land to farm and develop. Instead, the land was sold at give-away prices to Stroessner's friends and associates. By 1981, a few foreign companies owned 36.3 percent of Paraguayan territory while Paraguayan latifundistas owned another 42 percent.

After the February 1989 coup which overthrew Stroessner, thousands of peasants occupied unused land technically owned by absentee latifundistas. They believed they would not be harassed under the new Rodriguez government, especially as Paraguayan law stipulates that private land peacefully occupied is subject to expropriation and that no one can be evicted without due process of law.

On May 15, 1989, the day Rodriguez took office, peasants occupied land all over Paraguay, but by the end of the year, hundreds had been harassed, beaten, detained, and in at least one case, killed. Two weeks after peasants occupied land they believed to be state-owned along a highway in Alto Parana, the military told them their case would be resolved in three months time and that they should leave, which they did peacefully. After three months had passed without their case being resolved, they returned to the site. One month later, on September 12, the site was surrounded by about 300 soldiers, who beat the settlers, including the women, with clubs and rifle butts, loaded them onto trucks, and burned down their homes.

Later, after being promised a title to the land by an army colonel, they returned to the site. This did not stop the landowner, a Brazilian named Florentino Rosatto, from continuing to harass them. On September 26, Rosatto, accompanied by his lawyer and a few officers and soldiers, appeared to deny the validity of the document the colonel had signed promising them the land. The military set up camp alongside theirs and continued to harass them until July

⁴⁴ Comissão Pastoral da Terra, *Conflitos no Campo — Brasil/1991*, p. 32.

⁴⁵ see Americas Watch, *Paraguay: Repression in the Countryside*, (May:1988) and "Paraguay: New Outbursts of Violence in Land Disputes", February 1991.

1990 when soldiers arrived with an arrest warrant for three named individuals and unidentified "others." Fifty-two people were arrested and detained for over a week with inadequate food and no blankets. They were then charged with robbery, death threats, theft of wood, and usurpation of private property.

Increasingly, landowners in Paraguay are organizing private armies which operate with impunity, harassing peasants even when the state has officially turned over portions of latifundios to them. In Torin, Caaguazu, gunmen prevented peasants from farming their land by erecting wire fences, but the government took no action. On June 17, 1990, in Santa Rosa de Lima, plainclothes gunmen armed with automatic weapons attacked peasants who had for months been requesting police protection, which had been denied. Peasant leaders have been individually targeted and persecuted. Arsenio Paez, a member of the National Coordinator of the Struggle for Land and Housing (CNLTV) was assassinated in May 1990, allegedly by Brazilian gunmen hired by the former landowner of lands claimed by 200 peasant families.

5. Moving Outsiders In

In many countries, a state-sponsored program of bringing members of a dominant group into, or moving subordinate groups out of, an area considered politically insecure or a bastion of separatist or nationalist sentiment has had negative consequences for the social and economic well-being or cultural identity of the indigenous population.

Ethiopia

In 1984, the former Ethiopian government of Colonel Mengistu Haile Mariam launched an ambitious program of forcibly resettling 600,000 peasants from the famine-stricken north to more productive southern and western parts of the country. Presented to the world as a famine relief measure, the resettlement program in fact killed its "beneficiaries" at a rate faster than worst of the famine. Other motives were undoubtedly more important. The program aimed to depopulate the insurgent northern provinces of Tigray and Wollo, and to create a captive labor force for new agricultural schemes in southern Ethiopia. Some of the resettlement areas, notably western Wollega province, were also insurgent areas, where ethnic Oromo were fighting a guerrilla war against the government. In these areas, the resettlement program served a counter-insurgency function, as centers for maintaining surveillance and repression of surrounding villages.

Resettlement schemes were of two types. In "conventional settlements", the resettlers were placed in grid plan villages surrounded by state farms, on which they labored in return for work point points. The land was confiscated from local people. In some case, the locals lost important farmland and grazing land, in other cases, important forest resources were confiscated without compensation. One investigation found that for one indigenous group, the Gumuz, the loss of access to forests had reduced them to a state of near famine. In addition to losing their land, many local people were forced at gunpoint to build houses for the incoming settlers, and to contribute money and possessions, including valuable livestock, to the new settlements.⁴⁶

⁴⁶ Dessalegn Rahmato, "Settlement and resettlement in Mettekel, Western Ethiopia," *Africa* (Roma) 43, 1988)

In "integrated settlements" the settlers were placed in existing villages. While this proved less disruptive, it placed severe additional burdens on already poor local people. The existing villagers were expected to contribute land and labor to assist the new settlers to achieve self reliance, without being provided with adequate compensation.

Throughout the program (which was abandoned due to the military defeats of the former government), the settlers constituted an elite. Though not a dominant group in their areas of origin, they were made so in the resettlement sites. Local militia were drawn from them, who were able to intimidate and steal from local people. On the occasions when guerilla attacks were made on the resettlement sites, reprisals against the local people were swift. During 1988-90, dozens of villages were burned and thousands of people fled as refugees to neighboring Sudan.

Bangladesh

Between 1979 and 1984, the Bangladesh government with the help of the army, moved some 400,000 Bengali settlers into the Chittagong Hill Tracts, an area in the southeastern part of the country that is home to the Buddhist Chakma and Marma tribespeople and the Hindu Tripura, among others. Even before the settlers arrived, the available land had been drastically cut with the construction of the Kaptai Dam which flooded about 40 percent of available arable land in the Hill Tracts. The dam was finished in 1974. The influx of settlers was at least in part a security measure, since the Chittagong Hill Tracts People's United Party had been demanding autonomy since 1971 and set up an armed wing, the Shanti Bahini, in 1976 to press its demands by force. The grievances of the tribespeople quickly became as much economic as political, however, as the Bengali settlers occupied much of the best land, in many cases forcibly dispossessing the inhabitants.

By the 1980s, the land-grabbing had led to increased support for the Shanti Bahini, and clashes between the guerrillas and the army were frequent. Both developed unenviable reputations for abuse of civilians. The difference was in scale. Attacks by the Shanti Bahini led to massive retaliatory operations by the army, and in 1986 at the height of the violence, thousands of hill people fled as refugees to India. The tension eased somewhat in the late 1980s as negotiations between the hill people and the government got underway and the arms supply of the Shanti Bahini dried up. In April 1992, however, the death of a Bengali youth who had allegedly tried to rape a Chakma woman led to massive reprisals by settlers, aided by members of the army-backed civilian militia, the Village Defense Parties. A fact-finding mission from Dhaka two days later concluded that more than 400 homes had been set on fire and over 100 tribespeople killed. The mission, made up of well-known Bengali professionals, found that "Members of ethnic minorities are treated by the authorities as subordinate to the ethnic majority Bengalis and as second class citizens, and are systematically deprived of the protection of their constitutionally guaranteed rights."

West Bank/Occupied Territories

Outright government sponsorship and subsidization of Jewish settlements in the occupied territories of the West Bank have clear political overtones. Under the leadership of Shamir, Israel sought to change the facts on the ground by rapidly accelerating the rate of Jewish settlements during the negotiations. In 1991 alone, the Jewish population in the West Bank, the

Golan Heights, and the Gaza strip increased by approximately 10,000.⁴⁷

The Israeli government uses a variety of methods other than direct spending to favor Jewish settlers over Palestinian residents of the occupied territories. Jews receive mortgage subsidies and Jewish settlement companies receive preferential financial subsidies. Building permits are granted far more quickly to Jews, and Palestinians tend to incur penalties for building code violations, including the demolition of their homes, far more readily than do Jews. Government constructed roads serve Jewish settlements but bypass Palestinian villages. In some cases, Palestinian land along highways or telephone lines has been confiscated for dubious "security purposes." Even water, in scarce supply in the arid territories, is made available in greater volume and at a cheaper price to Jews than to Palestinians.

South Africa

In South Africa, the denial of civil and political rights to the majority black population has been an essential tool in permitting the government to remove and displace large numbers of black residents. The absence of civil and political rights in the so-called "independent homelands" has led to further denigration of the economic and social rights of those people who have been forced to acquire citizenship there. South Africa has ten homelands, four of which, Bophuthatswana, Ciskei, Transkei and Venda, have been declared independent. According to the original vision of the homeland policy, all Africans in the country were to be relegated to a particular homeland according to their ethnic origins, and consequently lose their South African citizenship. At first, communities were physically relocated from "white" South Africa to the homelands. Only because of "illegal" resistance and strong international pressure was the government forced to abandon its initial strategy. The state then enacted the Borders of Particular States Extension Amendment Act, (abolished in May 1990), in terms of which it simply redrew homeland boundaries. This was the fate of Leeufontein and Braklaagte which became part of Bophuthatswana in 1988 and Thornhill which became part of Ciskei in 1989.

At that point, the communities were forced to face the repressive apparatus of the homeland authorities which were equally unwilling to permit the free exercise of civil and political rights.

Democratic representation for the communities within the homeland authorities has been non-existent. In Ciskei, for example, the local level administration is by tribal authorities who are totally unaccountable to the people they administer. They are backed by the local police and the rest of the security establishment, including vigilante groups commanded by the tribal authorities in rebellious committees. On February 7, 1990, the head of the Ciskei police community relations, Brigadier Ngaki, said:

It has been noted that they (the community of Tyolomnqua) don't like their chief, and the police will make them love their chief.

No opposition to the authorities is tolerated. Braklaagte in the western Transvaal

⁴⁷Based on an estimate of a 7,000-10,000 increase in the West Bank, a 600 increase in the Gaza Strip, and an increase of 2,000 in the Golan Heights.

continues to suffer for rejecting Bophuthatswana as an independent state and for fighting incorporation. Last year, 1991, marked the third year that the children of Braklaagte were denied the right to attend school, the teachers were not paid and the old people did not receive pensions. The denial of social and economic rights to the people of Braklaagte was the direct result of abuse of civil and political rights within the homelands and South Africa as a whole.

Tibet

Migration of Chinese into Tibet is having the effect of marginalizing Tibetans economically and culturally. There is no evidence that this population transfer is taking place forcibly; by and large the settlers come because they have economic incentives to do so, particularly with the government's market-oriented reforms. The growth of the tourist industry has spawned more jobs for Chinese, particularly in Lhasa, the capital, and other urban areas, and Chinese hawkers and peddlers from neighboring provinces are drifting into the Tibetan Autonomous Region and setting up shop, with temporary residence permits easily obtained. It appears to be far more difficult for ethnic Tibetans from these provinces to obtain residency permits for Lhasa, and there is other evidence of discrimination in housing and jobs.

6. Land Alienation for Logging and Commercial Agriculture

In a number of cases, farmers, in many cases from indigenous ethnic groups, have been deprived of access to essential resources by the creation of commercial farms or logging enterprises, putting their subsistence at risk and increasing their vulnerability to famine.

Mauritania

A clear example comes from Mauritania. Since the late 1970s, the Moor-dominated government has sought to dispossess the black communities living along the Senegal River Valley of their land, for the benefit chiefly of Moor entrepreneurs. The consequences for the blacks thus dispossessed are that they are forced to become either landless laborers or refugees in neighboring Senegal, in either case extremely poor and vulnerable to famine.

Until 1983, the expropriations were carried out in illegal ways, for instance by forcible eviction without any legal justification. In 1983, a land reform proclamation established legal means for depriving farmers of their rights. All land had to be registered for its ownership to be legally recognized. Black-owned land was held according to customary rules of tenure, usually without written documentation. Many obstacles were put in the path of blacks obtaining legalization of their holdings, while Moors wishing to register a piece of land already occupied by blacks were given official support and encouragement. The land reform decreed that land not under cultivation was "empty" and could be confiscated without compensation, in violation of customary tenurial rules and land use practices, that required some land to remain uncultivated due to the variability of the river floods. The implementation of this expropriation involved the violation of basic legal principles, such as completely debarring all land cases already before the courts, and refusing to recognize any customary claims to land.

Sudan

A second and more complex case is the central regions of Sudan, where the development of large mechanized farms in the 1970s and 1980s, and the partial dispossession of local villagers, was an important contributor to the 1984-5 and 1990-1 famines.

The creation of the farms sometimes involved the forcible alienation of farmland from villagers without compensation -- a clear violation of rights. More often, however, it involved a less draconian but also devastating restriction on villagers' economic options. This occurred because "unused" or forest land was allocated to the new farms, without recognizing that this land was in fact essential for local farmers, and subject to tenure rights less than full ownership.

For example, farming in the rainfed areas of northern Sudan requires that a piece of land be cultivated for a few years, then be left fallow for a longer period, before being returned to cultivation. Thus a farmer must own perhaps two or three times as much land as is actually in use -- the remainder is not "unused" but a vital reserve. But rights to this reserve land are not recognized in Sudanese statute law. Also, most farmers keep livestock, which provide an essential addition to the family diet and income. These must have grazing -- but all grazing land is decreed as belonging to the state, and so can be confiscated without compensation. Finally, villagers use forests for vital activities, such as obtaining firewood, and they provide sources of many different wild foods, which can be essential when other food is short -- but communal usufruct rights to forests are also not recognized in law.

