



ACSC/APF 2015 Conference

*Workshop on Engaging the 27th ASEAN Summit, on the theme
"A People-Centered ASEAN Community: Making It Happen"*

17-19 November 2015
Kuala Lumpur, Malaysia





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ACSC/APF 2015 Conference Workshop on Engaging the 27th ASEAN Summit
“A People Centered ASEAN Community: Making It Happen”

1. ASEAN 2. Civil Society Organizations 3. Regional Social Movement
4. Government 5. Politics

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GLOSSARY

ACCI	ASEAN Climate Change Initiative
ACSC	ASEAN Conference of Civil Society
ACMW	ASEAN Committee on Migrant Workers
ACTIP	ASEAN Convention Against Trafficking in Persons
ACWC	ASEAN Commission on the Promotion and the Protection of the Rights of Women & Children
AEC	ASEAN Economic Community
AFTA	ASEAN Free Trade Agreement
AICHR	ASEAN Intergovernmental Commission on Human Rights
AIPA	ASEAN Inter-Parliamentary Assembly
AMS	ASEAN Member States
APF	ASEAN Peoples' Forum
APRCM	Asia Pacific Regional CSOs Engagement Mechanism
APSC	ASEAN Political Security Committee
APWLD	Asia Pacific Forum on Women Law and Development,
ARROW	Asia Pacific Resource and Research for Women
ASCC	ASEAN Social-Cultural Community
ASEAN	Association of South East Asian Nations
ASEC	ASEAN Secretariat
ASG	Assistant Secretary-General
AWC	ASEAN Women's Caucus
BAU	Business As Usual
C4	Centre to Combat Corruption and Cronyism
CBDR	Common But Differentiated Responsibilities
CCWA	Cambodian Civil Society Working Group on ASEAN
CETDEM	Centre for Environment, Technology & Development
CHD	Centre for Health Consultation & Community Development
CNRP	Cambodian National Rescue Party
COMANGO	Coalition of Malaysian NGOs
COP	Conference of the Parties
CPR	Committee of Permanent Representatives
CSO	Civil Society Organization
CVS	Cambodian Volunteers for Society
CWBD	Council of Women of Brunei Darussalam
DPA	Department of Political Affairs
EPG	Eminent Persons Group
EU	European Union
FCAA	Follow Up Committee of the ACSC/APF
FDC	Freedom from Debt Coalition
FOE	Freedom of Expression
GBM	Gabungan Bertindak Malaysia
GHG	Greenhouse Gas
GIZ	Gesellschaft für Internationale Zusammenarbeit
GMO	Genetically Modified Organism
GMM	Global Moderates Movement
GONGOs	Government NGOs
H.E.	His/Her Excellency
HLTF	High Level Task Force

HRD	Human Rights Defenders
IDEAS	Institute for Democracy and Economic Affairs
IID	Initiatives for International Dialogue
INDCs	Intended Nationally Determined Contributions
INGO	International NGO
ISA	Internal Security Act
IT	Information technology
IWRAW	International Women's Rights Action Watch
IYCA-Myanmar	Interfaith Youth Coalition Aid in Myanmar
JKOASM	Jaringan Kampung Orang Asli Semenanjung Malaysia
JOAS	Jaringan Orang Asli SeMalaysia
LGBT/IQ	Lesbian, Gay, Bisexual, Transgender/Intersex and Questioning
MDG	Millennium Development Goals
MNLF	Moro National Liberation Front
MOFA	Ministry of Foreign Affairs
MOU	Memorandum of Understanding
NHRI	National Human Rights Institutions
NOC	National Organizing Committee
NSC	National Steering Committee
PAA	Public Assembly Act
READI	Regional EU-ASEAN Dialogue Instrument
RGC	Royal Government of Cambodia
RSC	Regional Steering Committee
SAPA	Solidarity for Asian People's Advocacy
SDGs	Sustainable Development Goals
SEACA	South East Asia Committee for Advocacy
SEANET	Southeast Asia Network
SEARCCT	Southeast Asia Regional Centre for Counter Terrorism
SOGIE	Sexual Orientation, Gender Identity, and Gender Expression
SOM	Senior Officials' Meeting
SSE	Social Solidarity Economy
SUARAM	Suara Rakyat Malaysia
TFahr	Task Force on ASEAN and Human Rights
TOR	Terms of Reference
TPPA	Trans Pacific Partnership Agreement
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
UPR	Universal Periodic Review
VPD	Vietnam Peace and Development Foundation
VUFO	Vietnam Union of Friendship Organisations
WAO	Women's Aid Organisation
WGP	Working Group for Peace
YAB	Yang Amat Berhormat (Most Respected)



1. Session 1: Welcome and Opening

Jerald Joseph, ACSC/APF 2015 Chairperson (Malaysia)

Welcome & Opening

This ACSC/APF conference is the second CSO forum held in parallel to the ASEAN Summits in 2015. This gathering provides another opportunity and platform for CSOs to engage with ASEAN and its member States.

ASEAN governments are excited to launch the ASEAN Community Blueprints but sadly we are not privy to this document. The other document is the ASEAN post - 2015 Vision and again we have no access to appraise the full content of this document. We hope it will contain some of our demands otherwise we will have to react strongly to it.

That is why the RSC and the Malaysian NOC have decided to organize a second CSO forum in this year to reflect on our journey so far. Although we are a group of CSOs with diverse and different orientations and backgrounds, the ACSC/APF is an inclusive forum for all. The engaging modality of the ACSC/APF had provisions for engagement among CSOs themselves. Whatever happens, we will have to determine our continued mode of engaging ASEAN.

This is not another APF but rather a Conference since we already did a lot of work during the April APF and also developed the official statement. In last forum we had about 1,500 delegates but this time we are only a select group of about 150 representatives from 11 South East Asian (SEA) countries.

In the next 3 days we hope to hear updates and feedback from different countries on certain sections of the statement of demands and to what extent they have been responded to by the respective governments and ASEAN.

I would like to introduce members of the National Organizing Committee (NOC), the Regional Steering Committee (RSC) and also the conference organizing secretariat to the participants.

Participants' Introduction & Orientation

The welcome speech was followed by the introduction of participants who were encouraged to approach persons they did not know and then to introduce themselves to each other.

As part of the orientation session, participants from each country grouping were asked to share their national greetings. They were also asked to raise their hands to indicate themes/issues they are involved in as the moderator called out each theme/issue.

This exercise was to enable participants to identify each others' background and special interests and to help facilitate exchanges, linkages and networking throughout the conference.

ACSC/APF Conference Program Concept & Schedule

The Conference background and program schedule were presented and explained to the participants.

Background:

The Regional Steering Committee (RSC) which met on 16th August 2015 in Kuala Lumpur had decided that in order to complete the ACSC/APF2015, it was important that civil society is present to engage the 27th ASEAN Summit.

The 27th ASEAN Summit will be held on 18-22 November 2015 in Kuala Lumpur and CSOs will organize a conference just prior to it.

The RSC then decided on the Conference theme "People-Centered ASEAN Community: Making It Happen" and the date was set for 17-19 November 2015 in Kuala Lumpur.

Motivating factors:

a. The ASEAN Community will be coming into being at the end of 2015 as envisioned by ASEAN. How will this ASEAN Community impact the livelihood of peoples in the region and how much say did they have in the process of



Jerald Joseph, ACSC/APF 2015
Chairperson (Malaysia)

determining the direction and shaping the regional community, is a matter of concern. The civil society needs to holistically and critically review the plan of ASEAN governments to craft a new long term plan for the region post 2015.

b. The ACSC/APF process has made a full circle among the 10 ASEAN member states in the last 10 years and is now back in Malaysia as the hosting country. It is timely for CSOs in the region to take stock and critically reflect on the directions, strategies, processes and impacts of the ACSC/APF in the past 10 years in terms of influencing the policy decision making of ASEAN in regional development and integration. This will help civil society in the region to chart a new course and actions in addressing new challenges in the post 2015 context.

Objectives:

The overall goals of the ACSC/APF2015 Conference Engaging 27th ASEAN Summit Workshop are:

1. To evaluate the ASEAN Community and Post-2015 ASEAN Vision that is to be launched at the Summit;
2. To follow up with the ASEAN government post-ACSC/APF 2015 on the Final Statement submitted;

3. To evaluate the quality of ASEAN engaging with civil society, 10 years since the inception of ACSC/APF;
4. To have bilateral dialogue with governments and other inter-governmental agencies.

Expected Outcomes:

- Better understanding of ASEAN Governments' intended plan for the ASEAN Community;
- Strengthened national advocacy processes via follow up actions at the national level, prior and subsequent to the ACSC/APF2015 Conference Engaging 27th ASEAN Summit Workshop;
- Joint statement and recommendations on regional issues which will be submitted to ASEAN leaders, ASEAN Secretariat, and distributed to all ASEAN member states and CSOs;
- Increased understanding of the strengths and weaknesses of the ASEAN Community;
- Increased dialogue between CSOs and different ASEAN stakeholders from different ASEAN countries;
- Strengthened solidarity, understanding and coordinated actions of ASEAN CSOs on issues affecting the region and ASEAN processes via various thematic forums during the ACSC/APF2015 Conference Engaging 27th ASEAN Summit Workshop.

