



South East Asia Regional Cooperation in Human Development

SEARCH strengthens legal and institutional mechanisms for the promotion and the protection of the rights of children, ethnic minorities and migrant workers in Southeast Asia. Working with three regional partners, as well as national civil society organizations, the project encompasses seven countries: Thailand, Vietnam, Cambodia, Indonesia, Philippines, Laos and Timor Leste.

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ASEAN, Human Rights and Development



Until recently, the Association of Southeast Asian Nations (ASEAN) has been primarily concerned with the promotion of economic growth and regional security. While the Association's commitment to harmonized social development, and in particular to the promotion and protection of human rights has been growing steadily but incrementally since 1997 when a ministerial meeting agreed to an ASEAN Vision 2020 statement, it was only with the ratification of the ASEAN Charter in

2009 that forward momentum on the regional human rights front has speeded up dramatically.

Many reasons can be advanced concerning why Southeast Asia has moved more slowly than Africa or Latin America to establish a regional human rights architecture. First it is home to the broadest conglomeration of political systems of any area in the world: populist democracies emerging from strong man or military rule (Thailand, Indonesia and the Philippines); limited democracies with authoritarian tendencies (Singapore and Malaysia); a military dictatorship (Burma); an absolute monarchy (Brunei); and several states in transition from communist to market economies (Laos, Vietnam and Cambodia). Combined with the region's shared commitment to the idea of "Asian values", its reliance on consensus decision-making, its insecure wedge position between India and China, this political diversity has made Southeast Asia an unwieldy mechanism when it comes to human rights. Likewise there are just as many reasons why the pace of human rights-related development has recently speeded up: the democratizing imperative of globalization, the appearance of a new generation of regional leaders, the emergence of a more dynamic regional-level civil society, the recent democratization of Indonesia, the region's largest country, and the need to stay relevant in the G20 world of the BRICs.

In spite of the ever present tensions across the region between progressive and regressive forces for and against the promotion of human rights, the region's ten

governments have been able to move forward full steam ahead from the passage of the ASEAN Charter and the creation of a more rules-based and people-centred ASEAN to establish both an ASEAN Intergovernmental Human Rights Commission and an ASEAN Commission for Women and Children. As well, the Secretary-General has proceeded to establish a human rights office in the Secretariat; the ASEAN Ministers of Labour have adopted a declaration on migrant workers and continue to work on the creation of a Migrant Workers Instrument. Also an intergovernmental task force under Vietnamese leadership has commenced work on the drafting of an ASEAN human rights declaration. At the same time, at the sub-regional level, the Coordinated Mekong Ministerial Initiative against Trafficking has continued to make progress in building capacity for managing cross-border human trafficking and the National Human Rights Commissions of Malaysia, Thailand, Indonesia and the Philippines have established a forum for sharing best practices, improving human rights standards and raising human rights awareness.

Paralleling this historic development of intergovernmental human rights related institution building activity has been an equally impressive flurry of civil society capacity development including:

- The establishment of a university-based Human Rights Resource Centre for ASEAN designed to complement the work of the ASEAN Intergovernmental Human Rights Commission and other new human rights structures through focusing on awareness raising, research and capacity building as well as training and teaching on issues of human rights and the rule of law;
- The creation of an ASEAN Peoples Centre made up of a coalition of Southeast Asian regional civil society organizations with the aim of promoting civil society-government engagement on human rights;
- The formation of a Women's Caucus to ensure that women's human rights issues and concerns are reflected, integrated and implemented in all Southeast Asian countries, as well as within ASEAN structures and processes;
- The establishment of a Taskforce on ASEAN Migrant Workers comprised of trade unions, migrant rights non-governmental organizations and migrant worker associations aimed at supporting the development of a rights-based framework for the protection and promotion of the rights of migrant workers; and
- The commitment of the Ministers of Social Welfare and Development of the region and child rights related civil society organizations to convene an ASEAN Children's Forum in October 2010, prior to an ASEAN Ministerial Meeting.