As a result of inappropriate nature of land law, villagers are usually only allowed to retain (or obtain compensation for) the land they are actually cultivating at the time of demarcation. Usufruct rights to other lands are not recognized. This amounts to a major deprivation of villagers' rights and a major restriction on their economic options. Rather than relying on their former diverse options, villagers are thrown back upon just two options -- cultivating a single piece of land with ever-decreasing yields, or working on the mechanized farms for money. In times of drought, neither option is sufficient to ensure an adequate diet, with disastrous consequences, illustrated in 1984-5 and 1990-1.

It follows that the respect for cultivators' full range of tenurial rights is an important safeguard against famine. Land alienation should be carried out only under judicial supervision, with recognition of the usufruct and communal tenure rights contained in customary law, and with compensation provided accordingly.

Philippines

In the Philippines, the indigenous T'boli people have been systematically evicted from untitled ancestral land by businesses and corporations, often Manila-based, leaving them to face hunger and illness in ill-prepared evacuation sites or find work as agricultural laborers in surrounding farms.

In one instance, a Manila businessman named Antonio Nocom, owner of the ANSA Cattle and Crop Farm, obtained title to 2,500 hectares of land in South Cotabato, Mindanao in the 1960s by what T'boli elders now say was fraud and deception. (Three illiterate leaders were brought to Manila by Nocom, wine and dined, and told to affix their thumbprints to a

document which they were told was a request for the construction of a schoolhouse for T'boli children. They subsequently learned that they had signed over T'boli land to the cattle rancher.)

Periodic attempts to drive the T'boli off the land occurred thereafter, often with the cooperation of the local military. In November 1990, hundreds of T'boli families were evicted by a group of heavily armed men, accompanied by two members of the now-disbanded Philippines Constabulary (one of them has since been assigned to a detachment of the newly created Philippines National Police. During the demolition of some 300 houses in three neighboring settlements, cases of beatings, attempted rape, looting and warrantless arrests were reported.

When Human Rights Watch interviewed their commanding officer in early 1992 and asked whether it was lawful for troopers to stand by while armed guards, bearing no eviction order, engaged in such abuses, the officer responded, "We are responsible for keeping the peace. And in fact, reports reaching us are that the people re-entered and burned their own houses." He added, "I am sure our men were responding to a legitimate request for assistance by the ranch owner, Antonio Nocom." Nocom, interviewed in Manila, said the action had the support of the local governor.

Some of the evicted families moved to evacuation sites, but in February 1991 and again in 1992, they tried to reoccupy their land, saying that food and medicine in the sites was insufficient. A medical mission sent by the local church diocese found several cases of malnutrition among the children.⁴⁸

On January 7, 1992, 50 T'boli families began rebuilding on the sites where the charred remains of their houses still stood. Ten days later, on January 17, Major Bermudez of the local army infantry battalion, received a telephone call from Nocom asking him to act. Nocom reportedly offered the land where the T'bolis were rebuilding as a "military training ground."

Asked whether it was the army's responsibility to evict the T'bolis, Major Bermudez responded that the T'boli were sympathizers of the insurgent New People's Army. "It is our duty," he continued, "to protect our private corporations because these are targets of the NPA and their supporters. We must deny these NPA access to natural resources." The T'boli were again evicted with the army lobbing grenades from an M-230 grenade launcher to frighten them into leaving.

7. Eviction for Development Projects

Examples of forcible eviction of villagers and peasants to make way for development projects can be found around the world from Brazil to Indonesia. Our quarrel is not with the projects per se as it is beyond our mandate to assess the need for dams and roads or the impact they may have on their surroundings. Rather, our concern is with the human rights abuses associated with a philosophy of "the end justifies the means," and with the fate of those evicted.

⁴⁸ "T'bolis occupy former land," *Peryodiko Dabaw*, March 2, 1991.

India

One of the most notorious cases involves India's Narmada Dam. Since 1988, rural activists and social and political action groups in western India have campaigned against the construction of a series of dams on the Narmada river, one of the largest of which is known as the Sardar Sarovar Project (SSP). Activists associated with these groups, particularly those from the Narmada Bachao Andolan (NBA, Save the Narmada Movement)⁴⁹ who have organized or participated in demonstrations against the project have been subjected to arbitrary arrest, illegal detention, beatings and other forms of physical abuse. These abuses appear to be part of an increasingly repressive campaign by the state governments involved to prevent the groups from organizing support for the protests in villages affected by the dam and disseminating information about the environmental and social consequences of the project.

The main concerns of those opposed to the project have centered on the problem of displacement and rehabilitation of those living in the submergence zone, and the failure of the government and dam authorities to adhere to regulations and agreements governing both adequate compensation and access to information for those affected by the project.

Groups associated with the NBA have organized to publicize these concerns through meetings with villagers in the affected areas and have organized mass rallies, sometimes attracting thousands of people. The police have routinely responded to these demonstrations with excessive use of force, breaking up large rallies by beating the protesters and detaining leading activists. The police have also used force during attempted evictions of village residents. Persons detained during peaceful protests or acts of civil disobedience are routinely subjected to abuse in custody. In many cases, they have been detained for periods ranging from several days or longer without being produced before a magistrate as required under Indian law. Detainees who have been beaten or otherwise assaulted by police have been denied access to medical care. Activists have also been banned from entering villages in the affected area. By mid-1992, more than 1,000 people in the Narmada valley had been detained for periods ranging from several days to several weeks.

Protests increased in a number of villages near the dam site in early 1992 when officials came to villages telling residents that the submergence would begin ahead of schedule and they would have to leave. On July 13, 1992, police attempted to evict tribal villagers from a forest area which had been designated for resettlement. When the villagers resisted, the police opened fire, killing one woman, Dhanibai Padvia, 35, and injuring several others.

The killing was both tragic and ironic, coming soon after international pressure had forced the original funder of the dam, the World Bank had sent an independent team to evaluate concerns raised about Narmada.

⁴⁹A loose affiliation of groups from all over India, with the core comprising three groups from each of the affected states: Narmada Dharangrashtra Samiti (Organization of the Narmada Dam-Affected People) from Maharashtra, Narmada Navnirman Samiti (Organization for a New Life on the Narmada) in Madhya Pradesh, and Narmada Asargrashtra Samiti (Organization of People Affected by the Narmada Dam) in Gujarat.

In 1985, the World Bank had approved \$450 million for the construction of the Sardar Sarovar dam,⁵⁰ The other major funder, Japan, decided to withdraw its Official Development Assistance, (ODA), in May 1990, as a result of a campaign by Japanese environmental groups highlighting the adverse social and environmental effects of the project.⁵¹ In late 1991, growing opposition to the project prompted World Bank authorities to commission the independent team.

On June 18, 1992 the review team, led by Bradford Morse, a former member of the US Congress and former head of the UN Development Program, delivered its report. It concluded the project was "flawed, that resettlement and rehabilitation of all those displaced..is not possible under prevailing circumstances, and that the environmental impacts...have not been properly considered or adequately addressed." It noted the strong opposition and hostility to the project in the area to be submerged and warned: "So long as this hostility endures, progress will be impossible except as a result of unacceptable means." The team recommended the bank "take a step back" to review the project before proceeding with its implementation.

The bank has announced it is considering taking "remedial actions" aimed at addressing the concerns raised in the report, but there has been no indication thus far that the bank will require specific guarantees from the Indian government authorities or that the rights of those most affected by the project will be protected before it finally goes forward.

⁵⁰This constitutes approximately 10 percent of the total amount needed for the dam.

⁵¹According to a report in *Tokyo Shimbun* on May 23, 1990, "a discontinuation of ODA after construction has already begun is exceptional. The decision is due in part to a review of the carelessness of environmental and cultural impact assessments conducted prior to the project's start." Asia Watch sources believe Japan is reconsidering funding for the project in 1992.

CHAPTER III: PROTECTING THE ENVIRONMENT⁵²

Repressive governments often defend their practices by asserting that human rights -- particularly freedoms of expression, association, and participation in decision making -- are esoteric and must take a back seat to the need to preserve order or foster economic development. But at the same time, people throughout the world are suffering or dying from environmental calamities and degradation that could have been avoided if the policies and practices that led to them had been subjected to public scrutiny and debate.

Even in a relatively open society as the United States, there is concern that hazardous facilities are disproportionately located in less politically powerful communities inhabited by minorities and the poor. In the conclusion of a recent Panos Institute study of the impact of apartheid on the environment of South Africa, Dr. Mamphela Ramphele wrote that "participatory democracy is a vital prerequisite for the upgrading of the environment, enabling people to reclaim control and to hold authorities accountable for the communities they purport to serve."⁵³

In June 1992 at the "Earth Summit" in Rio de Janeiro, world leaders agreed to a set of principles, one of which emphasized the linkage between human rights and environmental imperatives:

At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.⁵⁴

Despite this recognition that information and accountability are critical to environmental protection, governments around the world continue to suppress discussion and debate on environmental issues, by physical attacks, imprisonment, denunciation, harassment, libel suits and restrictions on association, assembly and expression.

Attacks on Environmental Campaigners

Many people are familiar with the Chico Mendes case in Brazil. But since his murder, his successors as leaders of the trade unionists in Acre have received death threats, and some

⁵² Much of this chapter is adapted from *Defending the Earth: Abuses of Human Rights and the Environment*, a joint report by Human Rights Watch and the Natural Resources Defense Council. (June, 1992).

⁵³ Panos Institute, *Restoring the Land: Environment and Change in Post-Apartheid South Africa*, (Mamphela Ramphele, ed., London: 1991), p. 202

⁵⁴ *Rio Declaration on Environment and Development*, United Nations Conference on Environment and Development, Principle 10.

have gone into hiding. Among them are Mendes' widow, Ilzamar, his brother Jose Alves Mendes Neto, Gomercindo Clovis Rodrigues, Raimundo de Barros, Julio Barbosa de Aquino, Francisco de Assis Monteiro de Oliveira, and Mendes' successor as head of the Rubber Tappers Union, Osmarino Amancio Rodrigues. They are reportedly on a death list of 25 people drawn up by local landowners. The authorities have done little to provide protection or investigate the circumstances.

In the Philippines in October 1991, Father Nery Lito Satur was murdered by three armed men believed to be connected to illegal loggers on the island of Mindanao. Fr. Satur was heavily involved with a local campaign against illegal logging and had recently helped government officials in a series of arrests and confiscations of logs and equipment. Henry Domoldol, an Isnog tribal leader, was murdered by suspected paramilitary in July 1991 after a series of death threats. He had been a leader in the effort to protect the remaining stands of rain forest upon which the tribe depends. Members of the environmental group Haribon were arrested and accused of subversion by the local military when they exposed illegal logging of protected ebony trees on Palawan, in spite of the fact that they were cooperating with the Department of Environment. The local military is reportedly involved in the lucrative trade.

The deforestation of southern Thailand has brought on mud slides that have killed hundreds of villagers. Buddhist monk Phra Prachak Kuttacitto, who works to protect the Dong Yai forest from illegal logging, has been arrested at least twice on charges of inciting unrest.⁵⁵

Human rights and environmental groups have called attention to the political and police harassment of Kenyan Professor Wangari Mathaai, president of the Green Belt environmental group, who has been an outspoken critic of President Daniel Arap Moi's autocratic rule. Mathaai is famous for designing a community-oriented tree planting project that fought Kenyan deforestation. When she campaigned against President Moi's plan to destroy a park in order to build a 60-story high rise in downtown Nairobi, he labelled her an enemy of the government.

Libel suits are another common tactic for stifling environmental criticism. In the Philippines -- which still retains criminal libel laws which can result in the imprisonment of reporters -- logger Jose Alvarez sued the *Far Eastern Economic Review* over an article discussing his links to political and military leaders involved in the 1988 murders of Antonio Pimpas, a town councilor in Palawan, who was shot hours after stopping a truck full of logs, and Augustan del Sur, who was killed shortly after filing a complaint with the Department of Labor on behalf of workers at a local logging company seeking back wages, overtime and vacation pay.

