

Human rights struggle

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Mr Ong says human rights advocates and civil society organisations should continue to engage Asean governments and point out areas of improvement. -- ST PHOTO: JOYCE FANG

Asean marks a milestone today when its leaders inaugurate the Asean Inter-governmental Commission on Human Rights (AICHR) at its annual summit in Hua Hin, Thailand.

The AICHR, which has been in the making for 16 years since Asean foreign ministers made a commitment in 1993 to the setting up of such a body, will be tasked to promote and protect human rights issues in the region.

Even before its launch, however, the new body has been greeted with widespread weariness and scepticism. Given Asean's avowed adherence to non-interference in each other country's affairs, will it not become another talk-shop and toothless body? Can it really do anything about the rights of women, children and migrant workers? And what about the Myanmar issue?

To get a handle on its aims and activities, Insight speaks to a former Asean secretary-general, an Asean scholar and a human rights activist.

'Look at rights of women, children and migrants'

IT MAY have taken 16 years for Asean to see the launch of a human rights commission, but the time taken is as good as it gets for the regional grouping, says former Asean secretary-general Ong Keng Yong.

Any faster and the outcome might not have been desirable because of the diversity in culture and politics, and the sense of wariness among some Asean members towards human rights issues, he argues.

He acknowledges the wish among many that the Asean Inter-governmental Commission on Human Rights (AICHR) should have materialised much earlier. But, he explains: 'You have to understand where Asean is coming from. We needed to assure different countries that nobody is going to tell them how to run their country. This required a lot of gentle persuasion and explanation on how things needed to be done.'

Suffice it to say that Mr Ong knows Asean like the back of his hand.

A former press secretary to then-Prime Minister Goh Chok Tong, Mr Ong helmed the Asean Secretariat in Jakarta from 2003 to 2007, during which the Asean Charter was drafted and adopted by the regional group's leaders.

The landmark document came into effect last December, turning the loose grouping into a rules-based legal entity.

Without the completion of the Charter, which includes Article 14 that provides for the setting up of an Asean human rights mechanism, AICHR would have remained a fantasy.

Mr Ong, 55, now an ambassador-at-large at the Foreign Affairs Ministry and also director of the Institute of Policy Studies, clearly still lives and breathes all things Asean.

Whenever there is a need to defend Asean against unfair criticisms, the affable Mr Ong can always be counted on to do so.

In an interview this week, he was quick to respond to accusations that Asean had moved too slowly in setting up the regional human rights body, that the AICHR would be powerless by adhering to the grouping's non-interference stance, and that it would focus too much on the promotion and not protection of human rights.

Explaining how difficult and complex the human rights issue was to Asean, Mr Ong points out that Article 14 in the Charter was one of the last few matters to be resolved by the drafters, after finally obtaining consensus from all member states during the two-year drafting process.

Even then, he says, when Asean leaders were about to sign the Charter at the Asean Summit here in November 2007, an Asean member requested amendments to the wording in Article 14. In the end, the drafters exercised their leadership and avoided a last-minute amendment, Mr Ong adds, declining to name the member. Otherwise, it could have delayed the submission of the Charter, and possibly the setting up of the AICHR itself.

He notes that although Asean turned 42 this year, it became a 10-member grouping only after Cambodia joined in 1999. Myanmar and Laos became members in 1997.

If you take 1999 as the starting point, he says, 'we're talking of 10 years for Asean. So it is not a bad achievement'.

On why Asean did not want to rush through the human rights agenda, he says it was because of past experiences. He recalls that in some instances, Asean had tried to do certain things at a collective level but found out later that things were not ready to go forward, resulting in undesired outcomes.

There was yet another factor: The earlier Asean members thought it was better to help the newer members - Myanmar, Laos and Cambodia - in economic development and capacity building, rather than making them jump straight into the contentious issue of human rights.

But Mr Ong hastens to add that this does not mean that Asean ignored human rights and did nothing about the issue until the decision to draft the Charter was made in 2005.

Many meetings and conferences were held in the region at the official level to discuss the development of the human rights agenda. 'So when the newer members joined us,' Mr Ong says, 'they were already conscious of the discussion and debate in Asean circles.'

He believes that the consensual approach taken in setting up AICHR has reaped rewards. It has brought about confidence and self-assurance in Asean members, he says.

'They know that the results achieved today are not the action of some countries pushing and demanding things to be done in certain ways, but that all 10 of us signed on to the establishment of the human rights commission.'

What about criticisms of AICHR's adherence to Asean's non-interference position? Mr Ong explains that this principle is needed in order to bring 10 countries with different backgrounds to the same table.

'If they are in any way suspicious that there would be some interference or direct dictation or command of certain things, they would not come in at the beginning.

'But after coming to the table, they realise that it's not that horrendous or harmful to work together, especially if there is a perceived common threat, such as globalisation and the rapid development of big economies like China and India.'

In a way, Mr Ong notes, Asean countries are already 'interfering' with one another as they seek closer economic integration, which is part of the grouping's aspirations to set up an Asean Community by 2015.

'By coming together for economic integration towards a single market, you're already seeing the interference of a different nature. We're now required to look at each other's customs, procedures and other rules.'

He believes that AICHR is right to focus first on promotion of human rights issues, adding that there is a big body of work on the subject and that 'nobody would object to this'.

'If we straightaway say we want to review your behaviour and actions in this particular area, and if you don't measure up, we're going to use international standards to indict you, I don't think that is going to work.'

He is of the view that AICHR should look at those areas that have reached a consensus among Asean members, such as the rights of women, children and migrant workers.

'Now many people think of human rights as a bandwagon of so many different aspects. I know many things are covered in human rights and we should not minimise any.

'What we need to do now is to deal with some of the areas that have brought consensus. As we move forward, we then look at other areas that have not been addressed at a collective level.'

He says Singaporeans will benefit from AICHR's promotion of good governance, the rule of law and a better life for all Asean citizens. This, in turn, could help the region grow steadily and draw in more capital, talent, trade and investment.

Even after the launch of AICHR, he stresses, human rights advocates and civil society organisations should continue engaging Asean governments and pointing out areas of improvement.

The terms of reference setting out the work scope and responsibilities for AICHR will be reviewed in five years.

Mr Ong urges these groups to remember the people they are fighting for, rather than stick to a hard-line position.

It was the same approach he took as Asean chief when he met and interacted with the advocates.

He says: 'My main point was to try and look at practical aspects. What we all want is a better situation for people at the receiving end.'

'If you take a hard line and there's no forward movement, then is it fair to people at the receiving end who expect you to help them?'

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