

Opening Statement by Walden Bello
ASEAN Parliamentarians for Human Rights
Tom Lantos Human Rights Commission Hearing
on Advancing Human Rights through ASEAN
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Good morning honorable committee members. My name is Walden Bello, and I am here representing ASEAN Parliamentarians for Human Rights, a network of Southeast Asian legislators committed to advancing human rights and democracy throughout the region. We work through a variety of means to strengthen regional human rights mechanisms and push ASEAN member state governments to adhere to their international human rights obligations.

APHR functions outside of formal ASEAN structures and is not officially recognized by the ASEAN Secretariat. This status reflects the suspicion with which most ASEAN governments view independent voices in their own parliaments, as well as any substantive efforts to advance human rights regionally.

In terms of human rights, Southeast Asia today faces three defining challenges. The first is a regional trend of democratic erosion. In the past three years, we have witnessed efforts by member state governments to systematically undermine democratic institutions and fundamental freedoms. We have seen a military takeover in Thailand, as well as the use of extreme authoritarian measures by ruling parties in Cambodia and Malaysia to shut down space for opposition groups. Meanwhile the region's democratic laggards, such as Laos and Vietnam, have settled firmly into their statuses as repressive one-party states, where dissent is not tolerated. To put it bluntly, the future of democracy in Southeast Asia is at risk.

Let me just add here with respect to Thailand. The military rule there today has key differences from previous periods. The problem democracy faces to today is that the military regime has the support of the elite and the middle class. The reason is that the democratic process is seen as a mechanism by which the lower classes have advanced their political and economic demands. In short, the middle class has become illiberal and this constitutes a major barrier to the return of democracy.

A second disturbing development is a challenge to universally recognized human rights and due process. Let me take the case of the Philippines. I disagree with the assessment of the representative of the State Department that the Philippine is a democratic success story. The results of the recent presidential election in the Philippines are seen by many as being in fact a protest vote against the failure of past administrations to solve entrenched problems of poverty and inequality that have prevented real democratic empowerment of the majority. The problem is that popular disaffection has also brought to power a person who has been associated with extra-judicial execution of alleged criminals and recently justified the assassination of journalists deemed "corrupt." The harsh line against due process was a central reason for his electoral victory, which raises questions about how deep respect for human rights has really been internalized in a country long regarded as a regional paragon of liberal democracy.

A third challenge for ASEAN is how to promote and protect human rights in the context of a regional integration process, which has emphasized economic prerogatives and eschewed political and human rights concerns. As a result, the creation of the ASEAN Economic Community at the end of last year included little in the way of safeguards against the negative impacts of intra-regional investment. Such an approach threatens to run roughshod over the rights of marginalized populations and reinforce patterns of corruption, inequality, and impunity.

Unlike its organizational counterparts in other regions, ASEAN is fundamentally ill-equipped to address all three of these challenges. Its current structure and institutional architecture prevent it from taking significant action, and many of its member governments have demonstrated open hostility toward rights and democracy.

Though ASEAN has provided rhetorical backing for some liberal democratic ideals, it has supplied little in the way of bureaucratic or institutional support to facilitate their implementation. Though the ASEAN Charter outlines member states' obligations to promote and protect human rights and adhere to the rule of law and democratic principles, such commitments are circumscribed by ASEAN's "non-interference" principle and by vague statements, which undermine the universality of human rights. Likewise, the ASEAN Human Rights Declaration, perceived as a step forward by some, fails to safeguard human rights as defined by international treaties.

Regional institutions function in a similarly hollow manner. The ASEAN Intergovernmental Commission on Human Rights, for instance, lacks a sufficiently strong mandate—one that would allow it to receive complaints and take up specific cases. While the Commission's more progressive country representatives have achieved moderate success in using their existing mandate to shape regional norms, it, like other regional institutions, remains ultimately crippled by ASEAN's consensus-based decision-making structure.

Despite these drawbacks, however, we have seen glimmers of success in the past, which can and should be replicated moving forward.

One example is ASEAN's approach to Myanmar under military rule. Thanks in part to coaxing from international actors, ASEAN managed to apply much-needed pressure on the Burmese junta, which was instrumental in facilitating the positive changes we are seeing today. AHR, in fact, has its roots in this same movement, having been originally founded in 2004 as a collective of regional parliamentarians speaking out in support of the Burmese democracy movement.

The United States has a role to play in similar efforts today. U.S. officials should use public pronouncements and bilateral meetings to condemn human rights violations and support the fundamental rights of legitimate opposition voices.

But U.S. officials must avoid the temptation to tokenize human rights. Statements are important, but without more concrete policy action, the U.S. government risks falling into the same pattern as ASEAN itself: including the language of human rights in its rhetoric, while displaying a lack of substance in its attempts to address relevant issues. At the same time, members of Congress must be sensitive to concerns that some initiatives promoted by the current administration, like

the Trans-Pacific Partnership (TPP), promote corporate interests at the expense of violations of labor rights and social welfare.

Sustained dialogue between pro-democracy voices, including lawmakers, on both continents is also critical. In this dialogue, a higher profile played by civil society organizations and an image and reality of their being independent from the U.S. government would be welcome.

It is also important that the United States avoid being tagged as hypocritical. One weakness in this regard has been the country's record of incarcerating large numbers of its minority populations. In addition, since the ASEAN region has been a source of productive migrants to the United States and is home to a large Muslim population, there is fear that anti-immigrant and anti-Muslim sentiments are on the rise in the American population, and that government policy is conciliating this.

There is no perfect society when it comes to the observance and practice of democracy and human rights, and if the United States is to be effective in assisting in the promotion of democracy and the institutionalization of human rights elsewhere, officials must be sensitive to the limitations in their own society. More humility and more openness to criticism would contribute to ASEAN governments being less defensive about their own shortcomings.

I thank you.