In the United States, environmental groups are being "SLAPPed" for exercising their constitutional right of petition. These suits, which take their name from the acronym for "Strategic Lawsuits Against Public Participation," are being brought by corporations, real estate developers, government officials, and others against those who oppose them on issues of public concern. SLAPP targets have been sued for writing a letter to the editor, calling a public official, conducting a public campaign, speaking at a town meeting, testifying before Congress or state legislatures, and filing a public-interest lawsuit -- all activities at the core of advocacy protected by the First Amendment. SLAPP suits have been filed against two Missouri women who wrote

⁵⁵"Thai Soldiers Head Drunken Charge Against Buddhist Monastery," *Reuters*, September 10, 1991.

letters to the editor criticizing the operation of an infectious waste incinerator; the American Academy of Pediatrics, sued by Alta Dena Dairy for \$220 million after testimony before Congress about dangers of raw "certified" milk; and Plan-Kent, a citizens' group in the town of Kent in rural Putnam County, the site of reservoirs serving New York City, for opposing a proposed development of attached town houses on the grounds that no study had been done to assess its environmental impact.⁵⁶

Restrictions on association and assembly

Many governments have excessive powers to regulate -- and therefore control -- private non-governmental organizations. In Indonesia, the site of tension between the military and activists for both the environment and human rights, local political and religious organizations which champion these two causes have been pressured to disband on the basis of a 1985 law regulating mass organizations. One of the groups in question, The Study Group For The Development of People's Initiative (abbreviated KSPPM in Indonesian) provides legal aid to villagers in North Tapanuli whose land and livelihood was threatened by a pulp factory called Indorayon. Indigenous Sumatran residents protested the development of the factory because they feared expropriation of the land by the company; there would be deforestation in some areas coupled with the supplanting of grazing lands with eucalyptus trees which would disrupt the local irrigation system; and the plant would produce industrial waste pollution.⁵⁷

When groups require a government imprimatur in order to operate, delay can also be an effective tactic -- Malaysian environmentalists seeking to organize in the early 1970's faced a six-month wait from the Registrar of Societies.

Mistreatment of "whistleblowers"

Firing or punishing government "whistleblowers" is another tactic used by governments to silence those who question misguided environmental policies and expose official misconduct.

In 1988, the government of Benin struck a secret deal with a British corporation that would have given it the right to dump 50 million tons of chemical waste in the south of the country over a period of ten years. Despite the company's initial denials, it was determined that most of the waste would have been toxic. When Benin's health minister, Andre Archade, protested the plans in a confidential memo, he was put under house arrest.⁵⁸ In Mexico, scientists who questioned the government's nuclear power plans were fired from their positions at the Federal Electricity Commission.⁵⁹

⁵⁶See "SLAPPING Down Critics," *The Fund for Free Expression*, July 1991.

⁵⁷"Indonesia: Attempts to Intimidate Labor and Environmental Activists in North Sumatra," *News from Asia Watch*, April 15, 1992.

⁵⁸"African Wasteland," *Index on Censorship*, June/July 1989, p. 34.

⁵⁹"Nuclear Debaters Fired in Mexico," *Index on Censorship*, June/July 1989.

In the United States, John Mumma was forcibly reassigned from his position as Northern Regional Forester for the U.S. Forest Service for refusing to yield to political pressure to permit more timber-cutting in Montana and northern Idaho in violation of environmental laws. Lorraine Mintzmyer, Rocky Mountain regional director for the National Park Service, was transferred after she raised questions about a controversial "vision report" that would have stepped up development of Yellowstone National Park.⁶⁰

Restrictions on the media

Because the press plays a critical role in stimulating public awareness and sustaining public discussion of environmental issues, the media and journalists are often the target of officials and others eager to suppress debate of controversial matters.

Censorship. Chinese journalist Dai Qing incurred the wrath of Premier Li Peng by opposing the Three Gorges Dam project, which would have flooded the Yangtze River and displaced over a million people. In early 1989, she defied a ban on public discussion of the project by publishing a book of articles on the subject. After the crackdown following Tiananmen Square, she was arrested, and the remaining copies of her book were seized and burned, on the grounds that it was published "with the intention of preparing public opinion for turmoil."⁶¹

Japan's International Cooperation Agency excised from a training film about development and the environment sections of the film's narrative commentary such as "a tropical rain forest, once destroyed, can rarely be restored to its original state."⁶²

Physical attacks on journalists. In May 1989, journalist Barbara D'Achille, Peru's leading writer on ecology and the environment, was stoned to death by Shining Path guerrillas, along with Esteban Bohorquez, an expert on llamas. D'Achille, a staunch defender of conservation projects, had written frequently on the environmental effects of coca cultivation, which include deforestation, chemical pollution, and erosion, especially in the Upper Huallaga River Valley.⁶³

Restrictions on access to information held by government

Governments know that "information is power" and have taken steps to conceal information about environmental issues so as to undercut public concerns and the ability of the public to respond.

⁶⁰*High Country News*, October 7, 1991, p. 7.

⁶¹Interview with Dai Qing in *Human Rights Tribune*, Spring 1992.

⁶²"The Case of the Disappearing Shrimp," *Index on Censorship*, July 1991, p. 17.

⁶³"Peruvian Guerrillas Slay Journalist," *Chicago Tribune*, June 2, 1989, p. C20.

In India, environmentalists have gone to their Supreme Court on claims that their government is covering up the seriousness of air pollution threats to the Taj Mahal.⁶⁴ In 1989, the India state of Gujarat implemented plans to build dams along the Narmada River, beginning the displacement of over 1.5 million indigenous tribal peasants and farmers. Citing India's Official Secrets Act, the government imposed a news blackout on twelve affected villages along the Narmada River. When 8,000 activists and residents protested, 5,000 were arrested. After intense pressure, the news blackout was lifted, but the dam project continues. Contrast this with the fate of a similar project in Botswana, scuttled after the government -- which has what may well be the strongest record on freedom of expression of any African country -- invited public comment about its plans.

Former governments in Ethiopia kept official rainfall records secret, because it served their interests to falsely claim that drought was the cause of persistent famine -- where in reality, army activities and agricultural policies were more often to blame. In 1989, Moroccan authorities withheld from the public for ten days the news of a major oil spill off the Atlantic coast.

In the United States, Physicians for Social Responsibility has accused the Energy Department of improperly invoking national security to shield access to data about the health effects of low level radiation.⁶⁵

Mexican writer and environmental leader Homero Aridji eloquently expressed the challenge before us in a recent talk when he declared, "business as usual will not ensure enjoyment of human and environmental rights by our descendants...without rights to information and fair participation in the judicial process it will be impossible to guarantee the right to a healthy environment no matter how many decrees or proclamations are issued by our leaders."⁶⁶

Malaysia: A Case Study

The indigenous people who live in the Malaysian rain forest and are dependent on it for every aspect of their lives are now pitted against state and federal authorities, who have a huge financial stake in the forests. Logging and politics are inextricably intertwined; new laws are created to override the old protections. Some, including the conservative International Timber Trade Organization, (ITTO), warn that the whole matter will soon be moot because logging will transform Malaysia's rain forest into a veritable wasteland by the end of this decade.⁶⁷ The voracious timber export industry has already caused land erosion, water contamination, the extinction of wildlife and plant species and the annihilation of indigenous

⁶⁴"Pollution eats into India's marble glory", *The Times*, February 1, 1992

⁶⁵"Secrecy Said to Impede Research on Radiation Hazards," *The Washington Post*, May 8, 1992.

⁶⁶*Ibid.*

⁶⁷A 1990 ITTO report, cited in "Tropical Heat," *The Economist*, February 15, 1992, warns that Sarawak will have no virgin forest left by 2001.

cultures, not to mention the wider impact on global warming.

Although most of the profit from logging goes to state officials, the federal government in Kuala Lumpur benefits both economically and, more importantly, politically from logging. By allowing the states to exploit their forests at their own discretion, Malaysian Prime Minister Datuk Seri Dr. Mahathir Mohamad ensures their loyalty to *Barisan Nasional*, the ruling coalition party which he heads. Kuala Lumpur has never had comfortable relations with the two Borneo states (Sabah and Sarawak), so maintaining support from those governments is a political necessity, especially if it is to keep a tight grip on parliament.⁶⁸ Mahathir wants Malaysia to be "completely industrialized" by the year 2020.⁶⁹ There is little room in such a plan for indigenous lifestyles, which Mahathir characterizes as "eating monkeys and suffering from all kinds of diseases."⁷⁰

For these reasons, Mahathir has declared an unofficial war against proponents of environmental and indigenous people's protection, who call for a logging moratorium or at minimum a revamping of the existing timber infrastructure. The "war" is waged by repressive legislation prohibiting freedoms of association and assembly; censorship and harassment of domestic and international media; turning a blind eye to corruption and violations of official environmental policies; and the intimidation of environmentalists and indigenous people by means ranging from hired thugs to detention without charge under draconian emergency laws that supersede constitutionally-guaranteed rights.

Malaysian authorities espouse convincing conservationist sympathies but in actuality none of the protective measures is implemented. Asked if there is ever punishment or prosecution for logging practices that violate the ostensibly sound official logging code, such as cutting trees that are too small or cutting too many trees per hectare, one logger answered: "No, there's no prosecution. There's only corruption."⁷¹

According to a recent article, the scene in the Borneo states of Malaysia is one of rampant waste and destruction.

It is like open-cast mining: huge bulldozers shift vast amounts of earth and topsoil, which is washed into the river system. Thousands of trees are bulldozed into gullies to form temporary roads. Huge funeral pyres burn with trees deemed too small to send to the coast.

The riverbanks are lined with miles of rotting logs stacked 40-feet high because

⁶⁸In Sabah, leaders of the opposition party, Parti Bersatu Sabah, have been detained, and some remain in detention, under the Internal Security Act. For further discussion, see "Malaysia: Detainees in Sabah," *News from Asia Watch*, October 18, 1991.

⁶⁹"Malaysia: The race to 2020," *The Economist*, November 9, 1991.

⁷⁰"Tropical Heat," *The Economist*, 2/15/92.

⁷¹"Penan's last stand against timber industry pirates," by James Barclay, *Guardian*, January 10, 1992.

buyers have rejected them. They could have been left if the cutters were not inexperienced workers on piece-rates.⁷²

A shallow-growing creeper weed eventually greens the devastated land, but the rain forest is not revived.

Mahathir has waged an effective campaign against environmentalists in which their activities are synonymous with sedition and foreigners concerned about Malaysia's rate of logging are discredited as motivated by a racist assumption that non-whites cannot make sound decisions. International environmental activists are condemned as racist "eco-imperialists" and domestic activists are Malaysia's "Number 1 traitors."⁷³

The prime minister claims that anti-logging protests are "being used to set up an international infrastructure that can attack and topple the sovereign governments of third-world nations, using the excuse of saving the environment."⁷⁴

Malaysian authorities recently announced the formation of a special task force to be based in Europe, whose US\$4 million budget will be financed by the Malaysian Timber Industry Development Council.⁷⁵ Its mandate will be to "repel falsehood and lies spread by evil-intended environmentalists," who, officials say, have been "brainwashing the people of Europe" in order to "damage the country's reputation and image in the western world."⁷⁶

Background

Eleven of Malaysia's thirteen states are located on the Malaysian peninsula while Sabah and Sarawak are separated from Kuala Lumpur and the rest of Malaysia by some 200 miles of Borneo Sea. Sabah's rain forest is expected to be "logged out" by 1995.⁷⁷ So all eyes turn to Sarawak: its land area is 12.33 million hectares, 38 percent of Malaysia's total land area; in 1990, its logging industry was estimated to generate about \$2 billion in foreign exchange, (and logging has only increased since then) and the industry employs some 55,000 persons. But environmentalists and indigenous rights activists warn that the last remains of the ancient Borneo rain forest are being permanently extinguished at a rate three times faster than the Amazon rain forest.

⁷²*Ibid.*

⁷³"Eco-imperialists" attributed to Prime Minister Mahathir; "Number 1 traitor" attributed to Sarawak Chief Minister Abdul Taib Mahmud: "Act against 'traitors' call," *Borneo Post*, March 30, 1992.

⁷⁴"Tropical Heat," *The Economist*, February 15, 1992.

⁷⁵"Malaysia: Crisis deepens for Dayaks in Sarawak," *Urgent Action Bulletin*, Survival International, April 1992.

⁷⁶Prime Industries Minister Datuk Seri Dr. Lim Keng Yaik in "Special task force to counter western media propaganda," *Borneo Post*, January 4, 1992.

⁷⁷According to an ITTO report quoted in "Empires of the chainsaws," *The Economist*, August 10, 1991.

Communal forests, to which indigenous persons have exclusive rights, have been reduced from 30,300 hectares in 1968 to just over 5,000 in 1990. The indigenous people have legal right to the land under the Native Customary Law, but they cannot claim native land rights without applying to the government. The procedure is often expensive, and indigenous people tend not to have currency. In addition, land rights can be overturned through "gazetting" in which state officials print an announcement in the government gazette, which the indigenous people do not receive. If no reply is received within a certain period of time, the land has changed hands.⁷⁸ At present, 9.42 million hectares has been gazetted, most of which will be divided into logging concessions.

Indigenous people constitute nearly 50 percent of the state's population. Most of them are entirely dependent on the rain forests for food, medicine and shelter, as well as to maintain their customs and ways of life generally. Deforestation means the extinction of their ancient cultures.

