STATE FORMATION AND HUMAN RIGHTS IN ASIA:

A FRAMEWORK FOR COMPARATIVE ANALYSIS

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One characteristic of the Western European state system since around the seventeenth century was the incorporation of human rights through a long process of democratisation.[1] Human rights as we understand them today were not part of the state systems either in Asia or Europe during the pre-modern period.[2] Although different colonisers brought different concepts of human rights to Asia during their rule, Asian countries remained underdeveloped both in terms of economics and human rights during and after this period. East Asian as well as some Southeast Asian countries have taken significant strides in economic development during the last two decades, but their systems remain underdeveloped in terms of human rights. Gross violations are still endemic to some Asian countries, hampering political stability as well as economic development. Some examples are Burma, Cambodia, Sri Lanka and the Philippines.[3]

Western European state systems are not perfect, by any means in terms of human rights. It was as a result of the Holocaust in Europe that the need for international standards on human rights first came to be realised by the United Nations in 1945. Since then the international community has made major strides in clarifying the need for universal standards on human rights across cultures, irrespective of race, sex, religion or political belief. But these clarifications, the most recent being the Vienna Declaration of 1993, do not automatically promote human rights in national contexts. Everyone involved in human rights research and activity agrees that the "principal causes of both respect for and violation of human rights are national."[4]

What factors then affect the development or underdevelopment of human rights in national contexts? This paper argues that human rights are conditioned by the nature of three main political processes: state making, political mobilisation and international influence.[5] The term 'state formation' is used to encompass all three variables, "the emphasis being on the process of formation".[6] This argument stands at the centre of the comparative methodology of this paper, supported by several other theoretical premises in respect of human rights and states. The argument is illustrated with reference to research findings on Burma, Cambodia and Sri Lanka.

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Human Rights and States: Some Theoretical Premises

The following are the main theoretical premises of the argument developed in this essay.

i. Human rights are the rights of the individual. They are meant to protect and secure human dignity and the major needs of human beings, mainly against depredations by the state, but also against non-state forces. Protection from market forces or industry is an example for the latter. Human rights are of a civil, political, economic, social and cultural nature. None of these categories take precedence over the other. All human rights are indivisible and interdependent.[7] Freedom and equality are the two main goals of human rights. The discourse of human rights thus encompasses both liberal and socialist values.

ii. Human rights are inherent to *Homo Sapiens* or *manavas*.[8] Therefore they are universal.[9] But universal does not mean eternal, static or uniform, the form and scope of human rights evolution depending on the social development and political circumstances. Human rights are not culturally relative, but their development may depend on the political and social development of different societies. Culture may be important in the application of human rights but not in its definition.

iii. Human rights seem to have remained dormant in pre-modern societies both western and eastern; more so in the case of eastern, the reason being the slave, semi-slave or collective labour systems. Only with the emergence of free labour have human rights become an active and articulated issue. The development of individualism under capitalism has been a major turning point in human rights development. Human rights needed to be protected in unequivocal terms both from the modern state and markets.

iii. States are rule-making organisations with the monopoly of coercive power.[10] States are creations while human rights are discoveries. Human rights are not creations. They are there, as moral attributes, with or without human beings discovering them. States are creations of state makers. State makers are a professional group of people including kings, royal advisers,

ministers, prime ministers, presidents, military leaders and bureaucrats. States are created and re-created for various reasons, the least likely so far being human rights. States are not universal attributes, but human rights are. States have common features only as a result of common origin, objectives or influence. But only the states can transform human rights from a level of moral claims to a level of legal realities. States are, therefore, crucial to the practical realisation of human rights.

iv. Historical and organic discrepancies between states and human rights are enormous in many regions and countries; more so in the case of Asia. The origins of the states in Asian countries go back to the period before or immediately after the Christian era, but the introduction of human rights concepts hardly can be traced before the last century. The historical gap is at least 15 to 20 centuries. Very few Asian states have a comprehensive Bill of Rights. The level of ratification of main international instruments remains the lowest in the world and the observance of civil and political rights rates particularly poorly according to freedom indexes.[11]

Main Argument

The following are the main elements of the argument that human rights are conditioned by the nature of the three key variables: state making, political mobilisation and international influence. The argument is illustrated in the following figure.

