
Civil Society engagement in the establishment of ASEAN human rights body lead by FORUM-ASIA and SAPA Task Force on ASEAN and Human Rights

I. Introduction

1. On 12 December 2005, the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter was adopted to start the charter drafting process to transform ASEAN into a ruled-based intergovernmental body. This came into fruition on 20 November 2007 when, in conjunction with ASEAN's 40th anniversary, the ASEAN Charter was officially adopted at the ASEAN Summit in Singapore. The Charter explicitly states that a human rights body will be established under ASEAN (Article 14). However, the terms of reference of the human rights body with regards to its mandate, powers, and composition are not outlined in the Charter. By 18 April 2008, six ASEAN countries have ratified the Charter, namely Cambodia, Brunei, Malaysia, Laos, Singapore, and Vietnam.
2. The ASEAN governments have since decided to establish a High Level Panel (HLP) to draft the terms of reference for the "human rights body" mentioned in the ASEAN Charter. At the same time, an ongoing process of finalizing the last two pillars of ASEAN is in place with regards to the drafting of the blueprints for the political and security pillar and the socio-cultural pillar. The blueprint for the economic pillar was adopted in the 13th ASEAN Summit in Singapore last November.
3. Part of the civil society processes on the establishment of an ASEAN human rights mechanism started earlier than that of the intergovernmental body. In 1995, NGOs coalesced with representatives from government institutions, parliamentary human rights committees, and the academe to establish the Working Group on an ASEAN Human Rights Mechanism. This hybrid body's goal is the establishment of an intergovernmental human rights commission for ASEAN through a step-by-step approach.
4. When ASEAN declared their intention to draft an ASEAN Charter, civil society at the regional and national levels began to consider ASEAN as an arena through which to pursue their objectives for the promotion and protection of human rights of ASEAN peoples at the regional level. In response to the ASEAN Charter drafting process, the Solidarity for Asian People's Advocacy (SAPA)¹ decided to establish a Working Group on ASEAN to coordinate collective initiatives on ASEAN advocacy and actions.
5. Throughout 2006-2007, the Southeast Asian Committee for Advocacy (SEACA) based in Manila, together with the SAPA Working Group on ASEAN, supported national consultations on ASEAN and its proposed Charter with civil society actors from Burma, Cambodia, Indonesia, Laos, Malaysia, Philippines, Thailand and Vietnam. These inputs were brought together at the 2nd and 3rd ASEAN Civil Society Conferences, held parallel to the

¹ SAPA is a regional network of Asian civil society groups that was formed in February 2006 to enhance the effectiveness and impact of civil society advocacy with inter-governmental structures at the regional level.

ASEAN Summits for maximum publicity, in Cebu (2006), and again in Singapore (2007), respectively. SAPA has also sought to influence the Charter's drafting process by making individual submissions on the three pillars of an ASEAN Community to the Eminent Persons Group and the High Level Task Force.

6. The first Regional Consultation on ASEAN and Human Rights on 26-28 August 2007 held in Kuala Lumpur, resulted to the creation of the Task Force on ASEAN and Human Rights (TF-AHR). This task force is a network of civil society organizations under the SAPA Working Group on ASEAN, focusing on the creation of the ASEAN human rights body. Its objective are i) to hold ASEAN member states accountable to their international and domestic human rights obligations, and ii) to make the ASEAN human rights mechanisms more accountable and effective. The meeting produced the Kuala Lumpur Action Points as a basis for an action agenda.
7. The TF-AHR has embarked on a national consultation process to get these inputs from various stakeholders. These consultations have already been conducted in the following countries: Burma, Indonesia, Malaysia, Philippines, Singapore and Thailand. The result of the six national consultations will be shared, validated and discussed further in the 2nd Regional Consultation on ASEAN and Human Rights in Jakarta from 5-7 August 2008.
8. A small group meeting for leaders of indigenous peoples' organizations has been convened on 28 July by the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests (IAITPTF) in Chiang Mai, Thailand to update IP regional leaders on civil society initiatives on the ASEAN and hopefully to get them to undertake a process to bring their inputs into the SAPA process.
9. The following is the list of the activities both at regional and national level of the SAPA Task Force on ASEAN and Human Rights to mobilize the inputs and raise awareness of the civil society organizations in the region on the creation of the ASEAN human rights body.

