



Tom Lantos Human Rights Commission Hearing

Advancing Human Rights through ASEAN: Vehicle for change?

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Opening Remarks as prepared for delivery

Good morning, and welcome to the Tom Lantos Human Rights Commission's hearing on Advancing Human Rights through the Association of Southeast Asian Nations.

I would like to recognize my Co-Chair Congressman Joe Pitts for his longstanding leadership on behalf of human rights and the protection of vulnerable populations around the world. I am also pleased that we are joined by Congressman Alan Lowenthal, whose steadfast attention to human rights in Southeast Asia has been a positive force for the region.

I welcome our witnesses as well, and thank you for your hard work on human rights. Some of you have traveled to join us, and you bring expertise and on-the-ground experience from the region, so it's great to have you here.

Formed in 1967, ASEAN is Southeast Asia's principle multilateral organization. Its ten member states include democracies, semi-authoritarian states, and military regimes, and represent 620 million people from widely diverse ethnic, cultural, linguistic, and religious backgrounds.

ASEAN is a trade powerhouse. With a combined gross domestic product of \$2.4 trillion USD per year, were it a country, it would be the world's seventh largest economy, and our 4th largest export market. Four ASEAN members have signed the Trans-Pacific Partnership (TPP).

So it is not a surprise that the Administration has deepened U.S. engagement with ASEAN in recent years. President Obama established a permanent mission at the secretariat in

Jakarta in 2010, upgraded annual gatherings of U.S. and ASEAN leaders to a formal summit, and declared the U.S.-ASEAN Strategic Partnership in 2015. He hosted the first U.S.-ASEAN leaders' summit on U.S. territory this past February and plans to visit Laos in the fall for his last ASEAN Summit.

As the relationship deepens, one of my key concerns is whether the Strategic Partnership's stated commitment to "strengthening democracy, enhancing good governance and the rule of law, [and] promoting and protecting human rights and fundamental freedoms" will keep pace with the economic, security, and other aspects of the relationship.

Some contend that the varying human rights records of ASEAN members are not the business of the U.S., or that human rights are a western cultural construct. Yet should a region's complexities mean that its inhabitants are less deserving than other peoples of the full enjoyment of universal human rights?

The answer is no. But when it comes to the protection and guarantee of human rights, unfortunately, ASEAN is behind the curve.

To be sure, some ASEAN members, such as Indonesia and the Philippines, have thriving democratic institutions, in spite of their shortcomings. Burma has the opportunity to build upon its recent historic elections, although the entrenched military retains veto power and the minority Rohingya remains disenfranchised.

Others in the group, including Laos and Vietnam, are one-party states with poor human rights records. Cambodia has a multi-party system, but has been ruled by a strongman for more than 30 years. Brunei is an Islamic theocracy where adultery and same-sex acts are illegal and punishable by death under sharia law. Singapore and Malaysia both hold parliamentary elections, but favor social control over robust freedom of expression. Of the 10 states, four—Malaysia, Singapore, Brunei, and Myanmar—have neither signed nor ratified the International Covenant on Civil and Political Rights.

As a multilateral organization, ASEAN can and should do more to promote and defend universal human rights. Under pressure, ASEAN has taken some steps: it has a declaration of human rights, a human rights commission, and a Charter that codifies some rights. But as we will hear today, these fall short. For example, the commission cannot investigate cases.

More generally, ASEAN's founding documents incorporate the principles of non-interference and consensus-based decision-making, while retaining an antiquated interpretation of sovereignty that considers human rights as "internal affairs." This is inconsistent with international law, and in practice makes it difficult for members to raise human rights concerns.

I am convinced that civil society drives well-functioning human rights systems. Civil society organizations bring cases, serve as watchdogs, and often cover more geographic and substantive ground than governments. But in ASEAN, civil society has been relegated to the sidelines. There is no individual complaint mechanism to bring cases, and legitimate NGOs have been denied accreditation before the Commission. When a coalition of NGOs wrote an open letter expressing their growing concerns, Laos, this year's summit chair, cancelled the 2016 civil society conference.

For these reasons, before the February U.S.-ASEAN Summit, I joined my colleague, Mr. Lowenthal, and others in calling on President Obama to prioritize human rights in Sunnylands and to ensure civil society participation.

So I look forward to hearing from our witnesses about the human rights aspects of our relationship with ASEAN. While it is not our role to simply impose our values on other countries, as a global leader and a partner to ASEAN, the U.S. government must use all available tools to support international human rights standards and advance rule of law and democratic principles. In short, the U.S. can and should help close the gap between the human rights aspirations and realities for the more than 620 million inhabitants of ASEAN.