Figure I
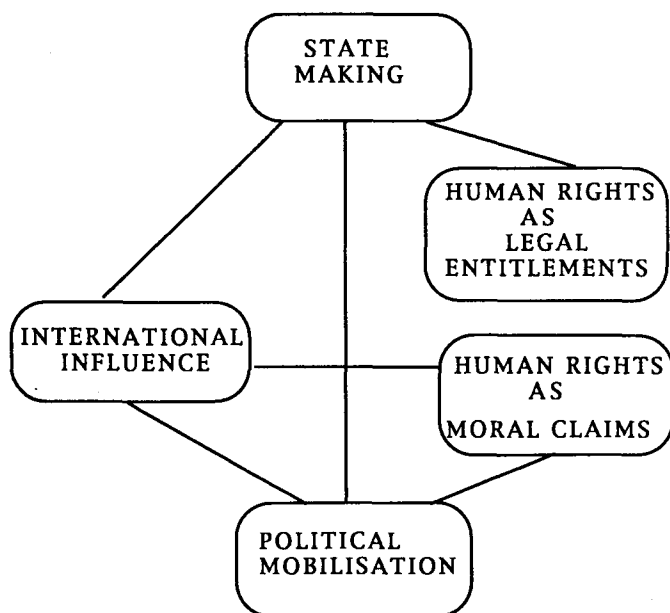
State Making is the process through which states are created, consolidated and developed. To use a metaphor, state making is like cake making, which involves ingredients, recipes and makers. But state making has been, and is, a never-ending process, with making, unmaking and remaking.[12] The most relevant aspects of state making to human rights are ideologies, economic policies, constitutional structures and administration of justice. Ethnic and gender composition of the state makers is important in terms of minority and women's rights.

International Influence can broadly be defined as the process through which political concepts travel beyond state boundaries. It also means, at present, the international obligations of state makers and states. The most relevant international influences in terms of human rights are the UN, its interventions, aid, trade and non-governmental organisations (NGOs).[13] International influence differs, depending on the international environment.

Political Mobilization means how civil society in general, or political movements in particular, affect and influence the state and state making. State makers are often produced through political mobilisations.[14] The nature and objectives of political movements influence human rights conditions directly and indirectly. Political mobilisations often produce demands and claims, but not necessarily human rights. Human rights mobilisations are a new phenomenon based on human rights organisations and NGOs.

The above figure illustrates several possible linkages between the three variables and human rights. These variables and linkages can work for better or worse. This argument is designed to explain both the development and underdevelopment of human rights. There is no assumption that international influence or political mobilisation necessarily work for the promotion of human rights. For example, protagonists of the Cold War sent contradictory signals to many countries, to the detriment of human rights. Proxy war in Indochina directly affected violations of human rights in Vietnam and Cambodia, particularly between 1960 and 1975.[15] Like-wise, peasant-based Marxist (Maoist) mobilisations often have worked against human rights, the Khmer Rouge in Cambodia being a major example.

The influence of these three variables is not equal by any means. There are two levels of human rights formation in a country. At one level human rights are formed and articulated as moral claims. At this level both political mobilisation and international influence play independent roles. As Charles Tilly said, based on the European experience, "the mobilizing groups ordinarily made the claims long and insistently before statesmen, with good grace or bad, honoured them".[16] In many Asian countries the international actors, mostly NGOs, play a decisive role in articulating human rights as moral claims, sometimes in conjunction with local political mobilisations. But at the level of human rights formation as legal entitlement, the moral claims have to pass through the mechanism of state making. Figure I differentiates the formation of human rights at these two levels: moral and legal.

State making remains dominant in the determination of human rights in practice. International influence nevertheless increased within the context of the UN, particularly after the end of the Cold War. There is clear evidence of state makers responding positively to international demands, although their responses have been slow. The international community can and does influence internal political mobilisations, mainly through NGOs and the UN. Aid and trade politics of western countries are ostensibly designed to promote human rights although both the objects and effects of these polities are controversial.