The fight in Sarawak to slow rain forest destruction and protect the indigenous cultures has been fought in two ways. First, there has been a publicity campaign to get domestic and international exposure of the problem, and to combat "misinformation" distributed by officials. Second, the indigenous people have engaged in non-violent protests, primarily in the form of human blockades that obstruct logging roads.

Most of the indigenous people do not read or speak either English or Malay, the main languages of power in Malaysia, and most cannot vote since they do not hold identification cards.⁷⁹ The blockades, therefore, provide just about their only means of empowerment. In the words of one indigenous person, they feel that "[without the blockades] we cannot do anything to stop the company...when we try to defend ourselves, we are condemned as troublemakers."⁸⁰

Among the indigenous people, the Penan ethnic group, primarily hunter-gatherers with some swidden agriculturalists among them, has been particularly active in blockading timber roads. Their name has become somewhat interchangeable with the movement as a whole. Many Malaysian authorities assert that they are better off changing their 'primitive' lifestyles and becoming incorporated into the modern world. They say the Penan have been "over-romanticized and over-mythicized by liberal Westerners."⁸¹

Penan who have been removed from the rainforest (there are only a few hundred now

⁷⁸"The Children in Empty Huts," by Jeni Kendell, *Index on Censorship*, June/July, 1989.

⁷⁹Many people in the interior do not hold identification cards. Sometimes this is the result of not being able to participate in the complicated registration process. In other instances, registration is kept on hold for years, without explanation.

⁸⁰Ulat Ayat, quoted in *The Battle for Sarawak's Forests* by the World Rainforest Movement and Sahabat Alam Malaysia, p. 47.

⁸¹"Who are these Penans?" by Ken Yalang, *Sarawak Tribune*, February 29, 1992.

out of some 9,000 Penan who still live in the traditional manner in the forest) reside in government-subsidized "longhouses." There they experience malnutrition, various physical ailments and mental depression. They are not assimilating into modern society, and government efforts on their behalf are reportedly next to nil.⁸² Yet success stories appear in the domestic media, claiming that life in the longhouses is a radical improvement for the Penan.⁸³

Logging and political corruption

The state has absolute jurisdiction over land matters, a remnant of the enticement package with which the then-called "Malaya Federation" induced Sabah and Sarawak to join the union in 1963. The two states brought additional ethnic diversity to the union as well as a wealth in natural gas and the world's oldest virgin rainforest. To this day, while 95 percent of gas profits go directly to the federal government, (the cause of great federal-state discord), timber concessions and jurisdiction over logging laws are still entirely controlled by the states. The state grants concessions to individuals who then contract out short-term rights to log the land in exchange for a percentage of the profits.

Logging continues seven days a week, 24 hours a day. At night the forest is lit by giant floodlights. As political offices change hands, so too do the logging contracts. Once a contract is secured, (usually only a one- or two-year arrangement) therefore, literally every minute of its term is utilized in order to make maximum use of the forest's temporary availability. Yet only about 30 percent of the cut trees are used. The rest, often young trees that do not pass export regulations, are left to rot.⁸⁴

Years of unaccountability have yielded a situation in which those who supposedly protect the environment are also the ones who profit most from its exploitation. The situation is epitomized by Sarawak Minister for the Environment and Tourism, Datuk James Wong, saying: "We get too much rain in Sarawak. It stops me from playing golf."⁸⁵ Wong, an outspoken proponent of logging, owns 300,000 hectares of forest concessions, and the Limbang Trading Company, one of the nation's largest timber companies. In his own words, "logging is my bread and butter."⁸⁶

Sarawak Chief Minister Abdul Taib Mahmud, who calls anti-logging activists Malaysia's "number one traitors," directly controls 10 percent of Sarawak's logging concessions. He

⁸²For example, the government sponsors a "flying doctor service," in which a physician is flown into the area (land travel is extremely difficult). There are reports, however, that the doctor comes sporadically and infrequently, and more often than not simply tosses packages of an aspirin-like medicine from his helicopter and spends the rest of his visit shooting at wild game from up in the air. Interviews with Sarawakian representatives, September 24, 1991.

⁸³See, for example, "Who are these Penans," by Ken Yalang, *Sarawak Tribune*, February 29, 1992.

⁸⁴"Penan's last stand against timber industry pirates," by James Barclay, *Guardian*, January 1, 1992.

⁸⁵"International experts say Sarawak natives badly affected by logging," *Utusan Konsumer*, March 1988.

⁸⁶*Star*, September 5, 1988.

distributes logging licenses, like political favors, at his discretion. Taib's relatives and political allies are said to hold around 1.6 million hectares, roughly one third of Sarawak's timber concessions.⁸⁷

In 1987, the Sarawak state elections were funded almost exclusively by money made from logging. Chief Minister Taib froze concessions owned by his opponents that covered 1.25 million hectares and which were worth between M\$9 billion and M\$22.5 billion. Political campaigns are funded with money obtained through logging.⁸⁸ Taib says granting concessions to politicians is a good thing because it frees them from their sponsors.⁸⁹

Loggers allegedly falsify records of the species, sizes and origins of cut logs in order to avoid paying higher royalty rates on certain classes of wood. Analysts estimate that 30-40 percent of Sabah's annual logging production is exported with improper documentation.

[A] shadowy network of businessmen is employing an elaborate system of bribes and kickbacks to document falsely both the species and the volume of the logs being loaded at East Malaysian ports.⁹⁰

An estimated US\$100 million in illegal timber is exported, undeclared, by just one of the several groups working illegally in Sabah.⁹¹ Enforcement officials make little impact because their powers are severely curtailed by timber companies' protections and often they "prefer to remain silent in order to share in the secret profits."⁹²

Kuala Lumpur espouses sound conservationist practices, while in fact, according to *The Economist*,

[t]he federal government in Kuala Lumpur and the cliques that control Malaysia's two states in Borneo have a tacit understanding. The states will help generate revenue for the federal government from Borneo's natural resources so long as they are left free to run things their own way.⁹³

⁸⁷"In Sarawak, a Clash Over Land and Power," by Raphael Pura, *The Asian Wall Street Journal*, February 7, 1990.

⁸⁸"The Children of Empty Huts," *Index on Censorship*.

⁸⁹*New Straits Times*, October 4, 1987.

⁹⁰"Cutting down to size," by Doug Tsuruoka, *Far Eastern Economic Review (FEER)*, July 4, 1991.

⁹¹*Ibid.*

⁹²*Ibid.*

⁹³"The dwindling forest beyond Long San," *The Economist*, August 18, 1990.

Repressive Legislation

The Emergency (Public Order and Prevention of Crimes) Ordinance 1969

The Emergency Ordinance grants authorities the ability to detain anyone they suspect of wrongdoing without charges or trial for up to 60 days. Used in the past against gangsters and Communist insurgents, it was most recently directed against Anderson Mutang Urud, from the Kelabit tribe. Mutang Urud is a leader in the blockades and an international spokesperson for the indigenous people. Fluent in Malay, English and Kelabit, he travelled internationally to increase awareness and heighten international concern for the situation in Sarawak. He was instrumental in founding the Sarawak Indigenous People's Alliance (SIPA) in 1991 to disseminate information and campaign against unsustainable logging.

On January 11, 1992, Mutang Urud accompanied Svend Robinson, a member of the Canadian Parliament visiting Malaysia on a fact-finding mission, and Brendan McGivern, a Canadian diplomat, to an anti-logging blockade. Mutang Urud was then detained on February 5 under Section 3 of the Emergency Ordinance, and charged with running an unregistered society, SIPA. (All organizations must be registered with the Registrar of Societies under the Societies Act. Registration can take as little as a month for those that promote the official "party line" and more than three years for groups that go against it.)

Mutang Urud believes that the Svend Robinson affair and SIPA are not the real reasons for his arrest. He points out that the arrest occurred just before the blockade at Long Ajeng, one of the longest-running ever, was to be dismantled by authorities on February 12. As one of the blockade's most prominent leaders, Mutang Urud's arrest would help demoralize the more-than-500 participants and thus make taking it apart without complications or resistance that much easier. During detention, Mutang Urud says he was interrogated about, among other things, how best to dismantle the blockade, and was asked to accompany the state and federal agents who did so. (He refused.)⁹⁴ Mutang Urud was released on bail on March 3, after protests by Amnesty International and other groups. His trial is set for September 1992.

Mutang Urud was kept in solitary confinement and interrogated for hours continuously, sometimes until 4 a.m., until he no longer knew whether it was morning or night. For ten days he was held in a cell without a window. He was forced to take cold showers in the middle of the night, to sleep without a shirt, sheets or blankets, and denied medical treatment. Furthermore, his interrogators constantly warned that he might be held under the Public Order provision of the Emergency Ordinance and therefore could be kept in detention indefinitely.⁹⁵

⁹⁴The blockade at Long Ajeng was clearly considered cause for concern, evidenced by the fact that it was ultimately dismantled by the Federal Reserve Unit (FRU), the toughest group of federal police. A sort of advanced riot police, with special uniforms, they carry tear gas and clubs and have a reputation of being vicious. Earlier blockades were dismantled only by local police and members of the federal Special Branch. Interview with Mutang Urud, April 26, 1992.

⁹⁵Interviews with Mutang Urud, April 10 and April 26, 1992.

Forests Ordinance

The blockades began over a decade ago but did not draw international media attention until 1987, a year in which 310,000 hectares was logged. In 1985, only 270,000 hectares had been logged. In contrast to the urgent recommendations of the ITTO and other groups, the logging rate has steadily increased. It is estimated that 1992 will see 400,000 hectares cleared - more if illegal activity is factored into the total.

In immediate response to the international attention attracted by the blockades, the Sarawak Forests Ordinance was amended to make obstructing logging activities or resisting the dismantling of a blockade a criminal offense punishable by two years in prison or a fine of M\$6,000. The amendment also granted forestry officials the power to enlist the assistance of agents of the logging concessions to dismantle blockades. Furthermore, the new law set out that expenses incurred in removing the blockade "must be paid by the so-called offenders to the state government" with interest charged annually until the amount is paid.⁹⁶

Indigenous people and their advocates have maintained that their customary rights to the land are protected by state law, so that any blockades set up on "their" land are therefore not illegal. In 1990, three men from the Kayan community filed an order to stop the felling of trees because it transgressed their native customary land rights as enshrined in the Constitution -- to no avail.⁹⁷ Despite these claims, since the amendment was enacted, roughly 500 indigenous people have faced criminal charges under the ordinance. At varying times individuals were denied bail and experienced poor treatment while in detention. (See "Conditions in Detention.") In 1989, eighty Penan, swidden agriculturalists, were held in detention for three months, with the women and children who remained behind facing acute problems getting food. Sarawak Director of Forests Leo Chai explained that the "stubborn" indigenous people needed to be dealt with harshly in order to be "taught a lesson."⁹⁸

Internal Security Act

The Internal Security Act (ISA) allows for the arrest without warrant of anyone considered likely to pose a threat to the security of Malaysia. Those arrested can be detained for 60 days without charge or review, and the Minister of Home Affairs has the authority to extend the detention order for up to two years, renewable indefinitely. Prime Minister Mahathir holds the post of Minister of Home Affairs. Usually reserved for "religious extremists" and "Communists," the ISA has also been used against environmental activists.

Harrison Ngau, a Sarawak representative of Sahabat Alam Malaysia (SAM) and leader

⁹⁶*Utusan Konsumer*, May 1988.

⁹⁷SiMBA (Singapore and Malaysian British Association), *Newsletter* May 1990.

⁹⁸Emergency Committee for Human Rights in Malaysia, "Update No. 10: Malaysian ISA Detention and Human Rights Alert," February 16, 1989.

of the anti-logging blockades, was called a "communist stooge" by the government.⁹⁹ He was arrested at his office in late 1987 and detained under the ISA for sixty days in the midst of a nationwide series of arrests. He was later released conditionally, prohibited from leaving his home after 10 p.m. and barred from leaving the city of Marudi without a police permit. In July 1987, he had led a group of 12 indigenous people to Kuala Lumpur where they communicated their grievances and remonstrated with the government. The mission yielded no results.

Two other Sarawakians, farmers with the Sarawak Land Development Board, were also detained under the ISA at the same time, although the reasons for this are unclear. Among the hundreds of ISA arrests in 1987, at least 91 were known outspoken critics of the official land policy.¹⁰⁰

Conditions in detention

Since 1987, blockade participants who have spent time in jail have described various kinds of inhuman and degrading treatment. These include being kept in shackles and, consequently, being forced to defecate on themselves, and being ridiculed and humiliated for this; receiving inedible food or no food at all; being hit by police; being kept in extremely overcrowded cells without room even to sit or squat; unhygienic conditions (they were given one bucket instead of a toilet for 42 people, and forced to wear the same pair of underwear throughout detention); and being charged excessive bail. In several cases, the indigenous people were not brought directly to the town police station but to a timber company camp first, where they were slapped around and humiliated.¹⁰¹

Those detained under the Emergency Ordinance and the ISA undergo additional forms of mistreatment. Detention is often *incommunicado*; charges are not clarified; legal counsel is not permitted until immediately before the trial.