The Schedule:

Day 0: (16 th November 2015, Monday)	
Whole day	Arrival:
10.00am -4.00pm	RSC Committee meeting
5.00pm -10.00pm	Registration
Day 1: (17 th November 2015, Tuesday)	
8.00am	Registration
9.00am	<p>Session 1: Opening</p> <ul style="list-style-type: none"> a. Welcome Remarks b. Participants' Introduction c. Logistics information <p>Moderator: Jerald Joseph, ACSC/APF2015 Chairperson & Pusat KOMAS</p>
10.00am	<p>Opening Overview: Mapping Session with participants</p> <p>Moderator: Jerald Joseph, ACSC/APF2015 Chairperson & Pusat KOMAS</p>
11.10am	Tea break
11.30am	<p>Session 2: 10 Years of Engagement: Where Are We?</p> <ul style="list-style-type: none"> a. Corinna K. Lopa: South East Asian Committee for Advocacy (SEACA) b. Nguyen Hoang Yen: Center for Health Consultation and Community Development (CDH) <p>Moderator: Pengiran Datin Paduka Mariam Pg Matarsat, Council of Women of Brunei Darussalam (CWBD)</p>
1.00pm	Lunch
2.30pm	<p>Session 3: Engaging Strategy: Have We Failed?</p> <ul style="list-style-type: none"> a. H.E. Dr. AKP Mochtan: ASEAN Secretariat b. Yong Chanthalangsy: Institute of Foreign Affairs, Lao c. Yuyun Wahyuningrum: Regional EU-ASEAN Dialogue Instrument (READI) <p>Moderator: Wathshlah Naidu, Women's Aid Organisation (WAO)</p>
4.15pm	Group Photo
4.30pm	Tea Break
5.00pm	<p>Session 4: Workshop Group Engagement Modality-Thinking outside the Box: Recommendations by Participants</p> <ul style="list-style-type: none"> a. Interface with Governments, Moderator: Arturo C. Nuera, Freedom from Debt Coalition (FDC) b. Monitoring ASEAN, Moderator: Soe Min Than, Think Centre c. Empowering CSO for ASEAN, Moderator: Florida Sandanasamy, Malaysian Trade Union Congress (MTUC) d. Working with ASEAN Secretariat Moderator: Atnike Nova Sigiro, FORUM-ASIA/SAPA TFAHR.

6.00pm	Close
7.30-10.00pm:	<p>Public Forum “Can ASEAN Economic Community Protect Property Rights for the People” (Co-organized by ACSC/APF2015 & SEANET Malaysia)</p> <ul style="list-style-type: none"> a. Lorenzo Montari (USA): Property Rights Alliance b. Sary Levy (USA): 2015 International Property Rights Index c. YB Charles Santiago (Malaysia): ASEAN Parliamentarians for Human Rights d. Alex Chandra (Indonesia) : The Habibie Center <p>Moderator: Wan Saiful Wan Jan, Institute of Democracy and Economic Affairs (IDEAS)</p>
Day 2 (18 th November 2015, Wednesday)	
8.45am	Session 4 Continuation: Reports of Session 4 workshop groups
9.30am	<p>Session 5: Envisioning a People-Centered ASEAN Community: Other Perspectives</p> <ul style="list-style-type: none"> a. H.E. Dr. Seree Nonthasoot: Thailand AICHR b. Alex Chandra: The Habibie Centre c. Phil Robertson: Human Rights Watch (INGO) <p>Moderator: Dr. Adrian Heok Kay Heng, Think Centre</p>
11.00am	Tea break
11.20am	<p>Session 6: Post 2015 Vision: ASEAN Peoples taking Center-Stage?</p> <ul style="list-style-type: none"> a. H.E. Dato Hsu King Bee: HLTF Malaysia b. H.E. Jakkrit Srivali: MOFA Thailand <p>Moderator: Jerald Joseph, ACSC/APF2015 Chairperson & PUSAT KOMAS</p>
1.00pm	Lunch
2.15pm	<p>Session 7: Special Thematic Discussion: “Human Rights Defenders in ASEAN”</p> <ul style="list-style-type: none"> a. Boonthan Verawongse: ASEAN Watch Thailand b. Ryan Silvero: ASEAN SOGIE Caucus c. Sevan Doraisamy: SUARAM Malaysia d. Vanny Prok: Working Group for Peace, Cambodia <p>Moderator: Shanti Heidi Delany Sijabat, Pergerakan Indonesia</p>
3.45pm	Tea Break
4.15pm	<p>Session 8: ASEAN Community in the Global Context – Complications, Complicity or Coherence?</p> <ul style="list-style-type: none"> a. Global Economic Processes: YB Charles Santiago, Member of Parliament, Malaysia b. Sustainable Development Goals: The Role of Youth in Transforming Our World : Ahmad Alhendawi, UN SG’s Envoy on Youth c. Prevention of Armed Conflict and Extremism: Dato’ Saifuddin Abdullah, Akademi Belia, Former CEO of Global Moderate Movement <p>Moderator: Isagani V. Abunda II, Initiatives for International Dialogue (IID)</p>

6.00pm	Close
6.15pm	Special Session: CSO Bilateral Dialogue with European Embassy Representatives as ASEAN Dialogue Partner, jointly organized by IDEAS, ACSC/APF & SEANET with the participation of selected delegates.
Day 3 (19 th November 2015, Thursday)	
8.45am	<p>Session 9: A New ASEAN Engagement Framework: What Possibility?</p> <p>a. Atnike Nova Sigiro: FORUM-ASIA/SAPA TFAHR b. Jerald Joseph: ACSC/APF2015 c. Diyana Yahaya: Asia Pacific Forum on Women, Law & Development (APWLD) d. Wanun Permpibul: Climate Watch Thailand Moderator: Pen Somony, Cambodian Volunteers for Society (CVS)</p>
10.45am	Tea break
11.00am	<p>Session 10: APF: The Future in ASEAN (Plenary Discussion)</p> <p>a. APF 2016 b. FCAA Monitoring Plans c. Systematizing Peoples Process in ASEAN Moderator: Jerald Joseph, ACSC/APF2015 Chairperson & PUSAT KOMAS</p>
1.00pm	Lunch
2.30pm	<p>Conference Statement Finalizing Moderator: Wathshlah Naidu, Women's Aid Organization (WAO)</p>
4.00pm	Press Conference
5.00pm	Closing Speeches
5.30pm	Closing Ceremony : Celebrating Myanmar People's Victory
6.00pm	Special Session: CSO Dialogue with the Malaysian Philippine Ambassador & Representatives.
7.00pm	End of Conference





Myanmar delegates busy preparing for the country update reporting session.

The country group outputs are as follows:

Country	• Positive	• Negative/challenges
1. Singapore	<ul style="list-style-type: none"> • Minimum wages for local workers in the cleaning industry. • More awareness of social rights and inequality. • Day off for domestic workers. • Human trafficking law enacted. 	<ul style="list-style-type: none"> • Internal Security Act (ISA) still exists. • Death penalty. • Increased inequality. • No media freedom. • Only 7 clemencies in 50 years. • No transparency and enforcement in labor/management law implementation. • Foreign Domestic Workers are not protected under employment laws.
2. Brunei	<ul style="list-style-type: none"> • Cabinet reshuffle. • More transparency with NGOs. • The country has been upgraded on “Ease of doing business”. 	<ul style="list-style-type: none"> • Economic downturn leading to budget constraints. • Increase in unemployment • Affected by the annual haze.
3. Myanmar	<ul style="list-style-type: none"> • 2015 General Elections results. • Nationwide ceasefire agreement • Women participation in electoral politics. • Child rights recommendations accepted in the 2nd UPR cycle in October 2015. 	<ul style="list-style-type: none"> • Violation of ethnic and minority rights • Continued arm conflicts • Poor disaster management e.g. floods • Human rights defenders jailed-political prisoners
4. Philippines	<ul style="list-style-type: none"> • CSO engagement with government. • Reproductive health laws improved. • General Elections 2016. • Christmas and other holidays. 	<ul style="list-style-type: none"> • Resources grabbing e.g. mining corporation investments. • Indigenous peoples’ issues e.g. Lumad killings. • Corruption and poor governance –e.g. ‘bullet planting’ (enforcement officers sometimes plant bullets to ‘create’ criminal offences then ask for bribes to release the accused victims).
5. Indonesia	<ul style="list-style-type: none"> • Local governments become more accountable due to direct elections system. • Refugees are welcomed e.g. being settled in Aceh. • Recently started legal framework for National health care/ insurance. 	<ul style="list-style-type: none"> • Death penalty – lack of accountability in the implementation. • TPPA (Trans Pacific Partnership Agreement) destroying lives, access to medicines and patenting of seeds. • Haze and environmental damages because of corporate crimes, lack of government actions to resolve them.

