

SIXTH WORKSHOP ON THE ASEAN REGIONAL MECHANISM ON HUMAN RIGHTS

17 July 2007, Manila

Mr. Marzuki Darusman, Co-Chairperson of the Working Group for an ASEAN Human Rights Mechanism,
Former Senator Wigberto Tañada, Chairperson of the Philippine Working Group for an ASEAN Human Rights Mechanism,
Distinguished Guests,
Ladies and Gentlemen,
Good Morning.

I wish to thank the Working Group for an ASEAN Human Rights Mechanism for inviting me today to discuss the process of the drafting of the ASEAN Charter.

First, let me brief you on the progress of the drafting of the ASEAN Charter.

During the 12th ASEAN Summit in Cebu last January, the ten ASEAN Leaders signed the Cebu Declaration on the Blueprint of the ASEAN Charter, where they endorsed the report of the Eminent Persons Group (EPG) and directed us, the High Level Task Force (HLTF), to begin the work of drafting the ASEAN Charter.

The HLTF has had seven meetings since February of this year and we will be convening our Eighth Meeting, in Manila next week, from 22 to 25 July 2007.

Dear friends, let me now brief you on a set of guidelines that has been adopted by the Task Force that will define the character of the ASEAN Charter. The Charter is to be:

1. a visionary and inspiring document. It will move ASEAN away from the status quo;
2. brief but comprehensive. The Charter is not a Plan of Action but an enabling instrument of ASEAN;
3. written in clear and unequivocal statements – with no verbose and repetitious phrases;
4. flexible in order for it to be an enduring document and to allow it to adopt to changing circumstances, regionally and internationally;
5. be people-oriented;
6. the basis of a cohesive, strong, and rules-based inter-governmental organization of ASEAN. There will be no supranational element in the Charter; and
7. a legal framework, from which other ASEAN instruments will be derived that will bind all of the Member States to comply.

The sources from which we will base our work are not limited to the EPG's report. We have been directed to look to many other instruments that have pushed forward ASEAN like the directives of the ASEAN Leaders, existing commitments in various ASEAN milestone documents and agreements since 1967, and guidance from the ASEAN Foreign Ministers themselves.

I am pleased to inform you that during the ASEAN Ministerial Meeting Retreat in Siem Reap, Cambodia, last 01 March 2007, the ASEAN Foreign Ministers decided that the HLTF can include a draft enabling provision in the Charter to create a Human Rights Commission as an organ of ASEAN.

Following that decision, we, at the Task Force level, have agreed to create a Terms of Reference for the Commission and submit this for the approval of the Foreign Ministers during the 40TH ASEAN Ministerial Meeting this month, here in Manila.

Since the Terms of Reference for the proposed ASEAN Human Rights Commission is still under negotiations, I regret I will not be able divulge any information regarding its contents. We are still wrestling with that TOR.

However, I can tell you that last June, the HLTF conducted a dialogue with the National Human Rights Institutions of Indonesia, Malaysia, the Philippines, and Thailand. Mr. Marzuki Darusman was also present to represent the Working Group. And I can indeed inform you all that his contribution immensely moved forward our process.

During that dialogue, the National Human Rights Institutions presented a position paper containing recommendations on human rights aspects of the ASEAN Charter, for the consideration of the HLTF.

Some of these recommendations include:

1. Ensuring that principles and objectives of the ASEAN Charter include the principles of respect for human rights and fundamental freedoms;
2. Including a provision in the Charter on the importance of the role of National Human Rights Institutions;
3. Including a provision on the importance of the establishment of National Human Rights Institutions in every ASEAN Member State that has not done so; and
4. Appealing for support for the establishment of an "appropriate ASEAN human rights mechanism".

In reply to their recommendations, the HLTF clarified that the ASEAN Foreign Ministers have tasked the HLTF to come up with an enabling provision in the Charter to institutionalize an ASEAN Human Rights Commission. The HLTF is no longer talking about a "mechanism" which is merely a process, but rather, the HLTF is now discussing the possibility to establish an organ --- a "Commission".

In conclusion, it was in 1967 when ASEAN was founded through the signing of the Bangkok Declaration. The signing of an ASEAN Charter forty years later will set a new dawn for ASEAN and transform it into a rules-based intergovernmental organization.

The ASEAN Charter aims to serve as a solid foundation for an enduring ASEAN -- an organization that will not fade away into extinction under globalization.

The establishment of an ASEAN Human Rights Commission will keep ASEAN relevant and credible will announce to the world that ASEAN honors its commitments. ASEAN would also be able to impart to the rest of the world its regional perspective of human rights amidst much monitoring from outsiders.

Ultimately, the ASEAN Charter should help realize the aspirations of the ASEAN people. As I have said previously mentioned, the Charter must be a people-oriented Charter. It must be one that we can all claim as our own, and of which we can all be truly proud as peoples of ASEAN.

Thank you for your kind attention. END.