

Chapter IX

ASIA

*Cutting Across Boundaries,
Hunger Plagues Region*

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Introduction

The tale of hunger in Asia is a baffling and repetitive one of the people who have slipped through the cracks. Despite vast differences in Asian countries on account of economic foundations, culture, faith or language, massive hunger remains a constant, plaguing them all, except for the oil rich Middle East, South Korea, and Japan.

With regard to the particular countries the AHRC works in, statistics on hunger, poverty, and other indicators of socioeconomic status expose the pitiable conditions a considerable section of their population live in. Nepal, a poor, landlocked country with severe resource crunch, for instance, ranks 157 on the Human Development Index (HDI) report, while India, one of the largest growing economies of the world ranks inexplicably at 136. Nepal does much better on the Maternal Mortality Rate at 170, compared to Myanmar and India (both at 200), while Pakistan stands at the bottom with 260. Economic progress, or lack of the same, and other conditions like internal insurgency hardly make a difference to the percentage of the population condemned to live below the national poverty line: 25.2 percent in Nepal, 31.5 in Bangladesh, 29.8 in India, 26.5 in the Philippines, and 27.4 in Pakistan.

In fact, economic growth and its various trickle-down theories all have no effect on hunger on the ground in any significant way, attested to by all the statistics. This is most clearly seen in India, with the worst ranking on child malnutrition: 42.5 percent of its children are underweight. All other countries in the region fare much better than that: Myanmar has only 22.6 percent of its children underweight, while Nepal has 38.6, Bangladesh 41, Philippines 21.6, and Pakistan 31.3 (UNDP Human Development Report 2013 & 2014).

Countries like India, Pakistan, and the Philippines have enough resources to pull their citizens out of hunger and at least alleviate absolute and severe poverty, if not eradicate it altogether as China has done in the past. Why these countries do not take the necessary steps to do so can be understood from their colonial history. Their colonizers' rule was dependent on the exploitation of a section of the native population, resulting in all these societies seeing the emergence of two different people, the elite and the dispensable. The colonizers did not need their colonies to be rule of law states; all they needed was to maintain law and order by force. They built a law and justice system that did not need to actually deliver. The consequence was the rise of farcical public institutions. Such a system would not respond to a peasant's complaint against usurpation of his land or a labourer's grievance of low wages.

This system continued even with the end of colonial rule, as it suited the ruling elite. The dispensable slowly turned into a chronically underpaid and underfed labour force, without any access to a grievance redress mechanism, which in turn led to a vicious circle of poverty reinforcing and perpetuating itself. Furthermore, the system perfectly suited the needs of the neo-liberal model of development that depended upon the sweat shops in these countries, after strict labour laws in the western world led to dwindling profits. Multinational corporations rushed to these countries to exploit their cheap labour, and soon became part of the nexus of nonfunctional public institutions, corrupt politicians, and the bureaucracy feeding one another. Big business has thus emerged as a big threat to the poor and vulnerable groups in these countries, by usurping their lands in the name of 'development', forcing governments to cut down expenditure on welfare schemes in the name of rationalization, and through other means.

In the short run, the signing and ratifying of international human rights covenants by these countries will not change much in protecting the dignity and rights of their citizens, due to the lack of functioning public institutions on the ground. How would a family, for instance, get justice against the usurpation of their land, an act that threatens their food security, if the courts are corrupt and inefficient? The struggle for a hunger free Asia therefore, must also be a struggle for building functioning public institutions.

ICESCR, Article 2

1. *Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving*

progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. *The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*
3. *Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.*

Right to Equality and Non-Discrimination

Discrimination on the grounds of caste, class, ethnicity, sex, and religion remains a major hindrance in ensuring food security for all in Asia. It is unfortunate that the authorities themselves are often found to be complicit in perpetuating such discrimination, rather than working towards its elimination. The AHRC reported in March 2014 about the complicity of the Pakistan government in letting more than 193 children starve to death despite plenty of wheat in its godowns, and how this complicity was partly due to most of the victims being Dalit Hindus, thus carrying the double burden of caste and religious minority status. Any work on the right to food must therefore address the discrimination that predisposes segments of Asian societies to hunger and malnutrition.