6. Malaysia (Peninsular Malaysia & East Malaysia: Sarawak and Sabah States)	<ul style="list-style-type: none"> • Social welfare services. • Training youths in skills development. • Small holding agricultural schemes. • People holding peaceful assembly and demonstrations. • Youth participation in civil society mobilization. • Civil society leadership. • Increment of development budget for Sabah and Sarawak. • Holding of peaceful assembly e.g. BERSIH 4. 	<ul style="list-style-type: none"> • Extremism and fundamentalism & targeting of minorities. • Economic downturn –higher cost of living and unemployment • Sedition Act • Laws and discrimination against LGBT • Corruption –lack of transparency • Human rights abuses • Breakdown of rule of law and public institutions • Lack of awareness of rights and issues among people in Sabah and Sarawak.
7. Vietnam	<ul style="list-style-type: none"> • Further reduction of offences liable for capital punishment. • Open floor for CSO and INGOs to discuss the draft law on Association. • Ratifying convention against torture and convention on disability rights. 	<ul style="list-style-type: none"> • Ministry of Agriculture approves cultivation of 7 varieties of GMO. • Climate change sea level rise and lack of fresh water. • Tensions in the South China Seas threatening fishermen’s livelihood.
8. Timor Leste	<ul style="list-style-type: none"> • Progress in basic infrastructure development. • No conflicts. • CSO engagement in social audit with government. 	<ul style="list-style-type: none"> • Land disputes e.g. evictions. • High on corruption Index. • High youth unemployment.
9. Laos	<ul style="list-style-type: none"> • No. of schools increased in the rural areas. • Infrastructure like road building and electricity extended to rural areas. • Increase in no. of health centres expanded to rural areas. • Good governance – CSO participation in SDGs. 	<ul style="list-style-type: none"> • Poverty. • Environment destruction – floods, drought, landslides. • Lack of skilled laborers.
10. Cambodia	<ul style="list-style-type: none"> • Youth participation is promoted. • Gradual education reform on ASEAN integration. • Gradual reform on public services. 	<ul style="list-style-type: none"> • Double standards on the practice of rule of law and democracy. • Human rights issues – freedom of assembly and expression. • Political issues – freedom of political rights.
11. Thailand	<ul style="list-style-type: none"> • Empowered CSOs and emergence of new generation of activists. • Network with APF. • CSOs more engaged in APF process and more in ASEAN process. 	<ul style="list-style-type: none"> • Democratic rights limited e.g. freedom of expression, rights over natural resources. • Missing rule of law, weak justice system and lack of check and balance. • Extreme human rights violations • Failure of peace talks in arm conflicts.



2. Session 2 : 10 Years of Engagement: Where Are We?

Moderator: Pengiran Datin Paduka Mariam Pg Matarsat

(Council of Women of Brunei Darussalam & Brunei Malay Teachers' Association, Brunei Darussalam)

Panelist 1: Corinna K Lopa

(South East Asia Committee for Advocacy [SEACA], Philippines)



Corinna K Lopa
(South East Asia Committee for Advocacy [SEACA], Philippines)

A people-centered ASEAN is a transformative endeavour, requiring understanding, openness to dialogue and readiness to change on all fronts and sides.

In the ten years of engagement with ASEAN some barriers have opened up and confidence built between ASEAN and the civil society. The substance of engagement was already communicated with ASEAN as well as different levels of engagements carried out with the regional body. The ways to engage ASEAN (process) and the issues presented to them (substance) has been given much thought. It was realised then that the means and the ends are just as important ie. how to engage ASEAN is as important as having the policy proposals and advocacies appreciated and accepted by them.

Network building is also an important factor, based on the ACSC/APF established guiding principles and engagement modalities as the basis of unity. Today, confidence has remained strong, the substance of our engagement has been clearly conveyed and creation and innovation of open and inclusive spaces have taken place. The environment for consultation, participation and spaces for dialogue have been institutionalized.

There is a need to continue confronting challenges to protect civil society spaces from the control of governments and GONGOs (Government NGOs) and ensuring they remain true to the people & their communities.

Ten Years Of Civil Society Engagement With ASEAN (2005-2015): Where Are We?

How has the ASEAN Community impacted the lives of peoples in the region? How much say do SEA peoples have in the process of determining the direction and shaping of the regional community? How has the Civil Society (CS) engagement process with ASEAN facilitated a people-centered ASEAN so far?

From 2007 to 2014 they have already added the term 'people-centered ASEAN'. CSOs have always said that ASEAN must not only be people oriented but have the people at the center of ASEAN development.

Panelist 2: Nguyen Hoang Yen

(Centre for Health Consultation and Community Development [CHD], Vietnam)

**10 Years of Engagement By The ACSC/APF, Where Are We?
-A Roadmap For An ASEAN Community 2005- 2015?**

After 10 years of engagement it is important to assess the ASEAN Community roadmap of 2005-2015. The second pillar of ASEAN is about strengthening people's participation and today more people are aware of ASEAN and they also have a voice in the community because of the good work of CSOs and the ACSC/APF.

In the early days of ASEAN, CSOs wanted to engage ASEAN member state governments to raise a broad spectrum of issues from different sectors ranging from human rights to trade in the region. The CSO network is strong and was able to submit the output from ACSC/APF i.e. the joint outcome statement and recommendations to the ASEAN leaders during the ASEAN Summit.

There are now more opportunities for CSOs to link and network with each other in our respective countries and with other countries within the region. We are reaching out to a broader range of sections and raising issues to government leaders in our own respective countries and also other ASEAN countries.

ASEAN governments recognize the existence of ACSC/APF, received our recommendations and also had interface meetings with our representatives. In the 10 Years of ACSC/APF engagement with Governments, there had been difficulties because Interface meetings were not regular mechanisms; limited to lower level government dialogues (e.g. ministerial level) and did not have adequate follow-up and monitoring of recommendations from ACSC/APF.

Vietnamese CSOs' engagement with the government was carried out on different concerns and resulted in the implementation of various recommendations submitted to them since 2005. But there has been no feedback from the government on many other recommendations.



In 2015 the ACSC/APF changed its approach to focus on major priorities such as ensuring development justice; protecting democratic processes, governance, fundamental rights and freedoms; committing to peace and security; and ending discrimination and inequality.

There are also efforts to carry out dialogues with lower government levels instead of limiting to interface at the top levels only and also to establish follow-up and monitoring mechanism.

There is more to be done in areas such as promoting mutual understanding and respect; building on common grounds; diversifying engagement modality e.g. online consultations; monitoring delegations of both the governments and CSOs; having more frequent CSO-government engagements and involving more people from the grassroots.

Open Plenary Key Points

It was expressed that future engagements with ASEAN should be more targeted and specific. The ACSC/APF is not equipped to engage outside the regular annual conferences. The ASEAN caucus responded to the Rohingya refugee crisis only because of pro-active actions taken by the regional networks working with refugees and Myanmar. That kind of coordination must take place and cannot wait for regional conferences to formulate responses. It is more strategic to rely on networks on the ground when responding to crisis and urgent issues.

It was observed that submissions to government are not heeded to. CSOs are not in conflict with governments but they are closer to the ground and can convey feedback from grassroots in terms of impacts and effects of certain policies. There is a strong need to institutionalize engagements with governments especially on different operational levels.

The challenge is how to convey what CSOs are to the governments so that they can understand and appreciate what CSOs are doing. CSOs also have to actively participate and share information on what they are

doing and also learn how to be more straight forward and systematic in presenting their issues to ASEAN governments.

There must be equal communication and dialogue for real interfacing to happen and governments must be open to participate sincerely. It is also the CSOs' responsibilities to warn governments if they act contrary to what ASEAN is committed to in terms of human rights and democracy.

In the last 10 years, the Vietnamese National Assembly have been allowing CSOs to contribute their views on the development and revision of laws and policies including the Criminal, migration and trafficking laws and engaged in policy advocacies. The country is now more open compared to 10 years ago.

CSOs have also set up a network to provide a platform for open dialogue on current development issues in Vietnam. There are now many networks on women, climate change, development partnership involving the NGOs, donors, and even the government for dialogues and discussions.

Accreditation of CSOs by ASEAN proves to be quite limiting. Perhaps a national registry can be made with sufficient information so that the ASEAN secretariat has enough time to process the applications.

But the problem is the outcome of applications usually depend on who is pushing and who is blocking their approvals. There is also a requirement for all ASEAN states to unanimously approve the application otherwise it will be rejected.



Challenges on the ground e.g. this Vietnamese mother and child begging for a living (left photo).



3. Session 3: Engagement Strategy: Have we Failed?

Moderator: Wathshlah Naidu

(Women's Aid Organization, Malaysia)

Panelist 1: HE Dr. AKP Mochtan

(Deputy Secretary General of ASEAN for Community and Corporate Affairs, ASEC, Indonesia)



I am delighted to be here and reconnect with old friends. Normally we have the ASEAN Summit twice a year, the first in April and the second one around this time in November. I am very delighted we have the opportunity to organize the ASEAN People's Forum for the second time. I am also very delighted with the theme "A People Centered ASEAN-Making it Happen". The specific task we are discussing in this session is actually about engagement, but I am a bit worried when I look at the theme.