Another aspect of this equation is that states have obligations, under the international law, to respect human rights in their respective countries. Therefore, state makers are becoming more and more dependent on international influence in making their human rights outputs. This dependency may vary from country to country depending on their capacity to resist the international influence. Undoubtedly there are intermediary forces countering these international influences in human rights formation which can and do come from influential countries or regional organisations.

Some Empirical Observations: Burma, Cambodia and Sri Lanka

Some interesting comparative observations can be made on Burma, Cambodia and Sri Lanka, based on the above model of three variables. The development of states in these countries can be divided conveniently into pre-colonial, colonial and post-colonial periods. The post-colonial period is characterised by three phases of state making, coinciding with different political polarisations in the international environment i.e. the new order after the formation of the UN (1945-60), the Cold War (1960-1988) and the end of the Cold War (since 1988). The role of the three variables in determining the presence or absence of human rights can be investigated under different state types and/or phases of development as illustrated in the following figure.

Figure 2
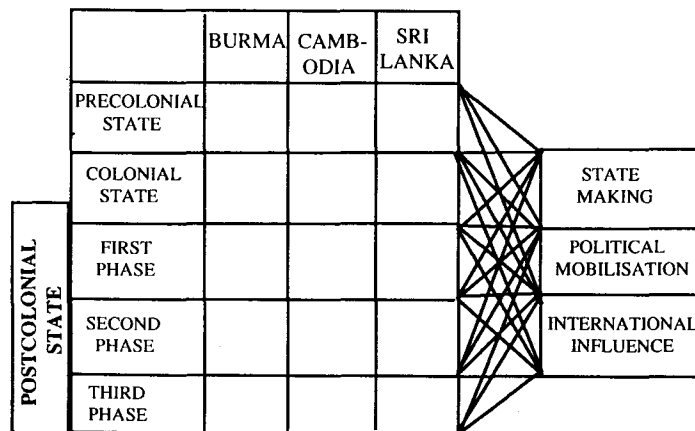
The selection of Burma, Cambodia and Sri Lanka is important because of political similarities in the past and at present. The above periodising might be equally relevant to other countries with a colonial past such as Indonesia, the Philippines, India and Pakistan which achieved independence at the end of the Second World War. The three variables can be applied to any country in the region with different periodising, to study human rights conditions.

Pre-Colonial State

The patterns of early state formation, in all three countries, were very similar, given common objectives and external influences. The states were created during the transformation from 'slash, and burn' dry-rice cultivation to wet-rice cultivation.[17] Ecological reasons predominated among class and ethnic factors. Water management, food production, land settlement, social stratification and ritual performance were the main objects of state making.

The state makers did not possess 'infrastructural power' due to the underdevelopment of transport, communication and bureaucracy. Instead, they possessed 'despotic power' based on military and ideological (religious) control.[18] As a result, the state makers could not control the day-to-day activities of the populace. These were left to the caste, clan or village heads and organisations. The state makers nevertheless made major decisions, conveyed through edicts. Cambodian kings created *varnas*, meaning castes. Sinhala ethnicity itself was a creation of the state makers in Sri Lanka.[19]

All three countries were Buddhist but the states were mainly Hindu. Indianisation was the main international influence in terms of both religion and politics. The concepts of kingship and law were borrowed and adapted from Hindu ideology. *Deveraja*, god king, was the main concept of the state.[20] Buddhism failed to develop its political ideology. The concept of *Bodhisattva*, or Buddha-to-be, was absorbed with Hindu concepts which at times became prominent in Burma and Sri Lanka.[21]

Cambodia was almost a slave society.[22] Slavery and semi-slavery were prevalent in Burma and Sri Lanka. Labour was not free, but tied to caste. The individual was subordinated to the tightly knit extended family and other collective organisations. The 'Laws of Manu' was the basis of the administration of justice. The main premise was that different castes were inherently unequal, by virtue of their creation. "Now for the prosperity of the worlds, He [the Lord] from his mouth, arms thighs, and feet created the Brahman, Ksatriya, Vaicya, and Cudra".[23] This was exactly the opposite of the Universal principles of human rights. The punishments for crimes depended on the social status. Punishments were cruel and inhuman.