Throughout 2014, the AHRC also continuously raised the issue of systemic discrimination against Dalits, tribals, minorities, and other weaker sections of society in India. The organization intervened in the case of social and economic ostracism of Dalits in Sitapat Village of Mhow Tehsil in Indore, Madhya Pradesh, by the so called upper castes culminating in the locally powerful landlords cutting off water supply to the Dalit habitat, and played a role in ending the illegal boycott. The AHRC also intervened against targeted demolitions of Dalit and tribal settlements in Chhipiya and Khairha Nala, Rewa District, Madhya Pradesh.

Systemic discrimination was also seen against tribals and other marginalised communities affected by cyclone Hudhud, which devastated many states in India's east coast like Odisha, Tamil Nadu, and Andhra Pradesh. The discrimination, also witnessed in relief work in the wake of other recent

disasters in India, includes tribals not being disbursed relief material earmarked for them, and the losses suffered not being assessed. Such discrimination following natural disasters has only furthered the impoverishment suffered by tribal groups in India since independence.

ICESCR, Article 6

1. *The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.*
2. *The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.*

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) *Remuneration which provides all workers, as a minimum, with:*
 - (i) *Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;*
 - (ii) *A decent living for themselves and their families in accordance with the provisions of the present Covenant;*
- (b) *Safe and healthy working conditions;*
- (c) *Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;*
- (d) *Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.*

Right to Work

The AHRC has continued to focus on building solidarity across different countries regarding the right to work in 2014. Particularly in the Philippines, the AHRC together with local partners has been in the forefront of such struggles. Our work there has included fighting for the reinstatement of all illegally dismissed workers of Print Town, and engaging with the struggle of vendors against the government's plan to privatize catering inside the Luneta Park (also called Rizal Park) in Manila, and to evict them since February 2013. The AHRC, both through its local partner Defend Job Philippines and its coordinator have remained in close contact with the community and intervened regularly with the authorities, most recently in January 2015.

Just & favourable conditions of work

Ensuring everyone's right to just and favourable conditions of work has been a theme cutting across all of the AHRC's right to food work. Remuneration of fair wages, equal remuneration for work of equal value without distinction of any kind, and equal pay for women in particular, forms the very core of food security. Though discrimination is decreasing in the formal labour force in most Asian countries, the gains that have been made are being reversed by the increase in countries' informal labour force.

The casualisation of labour coupled with the feudal-politician-bureaucratic nexus in countries like Pakistan has forced a sizable section of their workforce into working under slavery like conditions. Brick kiln owners in Pakistan's Punjab province are one such group found to be perpetuating modern day slavery with impunity. The AHRC has repeatedly reported on their routine indulgence in strong arm tactics, including keeping workers in illegal detention and attacking their representatives.

Ironically, even economically strong countries like India face this problem. Illegal practices like manual scavenging continue in the country, by casualisation of the labour force and then denying legitimate rights. The AHRC issued alerts on the death of two sanitation workers in Hyderabad, who died while cleaning a gutter. These deaths followed the death of one sanitation worker in Uttar Pradesh, and three in Gujarat, in the same year.

ICESCR, Article 8

1. *The States Parties to the present Covenant undertake to ensure:*
 - (a) *The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;*
 - (b) *The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;*
 - (c) *The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;*
 - (d) *The right to strike, provided that it is exercised in conformity with the laws of the particular country.*
2. *This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.*
3. *Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.*

Right to Collective Bargaining

The neoliberal economic policies adopted by most of countries in the region, and in the rest of the world, have led to increasing attacks on workers' right to unionize and collective bargaining. Union workers, particularly organizers, have been targets of fatal attacks from the Philippines to Pakistan, often losing their lives. Unions too have seen a significant rise of attacks against them. The special economic zones and export processing zones are the worst in this respect, as

these zones often exist with the suspension of local labour laws, making both the workers and unions more vulnerable.

