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ASEAN Snubs Civil Society Groups, Dashes Hopes for Effective Human Rights Mechanism

By Andrea Gittleman, BLC Volunteer

All eyes were on Cha-Am, Thailand on October 23, 2009, when Association of Southeast Asian Nations (ASEAN) leaders met to inaugurate the ASEAN Intergovernmental Commission on Human Rights (AICHR). The Commission is fraught with serious problems such as a lack of independence from member states – Burma’s representative to the AICHR, for example, staunchly defends the military regime and its dismal human rights record. The AICHR also adheres to a non-interference policy, promotes “promotion” as opposed to protection of human rights, and has no enforcement powers. Despite these obstacles, human rights groups in the region were hopeful that input from civil society would help to give teeth to the fledgling AICHR.

Civil society groups from ASEAN member states met on October 18-20 at the 2nd ASEAN Peoples’ Forum (APF) to advocate for a more people-centered regional body and to generate recommendations for human rights protection in the region. Representatives from human rights, environmental protection, and political security organizations throughout Southeast Asia compiled recommendations to ASEAN regarding its human rights body, and submitted a formal statement to regional leaders. The advocates called for the AICHR to include a mechanism that would conduct country visits, handle complaints of human rights violations, and provide recourse for violations in the region. Specifically, human rights leaders called for an end to ASEAN’s “culture of non-interference,” which keeps regional actors from protecting human rights in member states.

Participants at the APF chose one civil society delegate from each member country to have a formal meeting with ASEAN leaders. The last time such an interface was arranged between civil society groups and government officials, the leaders from Burma and Cambodia refused to meet with their country’s civil society delegates. While that meeting went ahead without the participation of civil society from those two countries, ASEAN leaders were even more emboldened during last week’s interface. Leaders from Burma, Cambodia, Laos, Philippines, and Singapore each rejected the civil society delegates chosen for the interface, and Burma and Singapore both substituted hand-picked delegates to attend the meeting instead. Representatives from other countries were admitted but were not allowed to speak during the supposed



“dialogue.” The civil society delegates from Thailand, Indonesia, and Malaysia walked out of the meeting in protest.

These five governments’ rejection of civil society representatives demonstrates the regional body’s indifference to substantive dialogue with human rights advocates. The refusal to meet with human rights leaders is a shocking repudiation of ASEAN’s supposed commitment to promoting and protecting human rights in Southeast Asia. Perhaps more infuriating, although not entirely surprising, is the Burmese government’s submission of its own loyal members to the APF with the sole purpose of derailing human rights discussion before it even reached the level of the ASEAN leaders. These junta-backed individuals falsely represented themselves as Burmese civil society groups, and urged APF attendees to remove all discussion of Burma from ASEAN’s agenda. They claimed that abuses in Burma were internal matters that did not impact regional security, an argument that was soundly refuted by human rights leaders from the Thai/Burma border. Because the APF generates its statements to ASEAN leaders on the basis of consensus of all attendees, the mere presence of government-backed individuals threatened to keep Burmese issues off the table. Human rights activists in Southeast Asia face serious obstacles when states not only ignore their concerns, but also actively attempt to suppress discussion of governmental abuses.

ASEAN’s dismissal of the concerns of human rights groups in Southeast Asia does not bode well for the formation of an effective, powerful human rights mechanism in the region. Without the input from advocates working on myriad human rights issues, the resulting AICHR will not end serious violations of human rights nor bring any perpetrators to justice. Victims of human rights abuses deserve meaningful redress. For their sake, ASEAN leaders should heed the advice of civil society groups and establish a commission that will not hesitate to tackle the serious human rights abuses in the region.

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