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ASEAN's Intergovernmental Commission on Human Rights and Civil Society Initiatives in Southeast Asia

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Distinguished Professor for the Humanities and Director of the War Crimes Studies Center at the University of California, Berkeley, and Director of the Asian International Justice Initiative at the East-West Center, explains that with the AICHR establishment in 2009, “the challenge now is to make [it] effective, and the best means of doing so is through supporting and strengthening the kind of regional civil society initiatives that contributed to its creation.”

In late 2009, ASEAN created the Intergovernmental Commission on Human Rights (AICHR). Many NGOs and experts have expressed skepticism about the likely effectiveness of the AICHR given the mixed human rights records of ASEAN member states. There is no doubt that sober and realistic assessments are justified. For example, AICHR is composed of commissioners who are appointed by and answer to their respective governments. From a broader perspective, however, one can also argue that the present juncture presents important opportunities for genuine, if gradual, progress on human rights in ASEAN.

It is worth recalling that a civil society group from ASEAN member states, the Working Group for an ASEAN Human Rights Mechanism, also known as the “Working Group,” labored for more than fifteen years at the national and regional levels to advocate for an ASEAN regional human rights commission. It was only in 2004 that the existence of the Working Group was officially recognized by ASEAN, leading to a series of annual fora for dialogue between ASEAN governments and the Working Group. The Working Group effectively contributed to the momentum for the inclusion of a provision for a regional mechanism in the ASEAN Charter. With the adoption of the Charter in 2008, skeptics argued that following typical ASEAN practices in this area, it would take years before a regional mechanism would actually come into being. International skepticism notwithstanding, the AICHR was created in November 2009, commissioners for human rights have been appointed, and its first meetings have taken place.

This is not the end of the story, however, only the beginning. The challenge now is to make the AICHR effective, and the best means of doing so is through supporting and strengthening the kind of regional civil society initiatives that contributed to its creation. While various such efforts are underway, one initiative promises to be one of the most effective: the newly established Human Rights Resource Center for ASEAN (HRRCA).

The creation of the HRRCA represents the successful cooperation of regional and international human rights experts through the engagement of the Working Group and the Asian International Justice Initiative (AIJI), a partnership between the East-West Center and the War Crimes Studies Center of the University of California, Berkeley. AIJI has been working at the national and regional levels to help promote



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and build capacity for human rights and the rule of law. In particular, AIJI has focused its efforts in ASEAN on training judges, prosecutors, and lawyers engaged in human rights cases and on monitoring the effectiveness of the judicial process in protecting human rights. In Indonesia, for example, AIJI has since 2003 been engaged in a partnership with the Supreme Court of Indonesia to train Indonesian judges at the trial, appellate, and Supreme Court levels to handle cases pertaining to human rights issues. This has led to a series of other initiatives in Indonesia, the most recent of which is a U.S. State Department-funded project for human rights and conflict prevention training in the Indonesian province of Papua. AIJI has also been heavily engaged in similar efforts in Cambodia since 2005 to support efforts to provide accountability for the mass atrocities committed by the Khmer Rouge. The overarching goal of all of these programs is to promote the rule of law as well as to build capacity both in governmental institutions and in civil societies throughout ASEAN. Engagement with the Working Group and the creation of the ASEAN Intergovernmental Commission on Human Rights represented an opportunity to take such activities to the ASEAN level.

The mechanism for such regional engagement emerged through discussions with the Working Group, the ASEAN Secretariat, and the USAID Technical Facility at the ASEAN Secretariat. While it was clear that the creation of the AICHR was to be welcomed, such an institution would also require considerable support to become effective. To meet this challenge, a team of ten regional experts, chaired by the author, spent most of 2009 designing the Human Rights Resource Center for ASEAN and identifying a suitable host institution, the University of Indonesia in Jakarta, and a network of partner universities in other ASEAN countries. The core idea for the Human Rights Resource Center for ASEAN was that such support would come from an independent Track Two network that could provide expert research and capacity building to advance three fundamental goals:

- Provide training and capacity building for the AICHR and for governmental institutions and civil society groups that interact with it,
- Engage in research and policy studies that would help to define the human rights agenda for the AICHR and that would provide the basis for broader regional human rights dialogue, and
- Contribute to building national and regional networks of human rights experts through engaging junior and senior professionals in collaborative research and training teams.

The Human Rights Resource Center for ASEAN has, as of February 2010, come into existence. The most immediate challenge for the HRRCA will be both to engage the AICHR constructively and to define its own independent agenda to capitalize on the current momentum for regional human rights initiatives in Southeast Asia. Supporting the concentration of regional expertise represented by the HRRCA and other regional networks with which it will cooperate represents the best opportunity to focus and strengthen the kinds of civil society efforts that can move ASEAN forward to the next stage in its long path towards making the human rights of ASEAN citizens a reality rather than a promise.