The case of the attack on the NXP Workers Union by the management of NXP Semiconductors Philippines is a typical example of the harsh techniques adopted against workers in many Asian countries. The management dismissed the workers on 5 May 2014 on the pretext of their not reporting to work on April 9, the Day of Valour, and on April 18 and 19, Maundy Thursday and Holy Friday, respectively. These days are declared as non-working holidays every year. Following this, the management terminated the Collective Bargaining Agreement (CBA), froze the union's bank account, and filed charges before the court against the union leaders. It has also pressured the workers to accept the 3.5 percent wage increase, threatening the dissolution of the CBA if they were to refuse.

ICESCR, Article 11

1. *The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.*
2. *The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:*
 - (a) *To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;*
 - (b) *Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.*

Adequate Standard of Living includes Food, Clothing, & Housing

The right of everyone to an adequate standard of living including adequate food, clothing and housing is a right observed more in exception than in practice. The new discourse on development has led to massive displacement in almost every developing country and the poor and vulnerable have almost always been the worst hit. The state led usurpation of lands for corporations has emerged as the single most important reason behind distress migration, sending the poor populations of the provinces into urban squalor.

Like the targeted demolition drives against Dalit and tribal habitats in India, the urban poor are one of the worst hit in the Philippines. The eviction of an urban poor community living in Factor Compound, Las Pinas city for more than 50 years is just one example of the many attacks on the housing rights of the country's urban poor. The community was served a notice by the Urban Poor Affairs Office of the City Government of Las Pinas. The department also invited them for a "consultation", offering Peso 10,000 to those who voluntarily dismantle their houses and agree to sign a guarantee of not returning to the area, while offering no other compensation to anyone else. As most of the residents did not agree to this proposal, the local government went ahead with the demolition and set the remnants of the houses on fire, to stop people from retuning.

Similarly, another demolition drive targeted roughly 277 houses in Sitio Balacabacan, Laiya, Batangas, Philippines on 3 July 2014. This destruction led fishermen to lose their livelihood, as they can no longer access the sea for fishing and parking their boats on the shores adjacent to the demolished community. For a community dependent upon the sea for their food, this is a major assault on their livelihood security. The community has lived here for more than 100 years. Ninety percent of the residents are dependent on fishing, while others are in farming. The residents suspect that the authorities are conspiring with businessman Federico Campos III, a rich beach resort tycoon and developer who has huge business interests in the Sitio Balacabacan community.

India has seen its own share of massive displacement caused by such projects. Many of these struggles, like that of Narmada Bachao Andolan, are going on for decades. People's increasing frustration is forcing them to take to life threatening modes of protests, like jumping into rivers and protesting by submerging in neck deep water.

ICESCR, Article 13

1. *The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.*
2. *The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:*
 - (a) *Primary education shall be compulsory and available free to all;*
 - (b) *Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;*
 - (c) *Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;*
 - (d) *Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;*
 - (e) *The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.*
3. *The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.*

4. *No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.*

Right to Education

It is difficult to assess the impact that living in extreme poverty, being forced into distress migration and becoming victims of repeated demolition and eviction drives has on children. Their education is almost always the first casualty of such actions, as we have consistently reported. Whether it is the urban poor communities in various cities of the Philippines or those victims of displacement drives in India, Nepal or elsewhere, any eviction drives against such communities significantly affect the right to education of their children. In turn, this denies them a chance to escape the pitiable condition they are forced to live in, creating a vicious cycle of poverty hard to escape from.

The right to education of these children also gets adversely affected by many other factors, including the dismal health services they need all the more for living in malnourished or near malnourished conditions. States like Pakistan and India often blame the high number of child fatalities on various diseases which are otherwise easily curable. What they fail to share, though, is the fact that even the annual killer Encephalitis should not take around 1000 lives as it takes in India, let alone diseases such as diarrhea.