There was no political mobilisation except by the state. The nature of state-engineered mobilisation was religious or military. Only *sangha*, the monks, were relatively autonomous and had any impact on state making, but *sangha*

depended on state patronage. Religious freedom was the only accepted concept of rights in the pre-colonial societies. Kings patronised different religions and sects. Religion did not mean an exclusive faith, as it does today. One could be a member of not only one religion but of many.[24] Religious persecution hardly existed, unlike in medieval Europe. The pre-colonial state can best be described as a single right system. There were systems of privileges in exchange of services, but not human rights as we understand them today.

Colonial State

The main thrust of colonial state making was surplus extraction and competitive imperial power. But concepts of human rights 'trickled in', depending on the colonial policies and the level of human rights development in the imperial country itself.

Burma and Sri Lanka were under the British while Cambodia was a protectorate of the French. Colonial policies of the British and the French greatly differed in terms of economics, education and administration. The French state makers in Cambodia did not totally abolish the pre-colonial state, which the British soon did in Burma (1885) and Sri Lanka (1815). The French state makers did not consider Cambodia as ready material for 'civilisation'. The British significantly differed in practice, whatever their attitudes. Burma and Sri Lanka underwent major changes as a result. The colonial state making proceeded in all three countries with considerable ruthlessness against local rebellions. Religious discrimination, if not persecution, also came into existence under the colonial rule.

Modernisation came speedily in Sri Lanka given its small size and radical reforms sine 1833.[25] Burma lagged behind because of its complexities and the indirect control from India until 1937.[26] Very little modernisation was attempted at all in Cambodia by the French state makers until the last stages of their departure. The development of capitalism was a major result of colonial state formation which liberated labour to a great extent from economic bondage.

The development of capitalism was uneven both within and among these countries. The emergence of an indigenous middle class which articulated its rights could be seen at the beginning of this century in Sri Lanka. This emergence was belated in the case of Burma until the inter-war period, due to the Indian predominance in business and commerce. In Cambodia, this class was only incipient, even at the time of independence. The main mode of political mobilisation in these countries was nationalism. Nationalist movements wavered between liberalism, socialism and religious revivalism.

There were developments of human rights, particularly civil and political rights, in Sri Lanka and Burma during the colonial state formation. Universal franchise was introduced in Sri Lanka in 1931. Welfare measures partially attempted to address a number of economic and social rights in respect of education, labour and health. Liberal and Fabian influences from Britain and nationalist agitations at home were the main catalysts for these achievements. These influences can be identified as international influences separated from colonial state making. A major contribution of British colonial state making in Sri Lanka was the independence of the judiciary and the rationalisation of the administration of justice. But Cambodia continued to combine French concepts and pre-colonial methods of justice.

Experiment of Democracy

The first generation of indigenous state makers in these countries were products of nationalist mobilisations. Among them were Aung San and U Nu in Burma, Norodom Sihanouk in Cambodia and the Senanayakes and Bandaranaikes in Sri Lanka. Most of them came to power with enthusiasm for independence, democracy and development. They mostly belonged to the western educated middle class, except in Cambodia, where the royal elite prevailed over the middle class.