Intimidation

Timber companies hire toughs to drive their trucks and fill other low-level positions. The men who apply for these jobs tend to be in trouble with the law, and use the forest as a safe haven. They are often heavy drinkers with a history of time in jail. Their appearance is intimidating to the indigenous people, as they tend to be heavily tattooed musclemen who conspicuously carry huge knives known locally "samurais." On three recent occasions, local Sarawakian rivalries turned into bloody fights when the gangsters got involved. One local man had four fingers sliced off when a petty argument escalated.¹⁰²

These gangsters serve as off-the-record disciplinarians. One forestry official, investigating

⁹⁹The dwindling forest beyond Long San," *The Economist*, August 18, 1990.

¹⁰⁰SOS Sarawak press release.

¹⁰¹Oral reports and *Utusan Konsumer*, mid-August, 1991.

¹⁰²Interviews with Mutang Urud and others, September 24, 1991, April 10, 24 and 26, 1992.

illegal logging areas, was persuaded to give up his inquiry after his wife received a visit at home by two thugs wielding machetes.

The logging vigilantes have terrorized indigenous people with their menacing behavior and by implying that they would gladly engage in headhunting if logging is obstructed. While this may sound unlikely in the west, it has a very real ring to the indigenous people of Borneo, where headhunting among some groups continued until quite recently.

Another means of intimidation employed in Sarawak to silence protest against logging is the practice of unofficial "warnings." Indigenous persons in town for one reason or another run into local police officials, "by chance." They are "invited" to have a chat in police headquarters or to share a cool drink. They are then warned, "for their own good," to stay away from the blockades, from foreigners, or from environmental activists. These "invitations" are also used as a means of informal interrogation. Indigenous people, intimidated and not wishing to appear ungrateful (for the "invitation"), find it difficult to resist the barrage of questions.¹⁰³

General Harassment

The court hearings against the indigenous people for obstructing logging activities attracted international attention at the end of 1988. Observers representing different legal groups from various countries flocked to Malaysia and indigenous people traveled three days to attend the hearing. Thereupon, the trial dates were abruptly set back a year. Reasons cited included not being able to get an interpreter (despite having over a year to find one) and unavailability of prosecution witnesses.

Given that the prosecution have more than a year to prepare their cases and get its witnesses and interpreters, such tactics could only be interpreted as an attempt by the Sarawak authorities to diffuse international protests and avoid embarrassment.¹⁰⁴

Indigenous people also describe being called to court over and over, only to have their hearings postponed. This is a significant form of harassment as the indigenous people often have to walk days to appear in court.¹⁰⁵

Court procedures take place in English, a language not spoken by most indigenous. Court-appointed interpreters translate the proceedings into a language that is similar but considerably more complicated than that spoken by the indigenous people. They therefore are unable to precisely follow the proceedings.

¹⁰³Interviews with Mutang Urud and others, September 24, 1991 and April 26, 1992.

¹⁰⁴Indigenous people arrested in November 1987 and scheduled to be tried in October 1988 had their trials postponed until April 1989. Other trials set for December 1988 were changed to November 1989. Trials set for December 1988 were postponed until January 1990. Emergency Committee for Human Rights in Malaysia, "Update No. 10," February 16, 1989.

¹⁰⁵*Ibid.*, and Survival International, *Urgent Action Bulletin*, April 1992.

Bruno Manser, a Swiss citizen, lived with the Penan for years during the 1980s. He became heavily involved in the anti-logging campaign and for this reason became *persona non grata* in Malaysia. The government described him as a "subversive Zionist and communist." Logging companies placed a \$30,000 reward on his head; Penan were beaten and one was killed in attempts to get information about Manser's whereabouts. Manser was chased by commandos through the jungles. The government established checkpoints and soldiers conducted "sweeps" in the areas where he had reportedly been spotted. His crime: remaining in Malaysia past the expiration of his visa.¹⁰⁶

In addition to the above-mentioned task force to be financed by the Malaysian Timber Industry Development Council in order to counter environmentalists' publicity, *Reuters* reported on April 29, 1992, that Malaysia "may form a special police unit" which would "monitor Western and local environmentalists" who seek to disrupt logging activities.¹⁰⁷

Press Censorship

Censorship -- both official and unofficial -- is widespread in Malaysia. The British-based *Economist* was banned twice during 1991 for articles that looked critically at the Malaysian government, and its distribution was deliberately delayed there three times.¹⁰⁸

A more common means of reining in the press is a phone call from the Ministry of Information to newspaper editors, warning them to "go easy" on a particular topic. The "advice" is generally heeded because maintaining rapport with government officials is a journalistic necessity.

Few negative reports appear about domestic issues, including logging, primarily because of the high degree of self-censorship. Members of the media are subject to having their works banned, censored or their institutions closed. For example, the political weekly *Mingguan Waktu* was banned in December 1991 on the grounds that it had reported "irresponsibly." Only five months old, it had published criticisms of Mahathir's administration.¹⁰⁹

Mahathir told members of the Association of Southeast Asian Nations (ASEAN), that Western-style freedom of the press could be a hindrance to developing nations. He said that foreign journalists "fabricate stories to entertain and to make money out of it, without caring about the results of their lying."¹¹⁰

¹⁰⁶"The Apostle of Borneo," by Wade Davis, *Outside*, January 1991.

¹⁰⁷"Malaysian Police May Check on Environmentalists," *Reuters*, April 29, 1992.

¹⁰⁸Delaying distribution serves almost the same function as banning issues yet proves more difficult to censure. The issue is delayed until it is no longer even remotely up-to-date. Readership is therefore substantially reduced, and whatever impact the issue might have had is effectively nullified, while the government avoids the political embarrassment of engaging in outright censorship.

¹⁰⁹*Attacks on the Press: 1991*, Committee to Protect Journalists (CPJ), March 1992, p. 79.

¹¹⁰"Malaysia makes its feelings clear," *IPI Report*, October 1991.

He also warned the ASEAN representatives that it is not easy to ban a newspaper or expel a foreign reporter:

You don't do such things without getting a bashing from the Fourth Estate and those who consider themselves holier than us."¹¹¹

The *Far Eastern Economic Review* (*FEER*), which just completed an out-of-court settlement in a lawsuit filed against it by Mahathir, had its July 4, 1991 issue banned by the Malaysian government. *FEER*, with a Malaysian circulation of 10,000, was not distributed there because, according to Deputy Home Minister Megat Junid Megat Ayob, the issue contained material which "threatened the security of the nation."¹¹² The issue in question contained three articles on Malaysia. One described Islamic fundamentalism; another discussed challenges faced by a corporation's new director. The third and by far the most detailed article reports that "illegal logging in both states [Sabah and Sarawak] is rampant and may have foreign connections."¹¹³

On July 5, 1991, eight foreign environmental activists staged a demonstration in Kuala Baram, a dockyard at the mouth of the Baram River, important for timber export, where logs are floated down from the interior before being loaded into barges and finally onto ships for overseas markets. The next day, two freelance journalists, Frank Momberg of Germany and Anna Leonard of the United States, who were covering the protest from across the river, were detained, interrogated and ultimately deported from Malaysia. According to Momberg, authorities "said I was involved in an action against the security of Sarawak." Leonard confirmed, Malaysian authorities "said we have to leave because 'we have threatened the security of the state.' That's ridiculous."¹¹⁴

Neither had participated in the demonstration. They had dispatched stories via fax to international news agencies, including the *Associated Press* and *Reuters*, and Momberg was writing for *Robin Wood*, a German magazine. Other foreign journalists who had been with them were not detained, presumably because the others were based in Kuala Lumpur, and so were not held under Sarawak state laws.

Today, foreign journalists are prohibited from visiting the indigenous people's "longhouses" and the sites of anti-logging activities. Tourist agencies are required to submit names of all foreigners, tourists and journalists, to the Special Branch for review.

Mahathir explained:

They [foreign journalists] would be most happy if the country was poor and

¹¹¹*Ibid.*

¹¹²*Attacks on the Press: 1991*, CPJ, p. 78.

¹¹³"Cutting down to size," *FEER*, July 4, 1991.

¹¹⁴Telephone interviews with CPJ.

begged for assistance. But they look for something bad to report if the country is not begging for help...It has become part of their culture to look down upon the coloured.¹¹⁵

On February 16, 1992, Rolf Bokemier, editor of the German-based *GEO* magazine and Charles Lindsay, a Canadian photographer, arrived in Sarawak but were not permitted to stay. The two had applied through the Malaysian Tourist Development Corporation in Germany to do a story on tourism in Sarawak but state authorities suspected they were planning an article on the anti-logging campaign.¹¹⁶ (Bokemier had been one of the first to interview Bruno Manser in the mid-1980s.)

British writer James Barclay was deported from Sarawak and became a "prohibited visitor" in August 1991, after he allegedly filmed a Penan blockade for a Canadian production company. Barclay, author of *A Stroll Through Borneo*, reentered Sarawak after officially changing his name and obtaining a new passport.

He was detained from February 15 through March 17, 1992, under Section 33 of the Immigration Act because of his status as a prohibited immigrant. He was told, however, that he would be charged with drug trafficking (which carries a mandatory death penalty). He was reportedly kept in poor conditions, denied food and water for two days, and physically abused. During interrogation, his recent *Guardian* article, "Penan's last stand against timber industry pirates," was frequently mentioned.¹¹⁷

Conclusion

The logging industry is virtually exempt from adhering to the environmentally-sound guidelines set forth by the federal government, because it generates wealth for potential dissident voices in the state governments and thus keeps them loyal to the Malaysian federation. Political bullying and scare techniques enable both the legal and the black market timber companies to engage in logging without restraint.

On paper and in words, Malaysia implements reasonable conservationist practices but in actuality environmental activists and critics of logging are detained, censored and harassed. Through it all, the planet's oldest rainforest, as well as the myriad plant and animal species unique to it are being annihilated, and the fragile human cultures that depend on it are on the brink of extinction.

¹¹⁵Mahathir quoted in "Some Foreign Journalists are Jealous of M'sia: Dr. M," *Sabah Times*, September 17, 1991.

¹¹⁶*New Straits Times*, March 12, 1992.

¹¹⁷January 10, 1992.

CHAPTER IV: WORK

"In the terrain in which we move, death lies in waiting every day for those who fight for economic and social gains."

Miguel Angel Albizuere, Guatemalan labor scholar

Civil rights abuses leading to land alienation and environmental destruction are not the only ways that governments violate the rights of subsistence. They can also do so by denying basic labor rights, including the right to organize and bargain collectively, and by restricting freedom of movement. Those who suffer most by such policies are the poorest sectors of society.

Labor Rights and Economic Well-being

The granting of labor rights, including the rights of workers to organize, bargain collectively and to be free from forced or involuntary labor, is in many countries directly linked to the ability of workers to obtain a living wage and humane working conditions. Suppression of those rights, made easier when there is no free press to question government policies, no opposition parties, no accountability and little or no possibility of the poor successfully challenging their abusers through the courts, can put subsistence at risk.

The Universal Declaration of Human Rights highlights the need to respect worker rights. Article 23 states:

1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favorable remuneration, ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and join trade unions for the protection of his interests.

The Fourth Lomé Convention, to which 81 countries of Africa, the Caribbean, the Pacific and the European Community are parties, stated in 1990 that the various categories of human rights -- non-discriminatory treatment; fundamental human rights; civil and political rights; economic, social and cultural rights -- are "indivisible and interrelated, each having its own legitimacy" (Article 5.2).¹¹⁸

Finally, the International Labor Organization states: "The ILO takes a keen interest in civil and political rights, for, without them, there can be no normal exercise of trade union

¹¹⁸ The text of the Fourth Lomé Convention is reproduced in *The APC-EEC Courier* (Brussels), No. 120, Mar.-Apr. 1990.

rights and no protection of the workers."¹¹⁹ It goes on to note, "The fundamental and permanent mission of the trade union movement is the economic and social advancement of the workers."¹²⁰

Despite this recognition of the link between the right to organize and the achievement of economic well-being, many governments not only deny that right -- they also condone or actively engage in attacks on rural and urban labor organizers. In this chapter, we will examine first how the right to organize and bargain collectively is crucial to subsistence strategies of workers around the world and then look at the lengths to which some governments have gone to prevent those rights from being exercised.

Forced or Involuntary Labor

The most obvious way in which deprivation of worker rights leads to socioeconomic devastation is the practice of forced labor. Throughout the world, deception and violence are used to force laborers to work without remuneration and in hazardous conditions. In some cases, the unemployed are lured far from their homes and promised decent wages and living conditions, only to be told that they owe their employers transportation or lodging costs, thereby forcing them to remain and work to pay back alleged debts. In some cases, these workers are threatened with violence if they attempt to flee or if they refuse to work.