While all of this human rights related institution building represents a welcome change in regional thinking, it is not without its difficulties: a regional context which continues to harbour a number of regimes with extremely poor human rights records; an ASEAN Intergovernmental Human Rights Commission which is only a consultative body with no authority to issue binding decisions, consider cases or conduct investigative visits; and a civil society configuration which is for the foreseeable future going to continue to be largely dependent on outside financial support – to name just three.

For the past 10 years, CIDA through two separate projects – first through the Southeast Asia Fund for Institutional and Legal Development (SEAFILD) project and now through the Southeast Asia Regional Cooperation in Human Development (SEARCH) project – has been the lead bilateral donor of regional human rights development in Southeast Asia. In the beginning, under SEAFILD, the approach was primarily one of providing financial support to small local human rights initiatives and linking them together through periodic newsletters and partner forums. SEARCH, on the other hand was designed to provide core support to three regional rights based organizations: FORUM-Asia, a

regional human rights advocacy organization; the Working Group for an ASEAN Human Rights Mechanism, a dialogue mechanism between senior government officials and human rights experts; and the Coordinated Mekong Ministerial Initiative against Trafficking, a UN led project aimed at building an inter-governmental capacity for cooperation between Mekong governments on cross-border trafficking. SEARCH has over time evolved into being a support mechanism for buttressing ASEAN human rights institution building processes, both governmental and non-governmental, and more recently into a platform for using web-based social networking approaches aimed at creating opportunities for ethnic minority, child and youth and migrant worker communities to have their voices heard on rights issues and their opinions and concerns taken into account by the new regional human rights bodies.

What all of these program delivery phases have had in common, however, is that they have all approached human rights promotion through a developmental lens – as not simply formal task required to get states to ratify the relevant universal legal instruments but as a process of building institutional capacities, empowering vulnerable groups, supporting networks of NGOs, creating space for constructive civil society-government dialogue and promoting human rights education – all on a long term basis that takes into account the complexity and unpredictability of social change in Southeast Asia.

In summary, great gains have been made in human rights cooperation in the ASEAN region over the past two years. However, that forward momentum has now reached a critical juncture. The requisite institutional structures have been put in place; now they have to be made to work for the improved well-being of the region's 580 million citizens (nearly 9% of the world's population).



But just as important as what has been achieved is what has been learned.

First, building a capacity for the promotion and protection of human rights across Southeast Asian is a *transformational* rather than a *transactional* undertaking. As such, at its core, it is about the ever evolving interface between the human rights struggle and changing governance systems in Southeast Asia rather than about rights-based project activities, even if they are capacity development related.

Second, the complexities associated with making these kinds of elemental changes require moving beyond making *binary judgments* concerning country compliance or non-compliance with international human rights normative instruments to the adoption of a *developmental right-based approach* built on a perception of rights as a developmental goal to be achieved independent of other goals and a recognition of the importance of advocacy as opposed to service provision.

Third, the most important role that that 'outsiders' can play when aiding that developmental process is providing support to local problem-solving networks, identifying and backing local agents of change, building local capacities for government-civil society engagement and providing opportunities to vulnerable communities to advocate for their rights.

And finally, while it is important to focus international attention on the human rights records of individual countries, and particularly on those of the world's worst human rights actors like Myanmar, possibilities also exist for influencing the inhuman behavior of such countries by supporting the advancement of human rights across the regions in which they operate and in the regional human rights institutions and organizations in which they are members.

Thus, while providing development assistance to the Burmese migrant labourers in the Mae Sot area of Thailand involves providing them with skills training, finding them adequate shelter and ministering to their health needs, it also requires organizing them to promote and protect their labour rights, providing legal assistance to those of them who are in intolerably abusive situations as well as informing the international community of the inhumanity of the conditions in which they find themselves.