Burma and Sri Lanka achieved independence in 1948 and Cambodia in 1954. Burma and Cambodia became members of the UN immediately after independence, while Sri Lankan membership was delayed until 1955 due to Soviet opposition. The UN Charter (1945) and the Universal Declaration of Human Rights (1948) were great inspirations for these state makers. This was the period when the UN was under the leadership of Trygve Lie and more particularly of Dag Hammarskjold.[27] The international atmosphere in general was favourable for these state makers to consolidate democratic states, except in the case of Cambodia which was too close to the Indochinese war. It was a difficult task to keep Cambodia uninvolved. The task in Burma was also complicated by the Japanese occupation during the Second World War and ethnic rebellion after independence. The Burmese difficulties were satisfactorily managed under the leadership of U Nu until he was overthrown by the military in 1962. But Cambodian state making slid into chaos in the 1960s due to internal and external factors. The tail end of the Sihanouk period was a precursor to what eventuated in the 1970s.[28]

Democratic mobilisations in Cambodia were severely curtailed under Sihanouk's 'guided democracy'. The administration of justice was extremely partial. A multi-party system was the accepted norm in Burma, although the opposition parties did not flourish. The Burmese constitution (1847) incorporated human rights, including the rights of minorities. Burma inherited a strong and independent judiciary but many challenges to human rights came from the military, especially in the frontier areas.

The Sri Lankan experiment of democracy was a relative success, except in the area of minority rights. Sri Lanka achieved a two-party system by 1956.[29] Following the British tradition, the Sri Lankan constitution did not incorporate human rights until 1972. As a result, there was no proper protection for the minorities. Post-independence political

mobilisations were ethnic-based. The result was the majority Sinhalese ethnic domination of state making. Human rights conditions deteriorated after the youth insurrection in 1971 but the democratic experiment prevailed until it was curtailed under Presidential rule in 1977.

Gross Violations of Human Rights

This paper argues that gross and intense violations of human rights came to these countries under a second generation of state makers. The two generations differed not necessarily in age but in their political values, policies and strategies. The second generation belonged either to the extreme left or to the extreme right of political mobilisations in these countries. They had little or no respect for human rights and gave priority to 'national security', 'socialist construction' or 'market development' rather than to human rights. Examples are Lon Nol and Pol Pot in Cambodia, Ne Win in Burma and J R Jayewardene and R Premadasa in Sri Lanka.

Ne Win came to power in Burma through a military mobilisation in 1962. The democratic constitution was abolished and one-party rule was installed. The intention was to consolidate the Burman ethnic dominance of the state. Military operations continued against Karens, Shans, Chins, Mons and many other minorities. The 1974 constitution promised economic and social rights under a "Burmese Way to Socialism", but neither was delivered. The judiciary became an appendage of the executive. Freedom of expression was prohibited. Student protests were brutally suppressed in 1962, 1976 and 1988. To suppress the democracy uprising in 1988, more than 5,000 were killed. Over 3,000 remained in jails. Reported violations included summary executions, torture in custody, and disappearances. The number of refugees exceeded 250,000.[30]

Ironically, when Ne Win took power through military means in 1962, the Secretary-General of the UN was a Burmese, U Thant. The UN was in the midst of the Cold War and did not have a policy to discourage, or protest against, military takeovers.[31] In the context of Cold War politics, the Burmese polity operated in a hermetic isolation. Burma was not strategically important to super powers. Only after 1988 did human rights violations in that country come to the serious notice of the international community.

Among the second generation of state makers who suppressed human rights in Cambodia were Lon Nol and Pol Pot. The military takeover by Lon Nol in 1970 followed a bloody civil war. Cambodia was a part of the war in Indochina, with direct super power involvement. Killings during the civil war during 1970-75 were estimated to be over 500,000. US bombing devastated rural areas, crippling the country's agricultural economy.[32] Pol Pot came to power through a communist mobilisation of the Chinese type in 1975. His ideology was to create an agrarian communist state through force.[33] He also wanted to bring the state to the heights of the pre-colonial Angkor period. This strategy involved recapturing territory from

Vietnam. Mass killings during the Pol Pot period are estimated at over one million.[34] One of the major anomalies of the UN system during this period was its failure to take measures against genocide in Cambodia. The Vietnamese invasion brought an end to mass killings, but human rights violations continued unabated. Over 300,000 people left the country to avoid civil war.