Forced labor is specifically prohibited by international labor norms. According to ILO Convention No. 105:

Each Member of the International Labor Organization which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labor...as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system...as a method of mobilising and using labor for purposes of economic development...as a means of racial, social, national or religious discrimination.

In Arakan State in northwestern Burma, men from the Rohingya Muslim minority have been forcibly recruited by the Burmese military for hard labor.¹²¹ They are forced to work without pay and with little food or water for up to thirty days. For example, one 70-year-old from Kiladung village, Maungdaw, told Asia Watch that he knew of no adult male who had not been a forced laborer for government troops. He had been involved in portering heavy loads and canal building. He reported that if a load was too heavy or a worker too exhausted, no rest was allowed. He and his fellow workers were forced to sleep at the side of the road without

¹¹⁹ *Democratization and the ILO: Report of the Director General*, International Labour Office; Geneva: 1992, p. 14.

¹²⁰ International Labor Organization: *Official Bulletin*, Vol. XXXV, No. 2, Geneva: 1952, p. 83.

¹²¹ See Asia Watch, "Burma: Rape, Forced Labor and Religious Persecution in Northern Arakan," *News From Asia Watch*, Vol. 4, No. 13, May 7, 1992.

shelter for only two and a half hours each night. They were fed just one meal a day and often were not allowed to drink water. One Rohingya worker forced to build roads and level hills said he knew of two other workers who had died from starvation and beatings in early 1992.

In Mauritania, the government has formally "abolished" slavery on three occasions, but has never taken concrete steps to implement the legislation -- such as informing former slaves that they are legally free.¹²² There are tens of thousands of black slaves who remain the property of their "master," subject entirely to his will, working long hours for no remuneration, with no access to education and no freedom to marry or associate freely with other blacks. These slaves escape servitude not by exercising their "legal" rights, but by escaping. Ignorance of their rights, fear of recapture, knowledge of the savage torture meted out to slaves who attempt to leave, and lack of marketable skills discourage a substantial number of slaves from trying to escape. Slavery is especially widespread in the eastern part of the country, in Atar, Kiffa, Ashram, and Aleg, where there are few blacks other than slaves.

Slaveowners use extreme measures to discourage slaves from attempting to escape. In addition to "routine" punishments such as beatings with a wet cord while naked, denial of food and drink, prolonged exposure to the sun with hands and feet bound, there are other methods of torture used to set an example to all slaves who would consider fleeing. One of the most brutal involves the stuffing of tiny insects into the ears of the victim and blocking the ear openings with small stones. The victims's hands and feet are bound to prevent movement. After several days the stones are removed, by which time the victim's mind is destroyed.

In India, some children are bought or stolen from their parents and forced to work up to 16 hours every day weaving carpets.¹²³ The children reportedly are beaten if they do not work fast enough and are locked into sparse dormitories at night to prevent their escape. Bonded child labor in India continues despite a 1976 law prohibiting all forms of bonded or slave labor. According to reports, authorities have yet to raid any industries using bonded child labor and no employer has ever been successfully prosecuted.¹²⁴

In China, many prisoners and detainees work in forced labor prison camps.¹²⁵

¹²² See Africa Watch, "Slavery: Alive and Well, 10 Years After it was Last Abolished," *News From Africa Watch*, June 29, 1990.

¹²³ Hamish McDonald, "Boys of bondage," *Far Eastern Economic Review*, July 9, 1992, pp. 18-20, and Edward A. Gargan, "Bound to Looms by Poverty and Fear, Boys in India Make a Few Men Rich," *New York Times*, July 9, 1992.

¹²⁴ It has been argued by some leaders of developing countries that developed nations do not understand that children must work in order to help poor families survive. Labor scholars have pointed out, however, that child labor may actually perpetuate poverty, rather than alleviating it. Families that have more children who can earn more wages tend to rule out educating those children properly, resulting in a vicious circle of poverty.

¹²⁵ See Asia Watch, "Prison Labor in China," *News From Asia Watch*, April 1991, "Forced Labor Exports from China: Update No. 1," *News From Asia Watch*, September 1991, and "Forced Labor Exports from China: Update No. 2," *News From Asia Watch*, November 1991.

Although prison labor per se is not prohibited by international labor rights norms and indeed is often part of a humane prison regime, the conditions for Chinese prison laborers, estimated to be over one million, are grim, exhausting, and often dangerous.

There is no watchdog organization to keep abuses in check nor does criticism of prison conditions appear in the press; a recent "white paper" issued by the Chinese government instead extolled the comforts of prison life and suggested many prisoners did not want to leave when their terms were up. The reality is very different. Many of the laborers are serving sentences of "reeducation through labor", imposed without judicial proceedings, and many others are obliged to stay on after their administrative or judicial sentence has expired, simply to keep the "labor reform enterprises" -- many of which produce goods for export -- in operation. These latter prisoners are the victim of a practice called "forcible retention of time-served prisoners for in-camp employment," a clear example of forced labor.

In Brazil, forced labor usually occurs in the private sector in the forests of the northern and western frontier states where large estate owners cut and burn enormous tracts of land to create pasture for cattle.¹²⁶ Thousands of landless rural workers are forced to work on these estates in deplorable conditions and are held there against their will through threats and acts of violence. Human rights groups in the region report a sharp increase in the number of victims of these abuses (205 percent) during 1991. And although the government is not directly involved in this practice, and forced labor is prohibited by Brazilian law, authorities have failed to successfully prosecute traffickers of workers or *fazenda* (large estate or ranch) owners who engage in forced labor practices.

For example, between April and July 1991, approximately 200 men were recruited for work at large ranches near Ourilandia do Norte, Pará, 120 kilometers from Redencao, Brazil. Subsistence farmers working small plots of land in the drought-stricken state of Maranhao, they were eager to make the high wages promised by the recruiters for "easy work" they could finish in forty days. The men travelled for three days in a covered truck and had to pay for the two meals made available to them.

The workers realized they had been deceived when they found that the working conditions were so bad and the pay so low for arduous work that they only remained because they were guarded and physically threatened by armed guards and hired gunmen. They usually worked from sunrise to sunset. Many workers were assigned to cut thick brush by hand after they were promised they would be using machetes to clear growth after another team had cut it first with an electric saw.

Workers were not allowed to communicate with the outside world. There was no plumbing and many workers became ill after drinking water from the Garapé River. Many were stricken with malaria and had to buy medicine from the company store, where the prices were inflated. Food was also purchased from the company store, at inflated prices, and items were often charged to their accounts that they had not purchased. Purchases were deducted

¹²⁶ See Americas Watch, "Forced Labor in Brazil," *News From Americas Watch*, December 1990, Americas Watch, *Rural Violence in Brazil*, (New York: Human Rights Watch, 1991), and Americas Watch, *The Struggle for Land in Brazil: Rural Violence Continues*, (New York, Human Rights Watch, 1992).

from their wages, but the wages were never sufficient to pay back the store. As one worker commented, "the more you work, the more the bill increases." In fact, many of the workers never were paid at all for their months of labor under rough conditions in the jungle.

When workers realized that the work was onerous and the wages low, they tried to escape, even though they knew they could be killed by the many armed guards and hired gunmen who supervised the workers at all times. Those who tried to flee and were caught were usually brought back, beaten, and forced to work even harder. One worker who tried to flee ran into the bush followed by a gunman; the other workers heard a shot and never saw the worker again.

Eventually, most of the workers were able to escape and the police raided the ranch -- two months after they received the first complaints from escaped workers -- and released the remaining workers. The limited investigation into this case has reportedly stalled due to lack of funds, but no one has ever been convicted for the use of forced labor in Brazil. In the end, workers cannot be protected because the legal system does not work.

Another forced labor example comes from Indonesia. In 1990, President Suharto's daughter recruited young East Timorese workers between the ages of 15 and 25, offering them high-paying jobs, preceded by three months' training, on Pulau Batam, an industrial development site off the coast of Sumatra.¹²⁷ Six hundred youths signed up, only to be sent to enterprises in Java and Bali working as menial labor for under the minimum wage. One group was forced to clean chicken cages in Bogor, south of Jakarta, at an enterprise owned by the President's family. Others found themselves receiving military, not vocational training, and were under constant surveillance by the Indonesian army's Special Forces.¹²⁸

In recent years many Haitians have been forced or lured by the state-owned sugarcane plantations (the Consejo Estatal de Azucar or CEA) to cut cane in the Dominican Republic, and many others have willingly migrated to the canefields in search of work.¹²⁹ As a result of international concern, the Dominican Republic first announced measures designed to enforce the voluntariness of work on the sugar plantations, but in mid-1991, it imposed a harsh policy of summary deportation of all Haitians, which was implemented without any due process and affected both Dominicans of Haitian origin and Haitians who had legitimate claims to legal immigration status.¹³⁰ During the most recent harvest there continued to be instances when

¹²⁷ See Asia Watch, "Deception and Harassment of East Timorese Workers," *News From Asia Watch*, May 1992.

¹²⁸ "Deception and Harassment of East Timorese Workers", *Asia Watch*, May 19, 1992, Vol. 4 Issue 16.

¹²⁹ See upcoming Americas Watch report, *A Troubled Year: Haitians in the Dominican Republic*, September 1992.

¹³⁰ See *Half Measures: Reform, Forced Labor and the Dominican Sugar Industry*, Americas Watch (with National Coalition for Haitian Refugees & Caribbean Rights), March 1991; *Harvesting Oppression: Forced Haitian Labor in the Dominican Sugar Industry*, Americas Watch with NCHR & Caribbean Rights, June 1990; *Haitian Sugar Cane Cutters in the Dominican Republic*, Americas Watch with NCHR, November 1989.

Haitians were arrested at the border and sent to plantations against their will; Haitians and Dominicans of Haitian origin were arrested by soldiers and armed sugarcane plantation guards while travelling on roads and forced to plantations to cut cane; and Haitians were detained by armed CEA guards and held in CEA administration buildings to compel them to work. (Workers have also been attacked physically by CEA authorities. For example, on May 2, 1991, two Haitians cane-cutters who were taking a break were attacked by a CEA superintendent wielding a machete. They tried to run away but were injured by the superintendent.)

In Kuwait, Asian domestic workers have suffered from a pervasive pattern of rape, physical assault and mistreatment at the hands of their employers.¹³¹ Asian maids in Kuwait are often forced to work in debt bondage, in which portions of their wages are withheld to pay back alleged debt. Most employers take their maid's passport upon her arrival in Kuwait, creating a barrier to the maid's ability to leave Kuwait. Furthermore, some maids are illegally confined in their employers' homes and are not allowed contact with the outside world. Many are locked in their rooms at night or when the family leaves the home.

Domestic workers are explicitly excluded from Kuwaiti labor laws that protect other workers. Furthermore, Kuwaiti law enforcement officials have repeatedly shown themselves to be reluctant to investigate and prosecute employers and instead have often detained abused employees who have filed complaints. According to all reports, no employer has ever been prosecuted for debt bondage or illegal confinement of an Asian domestic servant.

And in Guatemala, peasants are forced to join Civilian Self-Defense Patrols (PACs) to perform unpaid labor for the military. Peasants engaged in PAC activities have engaged in tasks such as clearing roads, cutting and hauling firewood, building barracks and lookout towers and other unremunerated labor. There have also been reports that workers are forced to work overtime to meet production quotas, particularly in Guatemala's maquila zone factories. Overtime is enforced by locked doors and physical intimidation.¹³²

Independent labor unions can help end the practice of forced labor, which results in the loss of freedom and income, by educating workers about their rights and helping them seek redress when they have been illegally recruited. Governments that respect basic human rights are far less likely to permit this abhorrent practice and are more likely to prosecute those responsible.

¹³¹ See Middle East Watch and the Women's Rights Project, "Punishing the Victim: Rape and Mistreatment of Asian Maids in Kuwait," *News from Middle East Watch and the Women's Rights Project*, Vol. 4, No. 8, August 1992.

¹³² Much of the information regarding the right to organize and working conditions at Guatemalan workplaces comes from the petition on worker rights submitted to the United States Trade Representative by the International Labor Rights Education and Research Fund, et. al., on June 2, 1992.

Economic and Physical Survival

In many countries, organizing is the only way for workers to press for decent wages and protection from hazardous worksites. Labor unions play a central role in improving the lives of individuals whose well-being is often ignored by employers and governments.

One example of the need for labor organizations comes from Guatemala, where workers in two Phillips Van Heusen shirt factories began to organize a union in 1991.¹³³ (Phillips Van Heusen is the largest marketer of men's shirts in the United States.) PVH responded with a campaign of threats, harassment, and intimidation that succeeded in busting the first union effort. Workers began a second organizing drive in January 1992, which has been met with the same tactics.