It makes me think why the choice of words like "where have we failed?" This is a question of mindset for instance, looking at the bottle as half filled or half empty. We are often trapped within negative judgments.

Engagement is a like a 'courting' process. Could you make a judgment that tonight's date would be a failure as what you had expected? Aren't you happy with just having coffee and holding hands, or are you expecting more than that? Is that considered a failure?

Dr AKP Mochtan (right) sharing some tips on more effective ways for CSOs to engage with the States and the ASEAN body. Wathshlah Naidu (left) moderated the session.

ASEAN by nature is also a process as with community building is a process with avenues and platforms such as the April summit where there was an interface with the leaders. But if meeting the leaders is the only objective then we are limiting ourselves.

ASEAN itself actually engages with other partners such as China, Russia, USA, Japan and South Korea. Its engagement is also a process and underlining that is actually confidence and trust building. I hope that we are also on the same page in terms of our perspective on engagement.

Firstly, in past practices, what has worked in terms of engagement has always been to emphasize on tolerance and mutual understanding. There are expectations of what ASEAN can and cannot fulfill. For example the ASEAN Secretariat received a group of CSOs protesting about the boat people issue. They demanded to expel Myanmar from ASEAN because of the Rohingya boat people. That would be a very difficult demand because we have to know what ASEAN can and cannot fulfill.

Secondly, I would like to encourage constructive dialogue. ASEAN can actually receive criticism as long it allows us to move forward. For instance my criticism to you is about the use of the title “why we failed” because I view the ‘bottle as half full’ instead of ‘half empty’. I say this with the intention to move forward so that we can have constructive dialogue and engagement.

Thirdly, I would like to share about the appreciation for a gradual incremental approach. ASEAN member states are

at different stages and very diverse, and decisions made must be based on consensus and so we have to move in incremental and gradual way.

Fourthly, we need to build synergy and collaborative efforts. There are areas perhaps ASEAN would need to receive inputs from the ground for instance in education, environment and health issues. Those working on the ground can give useful direct experiences and insight on these issues.

I need to emphasize the ASEAN way is non-confrontational. I am in a difficult position when I receive statements saying “we demand...” because it is very difficult to convey this to the ASEAN leaders. They will feel very apprehensive to receive this type of statement. These are some of the practical points that have worked in the past.

Delegate from Southern Thailand (left) and from Malaysia (right) actively engaged Dr Mochtan with questions and comments during the open plenary





Panelist 2: Yong Chanthalangsy
(Lao Institute of Foreign Affairs, Laos)

After 10 years it is time to look retrospectively at the achievements and what else needs to be done in order to achieve the full process and create maximum impact on the leaders from our intervention.

In 2005 the first interface between ASEAN leaders and the CSOs was held in Kuala Lumpur Malaysia. There was a 10 plus 10 meeting and it was like 'cold water poured onto the heads' of our leaders because of the process and format of the meeting which resulted in a finger pointing session and the leaders feeling very angry and unhappy.

Then in 2006 and 2007 in the Philippines and Singapore respectively, there were no interface meetings, just a 10+1 (representative of the CSO) event. There has been a reduction from 10+10 to 10+1, so this was the consequence.

In 2008 the ASEAN Summit was postponed due to the local political situation in Thailand. It was held the following year 2009 in Thailand once again and there was a 10+10 interface meeting but the time was reduced from the original 30 to 15 minutes. In the 2010 Summit, Vietnam was the chair and they decided only the ASEAN Chairperson Vice Premier of the Vietnamese government would meet with the 10 CSO representatives.

In the 2011 Summit in Indonesia there was confusion as the CSOs and governments tried to select their own respective representatives. The interface was limited to 1 topic only, i.e. health. In 2012 and 2013 the Summit was held in Cambodia and Brunei respectively but there were also no interface meetings. In 2014 in Myanmar, there was a big problem of conflict and finger pointing among the CSOs and finally resulted in no interface meeting.

This is not necessarily a failure because there have been a lot of results as to what ASEAN has brought to its people so far. The fact that US President Obama and all the big leaders converge in KL to meet with our leaders means that ASEAN must be relevant to them. That means ASEAN has something very significant in what it has achieved.

Peace and stability is the number one issue, without which there would be no 'big people' coming to the Summit. Number two is the fact that we will become a region of 620 million people in a vibrant and fast economic growth environment and everyone will want to do business with us. Number three is that ASEAN countries have vibrant societies. Number four, ASEAN continues to be very relevant to all powers because it does not take sides and positions and this ASEAN neutrality attracts the powers.

The last point is the fact that thanks to ASEAN we are living in societies where our well being is taken care of namely the peace and stability situation, economic growth and all the good things that the 10 countries have brought to all its people.

ASEAN has a lot of achievements despite much criticism that it only 'talks shop'. One example is the declaration of the ASEAN Community to be announced in Kuala Lumpur during the ASEAN Summit meeting this week. In 2016 Laos will host the ASEAN Summit and it will be the first country to implement the ASEAN AEC and all the pillars.

In engaging with ASEAN we have to be mindful of being positive, constructive and respectful as this is the ASEAN way. The leaders will not sit with you if you continue to point fingers at them. Engagement with ASEAN is already institutionalized, for instance the interface meetings and also the APF Conference are indications that it has already been institutionalized. The rules of engagement already exist and have been endorsed by the council.

Panelist 3: Yuyun Wahyuningrum

(Regional EU-ASEAN Dialogue Instrument [READI], Indonesia)

It is important to have effective strategies in our engagement with the ASEAN heads. We must do it with thorough evaluation and planning. Some of the current strategies include maximizing the affiliation status to influence policies; practicing dialogue, creating safe space for exchanging views; setting accountability, agenda and norms; and advocating the media

In order to discuss proposed formulation of norms on human rights ASEAN CSOs mainly circulate these proposals within CSOs before taking them to ASEAN officials through regional and national meetings.

It is hard to assess whether CSOs have failed in their engagements with ASEAN because there are no indicators of success and failure in place. Furthermore engagement is an ongoing process and involves constant negotiation in accepting, rejecting, selecting, modifying, watering down, and to a certain extent, rejecting norms that are considered foreign or dangerous to them.

There are many lessons learnt in norm setting. CSOs have gained by changing the behaviours of some governments in ASEAN and managed to create spaces for both national and transnational civil society (CS) groups to voice their concerns to ASEAN. There is also growing discussions on governance versus government and people-oriented versus people-centered organizations.

Open Plenary Key Points

The ASEAN region is diverse with different political systems and levels of human rights protection. It is important to carefully approach the question of national interests and sovereignty of the state. But since ASEAN was established, there has been the question of weighing national interest vis-à-vis regional interest.

Continuing trust building between the people and ASEAN is important as it is the



foundation of engagement and must be nurtured as they move forward together. The Interface initiatives and processes must be appreciated as this is considered an achievement.

ASEAN will be 4th largest economy by 2050. Economic growth may not be enjoyed by all in ASEAN countries but development for all is reflected in some macro economic data. There is a need to aspire and address both the larger view and also the important details.

One of the speakers Yong Chantalangsy referred to the disappearance of Dr Sombath of Laos and cited a report on forced involuntarily disappearance. He stated that in the Philippines there are 625 cases, Thailand 81, Indonesia 153, Cambodia 1, Laos 2, Myanmar 2, and Timor Leste 228 cases. He further added that these cases should be queried before pointing the finger only at Laos. He added that we should question Malaysia for the missing MAS 370 plane before pointing the finger at Laos for the disappearance of 1 man (Dr Sombath).

Methodologies and approaches to engagement modalities should be improved to avoid failing in the future. The sensitivity and regional relevance of certain issues to the member states must be taken into consideration such as the LGBT issue. It was expressed that in some countries such as Indonesia, religious bodies will strongly protest against raising such controversial and sensitive issues.

One important thing is to be familiar with ASEAN terms, concepts, and so forth as this is the starting point in engagement with ASEAN. The ASEAN declaration included non-discrimination so it is not wrong to raise issues such as LGBT and so forth.

The rules of engagement determine the way to present, describe and raise issues effectively in ASEAN such as issues of migration, HIV/AIDS and indigenous peoples. To determine which issues are relevant to ASEAN, it must first be processed and consensus reached at the national level and then brought to ASEAN level.

It will be interesting to see ASEAN by year 2067 when it has reached 100 years perhaps it would be clearer as to what it means to be

a people-centered ASEAN. As such there is a need to continue discussing these issues and take the long term perspective together.

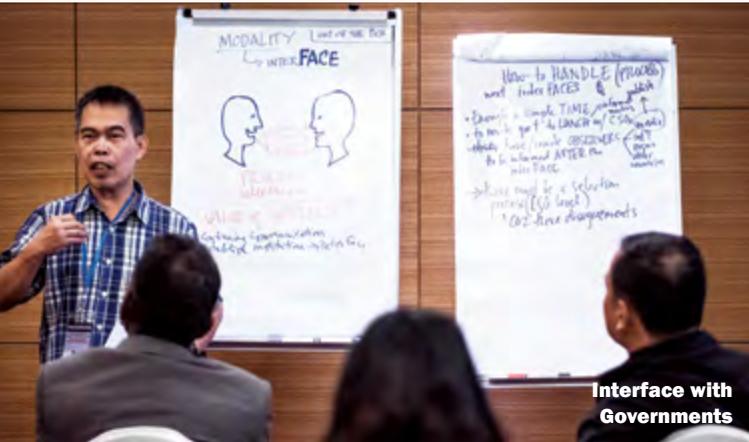
Because ASEAN member states are part of international treaties, whenever there is conflict between national laws and international laws, the latter should supersede. ASEAN nations were in constant conflicts for a long time before the formation of ASEAN, and since then, the nations can sit together to deal with issues. This is an indication that ASEAN has had achievements.