The second generation of state makers in Sri Lanka were J. R. Jayewardene (1977-88) and R. Premadasa (1989-93). It was Jayewardene's strategy to instal a strong state under a presidential rule.[35] The objective was to uplift the economy by curtailing trade unions and political opposition, and Premadasa was even more ruthless in pursuing these objectives. A new presidential constitution was created in 1978 and was revised 16 times until 1988. Over 60,000 workers were sacked in 1980 after a general strike.[36] Tamil opposition was particularly suppressed. Anti-Tamil riots in 1983 resulted in at least 2,000 killings and over 100,000 refugees. Cold War-type hostilities with India resulted in Indian support for Tamil militants. Indo-Sri Lankan relations were particularly bad during Indira Gandhi's time (1980-84). India intervened in 1987-90, escalating the conflict into the south.

Sri Lanka experienced two types of extra-parliamentary mobilisations, one in the north and another in the south. The northern mobilisation is continuing. At least 40,000 have been killed since 1983 in the north and over a million people internally displaced. During the southern insurrection (1987-90), 60,000 were reported killed or 'disappeared'.[37] Human rights violations were caused by both state activities and anti-state mobilisations. Sri Lanka has been under emergency rule since 1983, except for brief periods, until June 1994. The international community failed to make any impact on the Sri Lankan situation until 1991. Sri Lanka was an open economy with considerable trade links with the west. Its foreign policy since 1977 has been favourable to the west, particularly during the Cold War period.

Emerging Trends

The international environment after the end of the Cold War has sparked new possibilities world-wide for the promotion and protection of human rights. However, these possibilities are not without problems or obstacles. Considerable progress is evident in many Latin American countries in terms of democratisation although countries like Haiti are still lagging. Reconciliation in South Africa, and similar attempts to solve the Palestinian question, are encouraging, but the countries in former Yugoslavia are still engulfed in despicable war. The most marked progress after the end of the Cold War has been due to the disappearance of super power conflict within the UN system, thereby reducing many ideological controversies over human rights. This was clearly evident at the Vienna conference on human rights in 1993.

Burma was the first to respond to the changing international circumstances, through a democratic uprising in 1988. This,

in terms of our main argument, was a major landmark in what we can call a political mobilisation for human rights. The spark for the event came from the military regime itself when it announced the failure of the 'Burmese Way to Socialism' in April that year. Street demonstrations for democracy followed, led initially by students. The protesters spontaneously demanded many human rights denied by the military regime. These included the freedom of expression, publication, organisation and trade unions. Public meetings, tabloid newspapers, political organisations and independent trade unions sprang up in Rangoon and in the provinces. But the intensity of violations was extreme, with arbitrary arrests, shootings, torture in custody, summary executions and disappearances.[38]

The democracy movement forced the regime to hold free and fair elections in 1990. Although the democratic opposition won the elections, the transfer of power was denied because of the feared consequences for the military's privileges. The belated response of the international community also failed to make a decisive impact on the Burmese situation when it was required in 1990. There was no outside government to formally recognise the elected Burmese government in exile or to force the military regime, through the UN, to respect the election results. A major result of these events was the crystallisation of a third generation of Burmese political elite led by Aung San Suu Kyi and Sien Win. Burma now has an organised political mobilisation for human rights working both inside and outside the country. The international pressure during the last three years also has effected certain improvements in the human rights situation inside the country.

An effective international intervention came in Cambodia in 1991-93 through the UN. If not for the end of the Cold War, this intervention could not have been possible. The prelude to this intervention was the Paris Peace Agreements of 1991.[39] Catalysts for the agreements came from both inside and outside the country, Australia playing a leading role. The main objective of the UN operation was to remake a democratic state system by demobilising factional armies and holding elections for a new government. The attainment of the first objective was hampered because of the non-cooperation of the Khmer Rouge. As a result, the old power structure of the army remained intact alongside a rival guerrilla army of the Khmer Rouge. As a consequence, human rights conditions, especially in the provinces, did not improve. However, there were major strides in democratisation. The whole election process in 1993 was a significant one with the establishment of a multi-party system and several related human rights such as the freedom of expression, association and the press. The right to vote was established, with a significant turnout at the elections. Cambodia now enjoys after three decades of chaos, a democratic constitution and an elected government. The constitution contains a bill of rights.[40]

The resurrection of the civil society, with political parties, pressure groups, NGOs and human rights activism, is one major result of the UN intervention. The UN has a continuous presence in the country with an advisory and monitoring role in human rights. However, the fate of human rights is now in the hands of the Cambodian state makers. Their task of implementing the bill of rights and other international human rights obligations has been made difficult by the power structure of the army and the Khmer Rouge opposition, and also by their own reservations.