The workers are calling for livable wages, an end to mistreatment by supervisors, overtime pay for work beyond eight hours each day, and improved ventilation. The workers report that they currently earn about \$21 for a 44-hour work week, or less than 50 cents an hour. While this is an above average wage in the *maquila* (export-processing) sector, it is less than half of the \$56 a week that researchers estimate is necessary to maintain a family of five in Guatemala City.

One woman, Ana, who works at the factory, lives in a one-room house that measures ten feet by twelve feet. Crammed into this space are three beds for a total of eight people: Ana and her two sons, plus Ana's sister and her four children. The house has a dirt floor and there is running water for just six hours each day. Ana must travel an hour each way to get to or from work. Other workers at the Van Heusen factory describe similar living conditions.

The first six workers who attempted to form a union were immediately fired, according to their colleagues. Union supporters have been verbally and physically harassed by their supervisors. Bribes of more than a year's wages have been offered to union leaders if they will quit their jobs, and PVH has threatened to close factories if the union drive continues. They have also warned workers that if they join the nascent union they could lose their jobs.

Management at PVH's Guatemalan factories have made repeated death threats against union supporters. On September 6, 1991, a leader of the union (in formation), was shot in the head. The bullet grazed her temple and took off part of her ear. She then went into hiding. The manager responsible for the death threats was fired a week after the shooting, yet PVH continues to maintain that the attack was not union-related. No credible investigation has taken place.

When workers spend most of their waking hours at their place of employment, conditions at that workplace are of utmost importance, since if dangerous or hazardous conditions exist, workers may face long-term health problems.

¹³³ Information regarding the efforts of workers to form a union at the Van Heusen plants comes from an August 1992 report, "The Right to Organize: The Case of Phillips Van-Heusen," published by the U.S./Guatemala Labor Education Project, the International Labor Rights Education and Research Fund, and the Religious Task Force on Central America.

One example comes from the Imperial Food Products plant, a chicken-processing operation, in Hamlet, North Carolina in the United States.¹³⁴ Twenty-five people died (all but seven of them women), and 55 were injured when a smokey fire broke out at the plant on September 3, 1991. Most of the workers died or were injured from smoke inhalation. Workers at the plant who survived claim that fire doors were not marked properly, fire drills were never held, and at least half of the building's nine exits were routinely locked. According to the workers, the doors were locked so the workers couldn't steal chicken parts.

Although the workers often discussed the fire hazard at the plant, one of the workers reported that no one ever complained to management because they were afraid they would get fired. Imperial workers are non-union and most work for near-minimum wages of between \$4.90 and \$5.60 an hour.

An investigation of the incident was carried out by North Carolina's state Department of Insurance, and its report was released November 14, 1991. The report cited a dozen violations at the plant, many of which could have contributed to the high death toll. The report notes that Imperial Food Products did not obtain building permits for structures that contributed to the death toll, and that the plant used three doors that could lock employees in, in violation of state codes. No sprinkler system existed because it was cut out of the building after a 1980 fire at the plant.

Imperial Food Products has reportedly filed for bankruptcy and ceased operations. Criminal charges, brought by state prosecutors and family members of the victims, are pending against the former owners of the plant. In this case, an organization of the workers might have prevented violations of safety codes but at least an accountable government made it possible to prosecute the employers and provide some redress for the victims.

In Mexico's maquiladora industry (export-processing factories), poor working conditions are pervasive. In Ciudad Juarez workplaces, health and safety conditions have been described as abysmal, with little ventilation and light, and the excessive use of toxic substances which seriously jeopardize the health of the workers.¹³⁵ However, there are serious barriers to workers attempting to organize to defend themselves against hazardous working conditions. It has also been noted that the Mexican Institute of Social Security does not register occupational illnesses and is not conscientious in protecting the health and safety of the workers.

On September 23, 1991, 42 families in Matamoros, Mexico filed suit against the Mallory Capacitator Company which owned an electronics assembly plant now closed. The plaintiffs allege that many infants were born with a variety of deformities and other health problems after the mothers were contaminated by the chemical wash used in manufacturing televisions. Many of the women who worked at the plant fainted regularly and some became disoriented by the fumes. The chemicals reportedly splashed into the mouths and eyes of the workers. One of the

¹³⁴ Paul Taylor, "Ashes and Accusations," *The Washington Post*, September 5, 1991, and Steve Riley, "Violations frequent at plant," *The Raleigh News and Observer*, November 15, 1991.

¹³⁵ Dan La Botz, *Mask of Democracy: Labor Suppression in Mexico Today*, (Boston: South End Press, 1992), p. 174.

plaintiffs has stated that even after hospitalization as a result of chemical exposure, no one complained because they were afraid of losing their jobs.¹³⁶

In another incident in Mexico, leaders of the Modelo Brewery Workers Union began negotiations with the owners of the Modelo Brewery in late 1989, in an attempt to obtain higher wages to keep up with inflation, better benefits, and improved health and safety conditions.¹³⁷ Health and safety standards were of particular concern as many workers had been injured as a result of exploding bottles, electrical accidents, and long-term side effects from working with grain dust and corrosive acids.

After negotiations failed, workers went on strike on February 15, 1990, and the strike was declared illegal. They limited their demands and offered to return to work if the employers would guarantee retirement benefits after 30 years on the job, but the factory's management would not grant those benefits. On March 17-18, riot police using batons and firefighters using hoses evicted workers engaging in peaceful civil disobedience at the plant. According to reports, members of the police beat the strikers, stole or vandalized their belongings, and insulted them while forcing the strikers on to buses taking them away from the factory. The strike was resolved on April 24, 1990, with the workers gaining retirement benefits after 32 years. None of their other demands were met, and leaders and members of the union were fired with severance pay, leaving the union in disarray.

In Bangladesh, 27 workers burned to death and hundreds were injured on December 27, 1990, in a fire at a Dhaka garment factory, partly because of safety law violations, but also because of what a Dhaka weekly, *Holiday*, called "our government's indifference to the helpless workers."¹³⁸ In January 1990, after a fire swept another garment factory, the *Bangladesh Times* in an editorial criticized the hazardous conditions in many workplaces, including the lack of fire escapes in crowded, multi-story buildings and high-voltage machinery used by workers not trained in safety. In 1989, one year before these fires, the ILO conducted a survey of working conditions in several Bangladeshi industries and found, "With regard to safety, health, cleanliness, and working environment, no attention is given by employers."¹³⁹

Health and safety conditions in Chinese workplaces are also abysmal. For example, the U.S. State Department reported in 1991 that:

"State procurators deal annually with thousands of negligence and accident cases involving criminal or civil liability. The absence of a national labor code means

¹³⁶ Edward Cody, "Disfigured Children, Distressed Parents," *The Washington Post*, October 15, 1991.

¹³⁷ See La Botz, *Mask of Democracy*, pp. 133-143, and Americas Watch, *Human Rights in Mexico: A Policy of Impunity*, (New York: Human Rights Watch, 1990), pp. 69-70.

¹³⁸ AFL-CIO petition submitted to the United States Trade Representative regarding worker rights in Bangladesh, May 31, 1991.

¹³⁹ AFL-CIO petition submitted to the United States Trade Representative regarding worker rights in Bangladesh, May 1990.

enforcement of safety regulations by labor bureaus extremely difficult. Most of the cases mentioned above involve physical injuries caused by machinery or transport of materials. Chinese epidemiological officials have only recently become aware of the threat to workers from chemicals and are currently only beginning to monitor such threats."¹⁴⁰

In Indonesia's burgeoning shoe manufacturing industry, where cheap labor is used to export shoes for big-name brands such as Nike, Reebok, L.A. Gear, and Avia, workers work long hours for less than subsistence wages in hazardous conditions. Workers' fingers have been severed in unsafe machines, and medical attention has been inadequate or non-existent. In January 1991, one worker was killed and another seriously injured when a fire broke out in a factory glue room. The fire prompted the newspaper *Media Indonesia* to state: "If workers themselves do not speak up, this one-sided system will continue in tandem with worker suffering. The public needs to know the practices in the factories and workers need to know their rights."¹⁴¹

Excessively long hours of work also add to safety concerns in the workplace. In industries where laborers work such hours, industrial accidents, especially where heavy machinery is used, are common. Furthermore, some industries have been eager to put laborers to work quickly without adequate training on dangerous equipment, resulting in needless injuries.

Health and safety conditions are among the most abusive in the agricultural sector -- still the largest sector of the economy in developing countries.¹⁴² Around the world, farmlands have been transformed from production of food for family and local consumption to crops for export. In general, export crops have required the increased use of pesticides and fertilizer to maximize production. (In fact, as of 1988, world pesticide use had nearly doubled in a fifteen year period.) Farmers live and work in this environment where pesticides often pollute the air, food and water supplies.¹⁴³

In a government-supported survey in Guatemala, agricultural workers in Escuintla reported that workers: used their hands to mix pesticides with water and tasted the mixture to test concentration; workers were used as human guideposts for aerial spraying with no protective equipment; workers were ordered into fields shortly after spraying instead of waiting the required twenty-four hours; and workers used leaky sprayers, and used mouth suction to

¹⁴⁰ U.S. Department of State's *Country Reports on Human Rights Practices for 1991*, Washington: 1992, p. 833.

¹⁴¹ "Nike success story has flip side in Indonesia" *Labor Press*, June 7, 1991, p. 1.

¹⁴² International Labor Rights Education and Research Fund, *Trade's Hidden Costs*, Washington, D.C.: 1988, pp. 31-32.

¹⁴³ International Labor Rights Education and Research Fund, *Trade's Hidden Costs*, (Washington: International Labor Rights Education and Research Fund, 1988), pp. 32-34.

unclog sprayers.¹⁴⁴ And in 1991, the U.S. Department of State noted that in Guatemala, "Little was done to educate workers and employers about the potential harmful effects of certain chemicals and procedures."¹⁴⁵

Government Tactics to Prevent Labor Organizing

Despite the fact that independent labor organizations are often critical to the survival and economic well-being of the poorest sectors of society, many governments, businesses and foreign investors see them as a threat to the established order, or in countries which use the promise of cheap labor to attract investment, to economic growth. "Export processing zones", for example, often ban labor organizing to keep costs down and lure multinational investors. In the long run, the costs of efforts by government to ban labor organizing may prove to be high, as impoverishment and dissatisfaction of rural and urban workers take their political and social toll.

The tactics used by governments to prevent the formation of unions range from allowing only a single, government-controlled union (China); making the formation of independent unions so difficult as to be for all practical purposes impossible (Indonesia); registration procedures which give the government an effective veto power over potentially troublesome unions (Mexico); and attacks on unionists to discourage further organizing.

Violence, threats, and harassment of trade unionists

Labor rights activists who have attempted to protect workers from inadequate wages, poor working conditions and unfair contracts have often been targeted for attack by repressive governments. In most countries where "death squads" are active, or where the government arbitrarily arrests and "disappears" citizens, union leaders and members are among the first to be victimized.¹⁴⁶ Threats and attacks also dissuade other workers from joining unions or attempting to better their conditions. Close relationships between many governments and business leaders who profit from low wages and poor working conditions act as a disincentive to governments to improve the lives of workers.

In its June 1992 annual report, the International Confederation of Free Trade Unionists (ICFTU) found that, between March 1991 and March 1992, a total of 200 unionists were killed around the world. The report finds that repression against unionists is harshest in countries such as Colombia, China, Guatemala, El Salvador, Iran, Peru, Sudan and South Africa.

¹⁴⁴ Petition on worker rights in Guatemala submitted to the United States Trade Representative by the International Labor Rights Education and Research Fund, et. al., on June 2, 1992.

¹⁴⁵ *Country Reports, 1991*, p. 624.

¹⁴⁶ For example, according to the ICFTU, between March 1991 and March 1992 in El Salvador, 20 unionists were killed, some of them after receiving threats from right-wing death squads. In Guatemala, during the same period, 11 trade unionists were murdered. In Peru, where unionists face violence from right-wing paramilitary forces and the left-wing insurgency, 14 members of the teachers' union, SUTEP, were killed following a strike the government had declared illegal. In South Africa, 47 unionists were murdered in the one-year period, many of them allegedly by right-wing death squads.

However, many other countries commit labor rights violations. For example, the ICFTU cites 85 countries in all continents where internationally recognized trade union rights were violated in varying degrees during the year.

In Mexico, 200 to 300 armed men with clubs and firearms attacked Ford Motor Company workers on January 8, 1990, during a long-running labor dispute at the plant in Cuautitlán, a suburb of Mexico City.¹⁴⁷ The attack took place after some workers had complained that the company's union leaders were pro-management and began forming an independent union. Tensions increased when Federal Judicial Police assaulted six leaders of the independent union and briefly detained them. Workers were also unhappy that Ford management had taxed the workers' Christmas bonuses and fired several workers. During the January 8 attack, nine workers suffered gunshot wounds and one died two days later from his injuries. Between eight and twelve persons were arrested for the attack, including leaders of the government-backed CTM union, but all were released by December 1990. A thorough investigation of the violence against the Ford workers does not appear to be forthcoming.