Not all ASEAN countries have enjoyed equitable economic growth and benefits such as these fishermen and their families in Lombok Indonesia, where marine life and resources are getting scarce due to unsustainable development.





4. Session 4 : Workshop Group Engagement Modality - Thinking Outside Of The Box: Recommendations By Participants



Interface with Governments



Empowering CSOs for ASEAN



Monitoring ASEAN



Working with ASEAN Secretariat

Participants were divided into 4 workshop groups under the following themes and facilitated by appointed moderators from among the participants. The themes were as follows:

- Interface with Governments
- Monitoring ASEAN
- Empowering CSO for ASEAN
- Working with ASEAN Secretariat

Outcome of the workshop discussions:

Workshop 1: Interface With Governments

Moderated by: Arturo C. Nuera (Freedom from Debt Coalition, Philippines)

4 questions to consider:

- What have we achieved from previous interface meetings?

- What messages do we have and what are we going to send to the governments?
- What are the expected outcome of the interface meetings?
- Any good suggestions for mechanisms of the interface meetings?

Discussion Summary:

- The participants all agreed that interface meetings are for CSOs and governments to have dialogue and to ensure that CSOs have a platform to voice out their concerns, feedback and recommendations to governments. It also indicates the ASEAN secretariat and member state governments should recognize and appreciate the contributions of CSOs.

- However the track-record revealed that the ASEAN secretariat and governments have utilized interface meetings as checklist-ticking political show rather than to serve its function.

- Despite the frustrations and uncertainties to have interface meetings it was agreed that interface meetings still play a significant role in terms of documenting the voices of CSOs to ASEAN and the governments.
- On the issue of having autonomous and independent CSOs selected representative in the interface meetings there were mixed opinions regarding this issue. One camp demanded that ASEAN governments should empower APF to appoint the CSO representatives without the intervention of the Ministries of Foreign Affairs. Another view was to allow governments to appoint their CSO representatives as long as they are willing to listen and discuss the issues.
- Another issue of contention was whether the interface meetings should have invited independent observers, i.e. media, international watchdogs, the public etc. It was agreed that a continuous follow up of interface meetings is needed to ensure that issues and ideas discussed would be noted and acted upon by governments.
- One possible idea discussed was to contextualized CSO proposal/demands i.e. human rights, land rights etc into trade and business in order to capture the attention and interests of the ASEAN secretariat and the governments.
- Form a new working group (But there is reluctance due to financial pressures and considering the question of who should coordinate: the ACSC/APF Secretariat or a working group?)

Why monitor?

- To keep track of policy shifts.
- To support evidence-based advocacy to back up the rationality of our recommendations with solid evidence.
- To check on the extent the ACSC/APF recommendations have been implemented. (e.g. the ACSC/APF 2014 follow-up committee was to look at previous ACSC/APF recommendations and see if they were implemented by ASEAN but this was more of a survey of what was already done).
- To define and focus on the gaps in current monitoring and make this initiative useful and stronger through greater coordination and monitoring together (a lot of monitoring is already being done, so we need to incorporate these initiatives e.g. The UPR).

How to monitor?

- Standardized Framework – should be used by everyone for better coordination

Next steps/recommendations:

- Set indicators or parameters- Need to understand existing monitoring efforts (e.g. by the Coalition of Malaysian NGOs' [COMANGO] using the framework of the UPR which consists of issues, obligations, recommendations, state responses and results from the evaluation).
- Setting up standardize monitoring formats is the key. Coordination could be done at the national level first then at the regional level (ACSC/APF). Drafting committees of each ACSC/APF could take on the role to synthesize these national reports. Thematic groupings are also helpful.
- Setting up a committee/working group to come up with parameters for such a mechanism. Those with prior monitoring experience from each country can sit on the committee/working group.

Workshop 2: Monitoring ASEAN

Moderated by: Soe Min Than (Think Centre, Singapore)

What to monitor?

- Need to limit/prioritise matters which the government has pledged to implement and also based on the APF recommendations or ASEAN Charter i.e. issues that ASEAN itself has concentrated on.

Who monitors?

- Those who are interested and have the capacity (need for capacity-building as well) and NGOs to monitor specific issues which will be compiled later on.

- It is crucial to encourage different levels of commitment to monitoring in different countries.
- To have a way for ASEAN CSOs to monitor each other's progress and achievements as a way to encourage ourselves in the midst of ASEAN failing to protect its people.
- Monitoring must take place at the local level if it is to be of any use. In fact, many national groups are already monitoring. However, this also means that they will have their own process for monitoring and compiling information on ASEAN issues.

Workshop 3: Empowering CSOs for ASEAN

Moderated by: Florida Sandanasamy (Malaysian Trade Union Congress [MTUC], Malaysia)

Observations:

- CSOs in the region have been engaging with each other and have become stronger.
- CSOs have conflicts among themselves both at the international and regional level.
- Focus on areas where we can work more effectively with one another such as: Who are we empowering? What is the definition of CSO in this region? How do we include smaller and disadvantaged/grassroots groups/organizations?

Who are we empowering? What is the definition of CSO in this region? How do we include smaller and disadvantaged/grassroots groups/organizations?:

- Concerns were raised on the definition of CSO and the problem with GONGOs. How can CSOs work in situations where there are GONGOs and government involved and could possibly impose restrictions on CSOs. For instance those working on migrant issues could be barred from entering and exiting different countries? As a result not all groups/organizations would be represented in region forums or meetings.
- CSOs should try to share resources among themselves. Sometimes, the only way for a grassroots organization to participate in a forum is with the help of a bigger

organization to give up a seat to have a fairer representation. We must and should join together and have one voice because CSOs must help each other and not just focus on their own organizations.

- All CSOs have the right to exist. It is important to ensure that every group have the right to be recognized. There must be solidarity and support for each other's work especially on sensitive issues. More coalitions need to be formed among the CSOs both at the national and regional level.
- In order to protect each other's work, we must all work to incorporate human rights into our respective State laws. CSOs in countries with restrictive laws on freedom of assembly and association freedom of expression (e.g. Cambodia, Vietnam) and freedom of religion, often have to be involved in sensitive issues in their respective countries.
- ACSC/APF is an example of a safe place for independent groups to come and express their views. There must be more efforts to map CSOs and their work in order to identify each other's struggle and broaden the networks of CSOs, strengthen solidarity and apply stronger pressure on all governments in the region. CSOs have to be the monitoring bodies of governments' actions for example the case of the TPP and the need for the people to make a stand on this issue.

Capacity Building- What and How?

- CSOs need to develop their capacity in fields such as organizational building and internal capacity building in order to have equal footing with the government. Important to have networking with international NGOs to create regional mechanism for capacity building and resources sharing among CSOs in the ASEAN region.
- Create an environment and network for CSOs and grassroots communities to share information and knowledge about ASEAN and CSOs efforts at the national and regional levels. Create platforms for all stakeholders working on different issues to come together as they are usually inter-connected.
- Raise awareness on the importance of documentation and data collection because

formal research and documentation help build networks and provide us with evidence to present to governments. Comparative studies are also needed.

- Diversify strategies to approach different groups and focus on localization. Pay more attention to local groups because they play a key role and also use local engagement opportunities to build capacity of local groups.

Suggestions:

- CSOs should be self-sustainable and not be dependent on funders or the State. For instance organizing Social Solidarity Economy (SSE) and social enterprises and design modules for income generation for environmental protection based on the Sustainable Development Goals (SDG) which is most probably acceptable to the state.
- ASEAN CSOs in particular should have a reconciliation and grievances mechanisms to resolve conflicts across country borders in a peaceful manner.
- A body within ASEAN to take up and review complaints on human rights violations.
- Utilize the fact that most ASEAN countries have ratified international treaties to improve the implementation of our works especially in dealing with human rights violations.

Working with the ASEAN Secretariat

Moderated by: Atnike Nova Sigiro (FORUM-ASIA/SAPA TFAHR, Indonesia)

Strategies:

- To discuss and find better strategies to engage more effectively with the ASEAN Secretariat and further enhance CS works.

Experiences & discussions:

- Engage AICHR through ASEC and ACMW by sending the invitation letters directly to personnel in ASEC.
- An example is a Cambodian CSO's visit to the ASEC which was done through contact with the Cambodian representative of ASEAN Secretariat and also directly to the ASEAN Secretariat. However it took long time to get a response.