II. Regional Processes:

- a. Regional Orientation meeting for Indigenous Peoples on ASEAN and ASEAN human rights body (AHRB) (28 July 2008), Chiang Mai, Thailand attended by 22 participants from national and regional indigenous peoples;
- b. Regional Caucus on Women and Children on the ASEAN Human Rights Mechanism (4 August 2008), Jakarta, attended by 30 participants from women and children's rights organizations in Burma, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, and Vietnam;
- c. The 2nd Regional Consultation on the ASEAN and Human Rights (5-7 August 2008), Jakarta, Indonesia, attended by 75 participants from 10 countries in Southeast Asia (without Brunei Darussalam but included Timor Leste), Japan, United Kingdom and United States;

- d. Strategy Meeting of the TFAHR during the 3rd HLP meeting (12-13 September 2008), Manila attended by 12 focal points representing Burma, Indonesia, Malaysia, Philippines, Thailand, indigenous peoples and women's rights;
- e. Regional Consultation on the ASEAN Commission on the protection and the promotion of the rights of women and children and the AHRB (15 – 17 September 2008), Bangkok, attended by 65 participants from nine countries in Southeast Asia;
- f. Strategy meeting of the TFAHR (28-29 October 2008), Jakarta, attended by 13 participants representing Burma, Indonesia, Malaysia, Philippines, Singapore, Thailand, women's rights, and housing rights;
- g. The Regional strategy meeting on ASEAN and Indigenous Peoples (29-30 October 2008), Bangkok, attended by 25 participants from Cambodia, Indonesia, Malaysia, the Philippines, Thailand, Vietnam, Thailand-based Burma ethnic nationality organizations, and regional indigenous peoples networks .

III. National Processes:

National consultations on ASEAN Charter and ASEAN human rights body were conducted in the following countries and locations:

- a. Jakarta, Indonesia - 23 – 24 May 2008 with 25 participants from different sectors and provinces of Indonesia;
- b. Kuala Lumpur, Malaysia - 27 - 28 May 2008 with 30 participants from different sectors and states of Malaysia;
- c. Manila, Philippines - 10 June 2008, with 30 participants from different sectors and provinces of the Philippines;
- d. Bangkok, Thailand - 5 - 6 July 2008, with 45 participants from peoples' organizations and NGOs working in different sectors;
- e. Mae Sot, Thailand for Burma organizations - 8 - 9 July 2008, with 25 participants from NGOs working with different sectors;
- f. Chiang Mai, Thailand – 4-5 November 2008 with 45 participants from Burmese exiled organizations;
- g. Mae Sot, Thailand – 6-7 November 2008 with 50 participants from exiled Burmese organizations;
- h. Phnom Penh, Cambodia – 21 – 22 October 2008, with 35 participants;

- a. Hanoi, Vietnam – 14 November 2008 with 100 participants from government institutions, academics and non-government organizations;
- b. Vientiane, Laos - 29-30 November 2008 with expected 50 participants to include non-government organizations.

IV. Consultation Meeting with HLP Member at the national level:

- a. The Thailand Focal Point of the SAPA TFAHR met the HLP Thailand, H.E. Sihasak Phuangketkeow in a CSO consultation on 13 August 2008;
- b. The Philippine Focal Point of the SAPA TFAHR met the HLP Philippine assistant, H.E. Mariylin Alarilla in a CSO consultation on 10 October 2008;
- c. The Malaysian Focal Point of the SAPA TFAHR met the HLP Malaysia, H.E. Ahmad Fuzy in a CSO consultation on 16 October 2008;