In Colombia, 50 unionists were killed between March 1991 and March 1992, according to the ICFTU. Certain unions have been at particular risk. For example, between February 1988 and late 1990, at least twenty Indupalma union activists were murdered.¹⁴⁸ At least nineteen members of another union in the area, Unión Sindical Obrera, have been killed since 1988. Between 1986 and 1991, an additional twenty-nine members of the union that represents the cement industry in Puerto Nare, Antioquia, have been murdered by presumed paramilitary leaders.

These crimes are rarely investigated fully and, as a result, those responsible are almost never prosecuted. For example, the president of the trade union that represents the workers of Indupalma in the Magdalena Medio region, was murdered on April 19, 1991. The investigation into the murder has consisted of deposing the victim's wife and two leaders of the union.

Members of the security forces in Colombia have also been responsible for abuses against labor rights activists. In one case in March 1990, four labor activists and eight others were arrested in Cali and taken to the headquarters of the Third Brigade where they were brutally tortured.¹⁴⁹ The unionists were subjected to beatings, mock executions, forced standing for hours, and threats. They were also subjected to "the submarine," where their heads were held underwater until near asphyxiation. The attorney who represented the trade unionists was himself arrested later that month. The attorney was released after being detained for ten days and the unionists were released several months later.

¹⁴⁷ See La Botz, *Mask of Democracy*, pp. 148-159, and Americas Watch, *Human Rights in Mexico: A Policy of Impunity*, pp. 67-69.

¹⁴⁸ For a description of attacks against targeted unions, see Americas Watch, *Political Murder and Reform in Colombia*, (New York: Human Rights Watch, 1992) pp. 23-24.

¹⁴⁹ *Ibid.* pp. 83-84

As noted, Guatemala is one of the most dangerous countries for workers who attempt to organize. One of the hardest-hit unions has been STINDE (Sindicato de Trabajadores del Instituto Nacional de Electrificación, Union of Workers of the National Electricity Institute), which has suffered a systematic campaign of harassment and intimidation since it was legalized in 1987. STINDE leaders have been assassinated, kidnapped and tortured. For example, on March 29, 1992, the secretary general of the local STINDE union in San Luis Buena Vista, Escuintla, was kidnapped by heavily armed men, beaten, and left tied at the side of the road after he was threatened with death by his assailants while the union and management were engaged in a labor dispute over job losses that would result from the company's privatization plan. During the dispute, other STINDE members received telephoned death threats. Members of STINDE have also been targeted as a result of their vocal opposition to the use of civil patrols as forced labor.¹⁵⁰

In Brazil, rural workers' unions, which attempt to protect the rights of workers employed by large landowners and to help small farmers hold on to their land, have been targeted for violent attacks during the past several years.¹⁵¹ In one union alone -- the Rural Workers Union of Rio Maria in the state of Pará -- three presidents of the union have been shot since 1985, two of them fatally. During 1991, there were assassination attempts against nine rural union leaders; five of those attempts were successful.

Following the September 1991 coup in Haiti, unionists were threatened, arrested and assaulted by the military.¹⁵² Many union leaders have gone into hiding to protect their lives. Members of the National Confederation of Haitian Teachers (CNEH) were targeted for attack. One CNEH member, Jean Claude Museau, a teacher in Les Cayes, was arrested by military officers and tortured. He died four days later as a result of his injuries. Another targeted union in Haiti has been the Electrical Workers' Union (FESTREDH). One member, Jean Delince Josma, was killed in October 1991, reportedly by the military. In January 1992, two leaders of FESTREDH were arrested and brutalized by the army. They were later released but fired from their jobs. Since the coup, the entire executive committee of FESTREDH has been fired for union activities.

In India, at least 16 people were killed when police opened fire on a crowd of striking mine workers in Bhilai, Madhya Pradesh on July 1, 1992.¹⁵³ The workers were striking to demand the arrest of industrialists believed responsible for the September 1991 assassination of Shankar Guha Niyogi, a human rights activist with the People's Union for Civil Liberties (PUCL), and leader of the mine workers union. On July 2, Rajendra Sail, the organizing secretary for the local branch office of the PUCL was detained, reportedly to prevent him from

¹⁵⁰ Petition on worker rights in Guatemala, June 2, 1992.

¹⁵¹ See Americas Watch, Americas Watch, *The Struggle for Land in Brazil: Rural Violence Continues*, (New York, Human Rights Watch, 1992).

¹⁵² See AFL-CIO's petition on worker rights in Haiti submitted to the United States Trade Representative, June 1992, pp. 21-24.

¹⁵³ "Killing by Police Firing in Bhilai," *PUCL Bulletin*, Vol. XII, No. 8, August 1992, p. 125.

investigating the shooting. He was later released on bail. Another 89 persons who participated in the strike were also arrested. It is not known whether they have been released.

In Sudan, following the June 1989 coup by the Revolutionary Command Council for National Salvation (RCC), the country's vibrant labor movement was destroyed.¹⁵⁴ Unions were banned and labor leaders were arrested. In December 1989, after the Doctors' Union called for a peaceful and partial strike (emergency cover was to continue) to protest government policies that were adversely affecting patient care, there was a brutal crackdown. Four doctors were brought before a military tribunal and charged with "waging war against the state." Doctor Mamoun Hussein, who had chaired the twenty minute union meeting that had voted for strike action, was sentenced to death. The ensuing international outcry prevented Dr. Mamoun's execution, and he was later released from prison. Following this trial, dozens of trade unionists were detained and many of them tortured in clandestine "ghost houses." Later, a leader of the Doctors' Union, Dr Ali Fadul, was tortured to death after his arrest on March 13, 1990. After he went into a coma as a result of severe head injuries he sustained, he was taken to Omdurman Hospital where he died. In January 1991, a member of the teachers' union, Abdel Moniem Salman, died in hospital after having been repeatedly refused medical treatment for a serious heart condition while spending ten months in detention, mostly in the remote desert prison of Shalla.

Following the coup, the government appointed "steering committees" to run the affairs of the banned unions and to take possession of their assets. It plans to create a single trade union, dominated by government appointees to deal with workers' affairs.

In Nigeria, a peaceful protest by workers at the Nigerian Paper Mill, Jebba, Kwara State, after their demands to be paid at least the minimum wage had been ignored, was violently suppressed by the police on April 4, 1991.¹⁵⁵ Demonstrators were tear-gassed by police, who then opened fire, killing four demonstrators and wounding several others. No member of the police force was punished for the killings.

Labor leaders are also threatened with arrest and detention as a result of their participation in union activities. The ICFTU's annual survey noted 2,000 cases of detention in a one-year period between March 1991 and March 1992.

As noted throughout this document, another form of harassment with serious economic consequences for individual workers is the threat of dismissal if workers insist on demanding decent working conditions. The ICFTU reports that between March 1991 and March 1992, 50,000 workers were fired -- usually in mass dismissals ordered by multinational corporations - - simply for engaging in legitimate union activities.

¹⁵⁴ See Africa Watch, "Political Detainees in Sudan: Trade Unionists," *News From Africa Watch*, January 1990 and Africa Watch's petition on worker rights submitted to the United States Trade Representative, May 1990.

¹⁵⁵ Committee for the Defence of Human Rights, *Annual Report for 1991*.

Restrictions on Migrant Labor

Migrant labor provides an important source of income for millions of poor people throughout the world. Labor migrants are commonly the subject of abuses, especially when they are "guest workers" in another country; they are granted few rights and may become scapegoats for local problems such as crime and unemployment. A chronicle of abuses against migrant laborers would be an extremely lengthy document; this discussion will confine itself to cases in which these abuses have directly contributed to famine.

South Africa hosts hundreds of thousands of Mozambican migrant workers and refugees. They work chiefly in menial occupations, earning low wages. Nevertheless, their earnings are a substantial contribution to the overall income of Mozambique, especially the southern parts of the country. One of the factors contributing to Mozambique's vulnerability to famine has been the treatment of these workers by South Africa, where they have no security of employment and very few rights. The South African government reserves the power to expel migrant workers at will, and has on occasions done so. It has built an electric fence along the border with Mozambique, which regularly claims casualties from people attempting to cross. Many of the Mozambicans in South Africa are in fact refugees, fleeing from the civil war or abuses by both sides. However, South Africa has not signed the 1951 Refugee Convention and does not permit the United Nations High Commissioner for Refugees (UNHCR) to provide protection or assistance for refugees in the country; it only permits UNHCR to run a program for returning South African exiles. The refugees are therefore given neither international assistance nor protection, and are open to economic exploitation and human rights abuse. There are documented examples of Mozambicans working on farms or in domestic work under conditions amounting to slavery. The availability of a workforce at almost no cost means that there is a downward pressure on wages more generally, and even less security of employment. The declining remittances from migrant workers cause further impoverishment in Mozambique. Finally, both refugees and normal migrant laborers are subject to arbitrary expulsion from South Africa, causing a simultaneous loss of income to the laborer, his family, and an additional burden on the family.

As always, the actions of the former Ethiopian government provide an object lesson in how to intervene arbitrarily in a poor rural economy to create a needless famine. In the 1970s, hundreds of thousands of rural Ethiopians were dependent on migrant labor, on commercial farms, coffee plantations and on the small holdings of richer peasants. A decree abolishing the right of private individuals to hire labor was promulgated and intermittently implemented -- just enough to deter richer farmers from providing secure employment to laborers. The prevention of migration was enacted through a series of bureaucratic obstacles and deterrents - those caught travelling without a travel pass could be detained, beaten, conscripted into the army or have their goods confiscated. By the early 1980s, labor migration had come to a halt and poor rural people lost a crucial source of income.

A variant example is provided by the civil war in former East Pakistan in 1971. The outbreak of the war, which led to the creation of Bangladesh, in March followed strikes by urban workers, many of whom were migrants from rural areas. On the outbreak of hostilities, thousands of migrant workers employed in government institutions and large commercial enterprises were laid off and forced to return home, while others were subsequently thrown out of work by armed conflict in the areas in which they were employed. The massive migration

that resulted had profound consequences for both rural incomes and for the spread of diseases (including cholera and smallpox). Together with the huge disruption to food supplies brought about by the war and the cyclone of 1970, this led to a famine, which may have killed up to 500,000 people.¹⁵⁶

As with other issues described in this report, denial of basic civil and political rights -- in this case freedom of association, freedom of movement and democratic accountability have had a direct and negative impact on the material well-being of workers. Freedom of association is not a privilege to be bestowed by governments as they see fit; it is a right that can mean the difference between life and death, dignity and humiliation, well-being and extreme poverty. Organizing may be the only way that the rural and urban poor can protect their health and welfare, and in some cases, their lives. For migrant workers in particular, freedom of movement can be the only protection against famine and destitution.

Democratic accountability can also serve as a social and economic safeguard. If employers try to get away with substandard wages or unsafe working conditions, an accountable government can at least bring the employers to justice and provide compensation for the victims. Without freedom of association, freedom of movement, or an accountable government, assurances of the right to subsistence are meaningless.

¹⁵⁶ G. Curlin, L. Chen and S. B. Hussein, "Demographic Crisis: The Impact of the Bangladesh Civil War (1971) on Births and Deaths in a Rural Area of Bangladesh," Population Studies, 30, (1976) pp. 87-106.

V. CONCLUSION

This report has demonstrated certain links between the enjoyment of certain human rights on the one hand, and freedom from famine and socioeconomic well-being on the other. The rights in question fall under the general heading of democratic accountability, including freedom of expression, association and assembly and free and competitive elections, and the freedom of movement and residence.

The report has shown how certain violations of human rights have created famine and allowed needless famine to develop without adequate measures being taken to prevent it. China in 1958-61, Sudan in 1984 and 1990, and Ethiopia are all examples of countries where needless famine was allowed to develop because an authoritarian government was able to act without heed to the basic needs of its people. By contrast, respect for civil and political rights can enable a country to become free from famine, even though it is subject to the same economic and climatic pressures that lead to famine elsewhere. India and Botswana are examples.

Famine is only the most extreme example of the socioeconomic consequences that can result from the deprivation of civil and political rights. Hunger, homelessness, unemployment, loss of cultural identity and extreme poverty are others. This report therefore refutes the view that civil and political rights are in some sense a "luxury", to be enjoyed only when people's basic material needs have been satisfied. The notion that basic material needs are in some sense prior to human rights is commonly held, but as case after case in this report has shown, it is not sustainable. The enjoyment of the most basic social and economic rights are indivisible from the enjoyment of civil and political liberties.

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