- FORUM-ASIA's experience in submitting cases to AICHR included sending it to all their representatives and copies to ASEC since it is responsible for distributing materials for discussion in AICHR meetings. Perhaps it is easier for regional organizations to gain access and be recognized by ASEAN.
- Only Indonesian CSOs can access the ASEAN Secretariat directly while other countries need to go through their respective Ministries of Foreign Affairs (FA). This is usually a problem due to a lack of information about the responsible persons and their functions in these government departments. However KontraS submitted several cases of human rights violations in Indonesia to ASEAN through the ASEC but there has been no response to date. As such it might be easier to submit it directly to the individuals.
- Does the ASEAN Secretariat have regulations about engagement with CS? Basic ASEC documents are available on their website (www.asean.org). Individual contact is important, but it is more useful to understand the scope of an individual's position since that person can be replaced but the scope of that position usually remains the same.

Recommendations:

- We need to understand who and how organizations are accredited by ASEAN and also be mindful of the language used when communicating with ASEAN. We can also invite ASEC to speak at our events and to have dialogue with us.
- Need to look into the role of ASEC, whether it includes assisting CSO as one of the stakeholders of ASEAN. If it is not included CSOs could perhaps request for a specific mandate for ASEC to engage with CSOs.
- Since the system is not yet well established to guarantee equality and openness it is important to know the right contacts and other more effective channels to engage with the ASEAN Secretariat, e.g. by collaborating with other organizations which have the experience.
- It is important for CS to continue calling for the institutionalization of an engagement mechanism and also to advocate to be recognized by the ASEAN Secretariat.



5. Session 5: Envisioning A People-Centered ASEAN Community: Other Perspectives

Moderator: Dr. Adrian Heok Kay Heng
(Think Centre, Singapore)

Panelist 1: HE Dr. Seree Nonthasoot
(ASEAN Intergovernmental Commission on Human Rights [AICHR], Thailand).



HE Dr. Seree Nonthasoot
(ASEAN Intergovernmental Commission on Human Rights [AICHR], Thailand).

The ASEAN Vision 2025 in the fourth paragraph states “We resolve to consolidate our Community, building upon and deepening the integration process to realize a rule-based, people-oriented, people-centered ASEAN Community, where our peoples enjoy human rights and fundamental freedoms, higher quality of life and the benefits of community building, reinforcing our sense of togetherness and common identity, guided by the purposes and principles of the ASEAN Charter.”

But does this entail further representation, effective participation and their respective realisation? It is difficult to envision that for the next 5-10 years people can start electing their own representatives to the ASEAN meetings like in the EU.

How can human rights be realized in the ASEAN Agenda 2025 and enjoyed by the ASEAN peoples? The ASEAN Political Security Community (APSC) Blueprint 2025 pledges to “promote and protect human rights, fundamental

freedoms and social justice to ensure our peoples live with dignity, in peace, harmony and prosperity”

One of the vital measures to be taken would be to “support the ASEAN Intergovernmental Commission on Human Rights (AICHR) in the discharge of its mandate, in accordance with its Terms of Reference (TOR) which is to “promote the mainstreaming of human rights across all three Pillars of the ASEAN Community, through consultation among relevant ASEAN Sectoral Bodies;...”

The agenda measures also state to “continue the work of AICHR in obtaining information from ASEAN Member States on the promotion and protection of human rights”. It also states to conduct “...the review of the TOR of AICHR as provided for in the TOR, consistent with the purposes and principles of the ASEAN Charter, with a view to further enhancing the promotion and protection of human rights within ASEAN;”

The AEC blueprint has new additional elements but does not seem to have many human rights notions being ingrained and that is one of its weaknesses. It has talked about equitable economic development implying two things, one to lessen the economic gap between ASEAN states and the second to promote small and medium scale industries.

It is hoped that the AICHR TOR review will help to effectively realize the protection and promotion of human rights. The amendment or review of the TOR should seriously consider appointing people who are really good and care about human rights and also to make it explicit that AICHR must protect human rights and have in place protection mechanisms.

While the consultative and intergovernmental status of the body has allowed human rights mechanism to be created, its effectiveness amidst unmet expectations and rising challenges must be questioned. Should we keep the AICHR capacities as a consultative or intergovernmental body?

Panelist 2: Dr. Alexander C. Chandra

(Habibie Centre, Indonesia)

Envisioning a People-Centered ASEAN Community: The Case of AEC & ASCC Visions 2025

ASEAN has traditionally been an elitist and top down regional organization so being people-centered would mean having to put people at the center of policy making. Some of the key features such as openness and transparency must be in place.

This would mean a more representative ASEAN, more meaningful integration including providing assistance in the implementation process. There will be challenges, since the population of ASEAN countries is diverse in culture, background, and so forth.

Engagement with ASEAN since the early years has seen selective accreditation and obstacles. But there are now more diverse spaces for engagement, CSO influences in ASEAN Documents such as the ASEAN Charter, Socio-Cultural Blueprint and others are indications of a widening & deepening interest of ASEAN to engage and recognize CSOs.

The heart of the question is what is the capability, capacity or willingness of AICHR to address the root cause of many issues in the ASEAN region because most of the time to address them effectively will require some cross border responses which would mean going against the ASEAN principle of non interference.

How can we harness human capital and put in place training programs in respective ASEAN countries? Migrant labor, stateless people and refugees especially are usually 'kept in pockets' but in fact they are human capital which should be developed across the ASEAN.

Human rights and national security concerns, are these different things? Some say that EU should consider more security issues than human rights issues. This is a wrong approach as we should be talking more about human rights because it already encompasses security issues.



Dr. Alexander C. Chandra
(Habibie Center, Indonesia)

In ASEAN post 2015 and in view of the development of the AEC, CSOs being recognized as one of the stakeholders must be taken more seriously. Envisioning a more people-centered ASEAN would have to consider the ASEAN people and their diverse issues. There must be basic principles of openness, transparency, permanent consultative instruments & mechanism which must be applicable to all ASEAN-related organs, entities and the wider stakeholders.

ASEAN/AMS must create conducive environment for engagement, deepen institutionalization of existing engagement mechanism and have better cross-pillar coordination.

Panelist No 3: Phil Robertson
(Human Rights Watch, Asia)

The CS has been trying very hard to engage ASEAN over the years but it has been one-sided and feels like “banging our heads against the wall”. Most of the time, States pretend to listen to CSOs but often choosing their own preferred CSO delegates to participate in one-sided face to face meetings.

The reality is ASEAN works for governments and the business interests behind them and ASEAN leaders do not seem to want to change this reality. Real decisions in the handling of difficult ASEAN issues are usually made in the respective home governments and not at the ASEAN level.

It is important to abolish the ASEAN ‘consensus rule’. Real reform needs to start with real respect for international human rights standards at ASEAN. But unfortunately presently the ASEAN Charter for instance spells out principles such as “respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice” but next to it is also the principle of “non-interference in the internal affairs of ASEAN member states.” The exclusion of protection of rights based on social orientation and gender identity is another glaring problem with the ASEAN Declaration.

The private sector has to open up engagement with other ASEAN-related stakeholders and support CSOs & think-tanks to contribute effectively to AC 2025 Vision implementation.

CSOs must enhance their technical capacity to effectively & constructively engage with ASEAN & other stakeholders and explore alternative strategies to engage.

Think-tanks must embrace multi-disciplinary approaches to studying ASEAN

Donor organizations must widen the distribution of support on ASEAN-related projects.



A people's ASEAN should have consultative mechanisms that are open to NGOs and community based organizations to be involved in the decision making process before decisions are made. There should be at least a sort of ASEAN People's Assembly in which representatives can be elected either by specific constituencies (like the trade union delegate, the NGO delegate, the farmers delegate, etc.) or by a general election like members of the European Parliament.

A people's ASEAN needs to recognize the international tripartite principle in international labor relations, and permit the creation of a labor advisory council with equal power and access to ASEAN as the ASEAN Business Advisory Council. A people's ASEAN should also recognize that economic integration and reduction of trade barriers has significant negative impacts that need to be mitigated, in cooperation and collaboration with the affected communities.

The ASEAN Economic Community (AEC) completely ignores the needs of the millions of migrant workers who are the backbone of the agricultural and industrial sectors. They should have a package of actionable protections, accepted rules for determining fair wages and conditions of work, respect for labor rights, and the ability to call for help and get it.

There must be in place human rights commissions in the respective ASEAN countries to serve as a rights protection mechanism which can receive complaints and act on them, and investigate and publish results without having to ask permission from the offending government.

AICHR was designed by the member governments of ASEAN to keep human rights safely behind bars. Like a dangerous animal in a cage, they want human rights that are safe to look at – but don't get too close to the cage, and certainly never let it out.

In developing our action strategies in confronting alarming situations of human right violations in the respective ASEAN countries, some key points need to be considered. These include the increased criminalization of free expression in social media aimed at intimidating individuals or groups to self-censor; control of CSOs through hostile registration schemes, national security laws and other legislations; attacks on their funding and links to international donors; and increased monitoring and surveillance of their communications.

Open Plenary Key Points

There is a dichotomy in how ASEAN deals with issues. For instance there is more willingness to discuss about the haze rather than migrant rights issues, because the haze is immediate and it can be felt whereas migrant issues will inevitably also touch on families of migrants, education for their children and other things which are not considered desirable topics.