Sri Lankan state makers have been reluctantly responding to both international and local pressure since around 1991. As a result of a split within the ruling party in August 1991, there has been a major resurrection of democratic political mobilisation. Sri Lanka became a member of the UN Commission on Human Rights in that year as a consequence the country had to be answerable to that body in respect of human rights. The slow economic performance of the country in the late 1980s also prompted the government to appease international concerns in order to receive aid and assistance. After President R Premadasa, who was assassinated in May 1993, there have been efforts to bring the country back to normal at least in the south.

A potential breakthrough may have come about with the change of state makers following elections in August this year. The ruling party was defeated after 17 years and the People's Alliance formed a minority government under the leadership of Chandrika Kumaratunga with the support of several ethnic minority parties. The victory of Chandrika Kumaratunga was a product of a longterm political mobilisation inside the country, both for human rights and for reconciliation of the ethnic conflict on a political basis. A major issue during the election campaign was human rights. A new leadership also seems to have emerged within the defeated United National Party (UNP).

Conclusion

T his paper highlights the importance of state formation in understanding and analysing human rights and human rights development. This conclusion relates to the methods of study and research on human rights. The paper deviates from the current approaches to human rights where neither academics nor activists treat the state as its main framework, except to highlight its role as the sole or main violator. The discipline of political science traditionally analysed rights in relation to the state,[41] but this approach has been neglected in many discussions on human rights. One reason was the apathy among political scientists about participating in human rights debates and research. The other reason was the general neglect of the state as a framework of analysis in social sciences until it was brought back recently.[42] Reformation or remaking of the state to incorporate human rights stands as the simplest but central conclusion of our empirical investigation. It is easier said than done. How it should be, or should have been done, is beyond the scope of the present paper.

Another obvious conclusion is that those who can control the three variables-state making, political mobilisation and international influence-can control human rights. The fact of the matter is that these are complex political processes with

their own internal dynamics and divergent objectives. Meeting points of these processes are hard to come by, but the task is not insurmountable. The best guideline one can derive from the validity of this argument in terms of human rights practice or advocacy, is the importance of projecting international influence and internal political mobilisation toward the goal of state making. It is the only way to create meeting points among the three variables and to promote human rights. It is only the process of state making which can ultimately transform the moral claims of human rights into legal and social realities.

Notes

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39. United Nations. 1991. *Agreements on a Comprehensive Political Settlemnets of the Cambodia Conflict.* New York: United Nations.

40. Kirby, Michael. 1994. 'Report of the Special Representative of the Secretary-General on the Situation of Human Rights in Cambodia'. United Nations: E/CN.4/1994/73.

41. See Laski, H J. *Grammar of Politics* (4th edition). Guildford: Bilings and Sons Ltd. pp. 89-141. Also Pickles, Dorothy. 1951. *Introduction to Politics.* London: Sylvan Press. pp. 150-197.

42. See Skocpol, Theda. 1985. 'Bringing the State Back In: Strategies of Analysis in Current Research'. In Evans, P E., D Rueschemeyer and Theda Skocpol, eds. *Bringing the State Back In.* Cambridge: Cambridge University Press. ∎

Mainstream economics, the most `scientific' of all social sciences, does not have much to offer either conceptually or methodologically in terms of gender. Unless economic theory systematically and scientifically analyses the linkages between the mode of production and the mode of reproduction, the economic and therefore necessarily the social reality it examines will remain not only clouded by our misconception of the objective reality, but also our economic endeavours will be isolated from the reality of both men and women.

Gender in Neoclassical Economics Conceptual Overview
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