But in the Vienna Declaration of the Program of Action in 1993, it states clearly in paragraph 5 that human rights belong to the international level so anyone can talk about human rights issues. As such ASEAN governments must not only pay lip service but sincerely deal with human rights issues when this word is incorporated in any document.

Initiatives to address issues depend on the willingness of the respective groups and their governments. For instance the Thailand Director General of ASEAN Affairs organized an interface with the CSOs and it is expected that there will be more opportunities for CSOs to have meetings with his office in the future.

In terms of human rights standards, the ASEAN leaders and AICHR recognized the importance of international standards which cannot be lower than national ones (which would be decided upon during the Summit meeting), for instance in handling the issue of trafficking of persons.

Non-interference was needed for ASEAN to work but in some ways this doctrine is being overcome for instance in the formation of the AEC where there is an agreement of members to reduce tariffs and also eliminate non tariff barriers. But when it comes to social and political issues, ASEAN chooses to once again apply non-interference principles.

Different governments are agreeable and open to different issues and conventions for instance in the issues of LGBT rights, children, disability and women. But in general ASEAN does not seem to be serious in its engagement with CSOs. For instance the convention on trafficking of persons which is supposed to be discussed and decided upon in the ASEAN meeting is not read or seen by CSOs who actually work closely on these issues.

In the TPP issue, Vietnam, Malaysia and Singapore will sign but not the other ASEAN states. The level of integration is different for instance in 2016 there will not be anymore tariff among ASEAN members but international trade will become more competitive among the ASEAN members especially between those who have signed up for the TPP and others who have not.

ASEAN members who might consider being part of the TPP for instance Thailand and others will have to deal with the fact that trade agreements come in a package and members cannot just agree to certain items and reject others.

In the light of new agreements like the TPP, labor protection will become a more

serious concern in ASEAN countries where labor laws and protection are usually inconsistent and not implemented effectively.

Healthcare will become more expensive because of the TPP and ASEAN nations' Health Ministries will have to struggle with having to charge for certain services and medicines which were given free in the past because of patent issues with countries such as America and so forth.

Governments must ensure the youth in their respective countries are aware and educated about human rights and what roles to play in their societies. Governments must not use pro government content to influence and brainwash their thinking.



With the signing of the TPP, workers in ASEAN countries namely Malaysia, Singapore and Vietnam will face more serious labour protection issues such as these construction workers in Ho Chi Minh City Vietnam (photo).



6. Session 6: Post 2015 Vision: ASEAN People Taking Center Stage?

Moderator: Jerald Joseph

(ACSC/APF2015 Chairperson & PUSAT KOMAS, Malaysia)

Panelist 1: H.E. Ambassador Dato' Hsu King Bee,

(High Level Task Force [HLTF] on ASEAN Community Post 2015 Vision, Malaysia)

The ASEAN Community building began in 1967 when the Bangkok Declaration was signed. ASEAN was established to promote regional cooperation and bring peace, freedom and prosperity for the peoples. Since then there has been many important milestones such as the ASEAN Vision 2020 adopted in 1997.

Another important point was that ASEAN leaders had agreed to develop a Post-2015 Vision to shape a bold and forward looking future which will enhance and strengthen the ASEAN Community to realize a politically cohesive, economically integrated, socially responsible and a truly rules-based, people-oriented, people-centered ASEAN.

The ASEAN 2025 agenda process involves a high level task force (HLTF) and three mechanisms established to assist in developing the Vision 2025. The three Blueprints namely the APSC Blueprint 2025 is by HLTF-APSC; the AEC Blueprint 2025 by HLTF-EI WG; and the ASCC Blueprint 2025 by HLTF-ASCC.

It is guided by 7 main documents namely the KL Declaration on ASEAN 2025, Vision 2025, 3 Blueprints – APSC, AEC and ASCC Blueprints 2025, IAI Work Plan III and the ASEAN Connectivity 2025 (to be adopted in 2016).

It articulates goals/aspirations as ASEAN enters the next phase of consolidation, building upon and deepening the integration process to realize a politically cohesive, economically integrated, socially responsible & a truly rules-based, people-oriented, people-centered ASEAN.



*H.E. Ambassador Dato' Hsu King Bee,
(High Level Task Force [HLTF] on ASEAN
Community Post 2015 Vision, Malaysia)*

There are four main characteristics of political-security component of vision, five main characteristics of economic community component and five main characteristics of socio-cultural community component contained in the vision document:

The ASEAN agenda community blueprints 2025 contain measures and commitments to realize Vision 2025 and also the APSC blueprint action lines will take various forms which will comply with/implement agreements; promote/develop norms and values; and promote or strengthen cooperative activities; engage relevant stakeholders; build capacity; and share experiences/expertise.

To ensure effective implementation, the three Blueprints have provisions to consider implementation mechanisms, allocation of resources, employment of effective communication and review and evaluation processes.

There are many challenges ahead in the realization of Vision 2025 including the treatment of issues which fall under a “ASEAN agenda versus national aspirations” category; mobilization of resources; capacity of implementers; coordination at

national and ASEAN level; awareness and support from stakeholders and external developments.

Vision 2025 has a ten-year timeframe. All parties have roles to play to contribute to the realization of aspirations contained therein. We cannot look at ASEAN as a half empty glass, but look at it as half full. CSOs have their own perspective and governments are responsible for the people from different aspects but they can certainly be more progressive.

Panelist 2: HE Ambassador Jakkrit Srivali,

(Director General of Department of ASEAN Affairs, Ministry of Foreign Affairs, Thailand)



*HE Ambassador Jakkrit Srivali,
(Director General of Department
of ASEAN Affairs, Ministry of
Foreign Affairs, Thailand)*

ASEAN has a long tradition of being state-centered, having a top down leadership and only sporadically giving the people opportunity to take center stage. How then can the ASEAN Community live up to its aspiration of being a people-centered and oriented community; and to ensure the people get to participate in ASEAN? The vision is broadly worded enough not only for governments but for CSOs as well to take these sentiments and translate it into reality. “Father knows best era” is past and CSOs should not wait for governments to get their act together but continue to push things along.

The reality is state mechanisms and situations will make it hard for the people to be directly involved

in the policy making processes. The people have to continue articulating their interests and push governments to reflect upon and respond to them.

The issue of poverty for instance is very much related to the issue of allocation of resources and the provision of public goods. When there are conflicting interests among CSOs, businesses and industries, and the agricultural sector presented to governments, how can CSOs make sure their voices are heard?

Cooperation between CSOs and governments are held back due to a lack of understanding from both sides. Now in 2015, many governments are more open to listen and engage with CSOs but not

all of them are like that. CSOs are also suspicious of governments. Now with the launching of the ASEAN Community vision for the next 10 years, we can learn from mistakes made in history and from our experiences to make progress and ensure our needs are accommodated by relevant policies.

Maybe there is need to develop a 'Modus Vivendi' (an agreement for co-existence) between CSOs and governments to evolve a closer and more regular engagement beginning with informal approaches so that both sides can become familiar and comfortable with one another until engagement can be formalized.

There is a need to review the style of engagements where governments need to stop looking at CSOs and NGOs as antagonists and demonizing them. CSOs on the other hand have to understand limitations of governments and the multitude of interests they have to juggle and represent. Furthermore NGOs and governments can evolve some form of modality to converge despite differences in the usual approaches, language and manner of engagement.

Ultimately there are common objectives that both governments and CSOs can stand on but there are always limitations because of domestic and regional considerations. NGOs should keep encouraging governments to engage and understand their views. Engagements cannot be just for 30 minutes a year but should trickle down to the operational levels where working relationships have to be established.

Do not look at governments as enemies to be overcome but look at them as your friends and potential allies. CSOs in each ASEAN member state should continue to push their respective governments to engage with them, and as the levels of engagements increases and progresses in all the countries, it will reach a comparable level to achieve a broader consensus on interaction with CSOs in the ASEAN machinery.

Open Plenary Key Points

The AEC component of the vision and the areas focusing on accountable, equitable development, inclusive growth, the micro, small and medium enterprises, are ways to address some of the issues of inequality.

There are aspirations for connectivity and initiatives for ASEAN integration and at the international level through work plan 3 by 2016.

One of the aspirations of the AEC is for global ASEAN to foster a more systematic and coherent approach to external relations and to be the facilitator and driver of regional economic integration. So when the people are more economically integrated they can then strongly voice their views on specific issues. There are also aspirations for a United ASEAN with an enhanced voice and role in the global economic forum in addressing international issues. CSO's can sit and work together with governments based on these specific issues. In the 1990s there were already suggestions for CSO groups to focus on something more readily acceptable like women and children issues in order to be productive.

More effective engagements can be carried out firstly on 'safe issues' that do not involve public sensitivity and then to move on incrementally and quietly to more human rights issues. Confidence building is important and it is a gradual process of patience and tolerance in accommodating each other.

Human rights issues are a challenge for many governments because they see their legitimacy being challenged and thus become more reluctant to respond to these issues. But CSOs must keep pushing and keep educating governments on the need to respect and promote human rights, because it will reflect on their success as a government and they will be accorded international stature, recognition and so forth.

It is necessary for the government top leadership to recognize the importance of CSOs but engagements at the working levels on more regular basis are vital. There are some in the government who are actually sympathetic to human rights and so CSOs must keep pushing harder for more space for issues to be received and responded to.

It is not possible to circulate the draft of the ASEAN charter post 2015 until all member nations have read and given their views. But hopefully many of the issues are taken into account. But some sensitive issues will be hard to be accepted by all.



7. Session 7: Special Thematic Discussion: “Human Rights Defenders In ASEAN”

Moderator: Shanti Heidi Delany Sijabat,
(Pergerakan Indonesia, Indonesia)

Panelist No 1: Sevan Doraisamy
(SUARAM, Malaysia)



Sevan Doraisamy
(SUARAM, Malaysia)

The presentation focused on the Malaysian experiences in terms of Human Rights Defenders' situation in the country.

The Federal Constitution:
Article 10 (1) guarantees the freedom of speech, the right to assemble peacefully and the right to form associations to every Malaysian citizen.

However, Parliament may by law impose restrictions on these rights in the interest of the security of the Federation, friendly relations with other countries, public order, morality; and restrictions designed to protect the privileges of Parliament, to provide against contempt of court, defamation, or incitement to any offense.

Who Are HRDs?

Those who promote and strive for the protection and realization of human rights and fundamental freedom at the national and international levels including civil and political rights of groups such as the indigenous communities as well as other marginalized society. It does not include those individuals or groups who commit or propagate violence.

HRD's in Malaysia: working 'fierce-fully' or fearfully?

There has not been a government change in Malaysia and Singapore since its independence. The era of detention without trial under security Acts such as the Internal Security Act (ISA) and post ISA saw a variety of other repressive laws being enacted in Malaysia.

The ruling party is well known for the use of repressive laws against any situation that may jeopardize their political dominance. This is the success story of the UMNO-led BN government in Malaysia which has been in power for more than 58 years since Independence in 1957.

Laws that directly affect the work of HRD's

- The Sedition Act 1948-2015.
- The Peaceful Assembly Act 2012 (PAA) continues to suppress Malaysian's constitutional right to peaceful assembly. The Court of Appeal in October 2015 declared the Act as Constitutional.
- The Communications and Multimedia Act 1998 is often used in conjunction with the Sedition Act 1948 when a supposedly 'seditious' document/information/work is made available online. The hefty punishment of RM50,000 in fine and/or 1 year in prison makes it an efficient supplement for the Sedition Act 1948.

Examples of human rights defenders arrested under these laws.

- Azmi Sharom
Universiti Malaya (UM) law lecturer Dr. Azmi Sharom lost his constitutional challenge against the Sedition Act 1948. The British-enacted law remains a constitutional and valid piece of legislation Azmi Sharom's case marked an all-time low for freedom of expression in Malaysia.

- Lena Hendry
On Sept 19, 2013, Human Rights Defender Lena Hendry was charged in the Malaysian courts in connection with the screening of a HR documentary at a human rights event. The offence is under the Film Censorship Act 2002 because the video was allegedly not submitted to and approved by the Film Censorship Board of Malaysia.

- Khalid Ismath
He faces 3 charges under Sedition Act and 11 charges under Communications and Multimedia Act. He was also denied bail and his court trial resumed on 3 November 2015. Interim bail granted for RM5,000 X 14 = RM70,000 (USD16,000).

- Zunar
Total of 9 charges of sedition and possibly face 43 years in prison.
- Rumah Api
Rumah Api - Gig goers and artists were arrested under the Sedition Act on 28-08-2015.

How are HRDs affected by these laws?

They face jail time, trials, get tired, fearful, financially affected, divided and demotivated.

HRD's work and groups at risk

- Media and journalists
- Opposition parties and political activities
- Artists and authors
- Youth groups
- Migrant workers
- Internet social media users
- Lawyers and academicians
- Persons exercising Freedom of Expression (FOE) and those defending them
- Minority communities
- Women
- LGBT groups
- Atheists
- Moderate voices

Recommendations

- Support translation of UN Declaration on HRD into local languages and popularize it.
- Conduct briefing on HR guidelines on HRD and assess its effectiveness in consultation with HRDs.
- Encourage NHRI to establish focal points on HRD.
- Support capacity building of HRD on utilizing UN human rights mechanisms
- Provide public recognition and publicity to HRD.
- Raising cases of HRD at risk privately and publicly.
- Attending trials of HRD.
- Assist in resettlement of HRD as refugees.
- Encourage to establish ASEAN HRD Unit
- Assist HRD in highlighting issues in UPR and treaty bodies process and monitor implementation.
- Encourage and facilitate official and unofficial visits of special Rapporteur on HRD.
- Inclusion of issues on HRD in bi-lateral and multi-lateral meetings.

Panelist No 2: Boonthan T, Verawongse

(ASEAN Watch, Thailand)

The presentation centered on Thailand's experiences and way forward for Human Rights Defenders.

Bangkok NGO Declaration on Human Rights 1993:

This document reaffirms the Universality, indivisibility and interlink of economic, social, culture, civil and political rights. One set of rights cannot be changed with another set of rights as human rights, democracy and development are closely linked.

Asia Pacific NGOs Human Rights Congress 1996, New Delhi, India:

Called on the Government to:

- refrain from all forms of attacks against Human Rights Defenders;
- take positive steps to facilitate the work of Human Rights Defenders through legislative and administrative measures to facilitate their work;
- prevent impunity for abuses against Human Rights Defenders by:
- thoroughly investigating such abuses;
- guaranteeing victims adequate legal assistance to pursue their claims;
- holding the perpetrators accountable through a fair judicial process that results in appropriate punishment of those found guilty and complete financial and non-financial compensation for the victims

Call on Human Rights NGOs to:

- pursue a plan to effectively follow-up, nationally and internationally, on the current discussions on mechanisms for protecting Human Rights Defenders;
- encourage international NGOs to perform their function of protecting Human Rights Defenders; and to:
- facilitate national NGOs to disseminate information on and encourage participation in procedures to protect Human Rights Defenders.

Call on the International Community of States to:

- ensure the speedy completion of a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect



Universally Recognized Human Rights and Fundamental Freedoms in a form which serves to safeguard the rights of Human Rights Defenders the world over; and to continue to promote and protect the work of Human Rights Defenders.

Human Rights Defenders?

- Vienna Declaration and Program of Action, 1993.
No. 13. There is a need for States and international organizations, in cooperation with non-governmental organizations, to create favorable conditions at the national, regional and international levels to ensure the full and effective enjoyment of human rights. States should eliminate all violations of human rights and their causes, as well as obstacles to the enjoyment of these rights.
- Declaration on Human Rights Defenders 1998
The Declaration outlines some specific duties of States and the responsibilities of everyone with regard to defending human rights, in addition to explaining its relationship with national law. Most of the Declaration's provisions are summarized in the following paragraphs. It is important to reiterate that human rights defenders have an obligation under the Declaration to conduct peaceful activities.

“Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” – with this longer title is frequently abbreviated to “The Declaration on human rights defenders”.

- Deceased Human Rights Defenders in Thailand
They are killed, assassinated, executed, disappeared, seriously injured, intimidated, threatened, insulted, and have criminal cases filed against them.
- Statistic on the HRD killed-disappeared in Thailand
Total number of people killed or have disappeared from 1998-2015 (17 years) is 52 (47 killed and 5 missing). They have been involved in community rights, civil and political rights, violence and conflicts with officials and influential groups.
- Forms of Violations against HR Defenders
These are in the form of killings, attacks, death threats, tortures, arbitrary arrests and detentions, forced disappearances, criminal prosecution, prison sentences and fines, harassments and intimidations, surveillance, restriction of Freedom of Expression, Assembly and Association and targeting of family members.
- Targets/Victims
They are usually community leaders, human rights advocates, lawyers, journalists, social workers, labor activists, trade union leaders, anti-corruption activists, academicians, student and youth activists, vulnerable groups e.g. indigenous peoples, minority, etc. and family members of the HRDs.

Limitations/ Shortcomings

- Lack of State commitment and policy to protect and uphold Human Rights principles and practices and human right defenders.
- Political atmosphere: State of fear/terror under the previous and current regimes. (Now under Article 44).
- Weak judicial system and lack of access for minority groups– often a long process and a waste of time?
- Lack of Human Rights awareness, legal literacy and ignorance of officials in the judicial system & no information flow on the plight of HR Defenders.

Possible Actions:

- Have a National Human Rights action plan & effective prevention and protection mechanism.
- Ratification of International HR Instruments.
- Legal amendment/reform to incorporate international obligation with domestic application (including legal changes, mainstreaming Human Rights, practical plan of action, etc.).
- Human Rights education and capacity building training for Government officials and the security sector and empowering grassroots/local communities and advocates.
- Learning more from various organizations /movement such as the ‘Urgent Action’ of Amnesty International, ‘Urgent Now’ of AHRC, Hotline News, statements from Human Rights Watch, and other concern organizations and individuals, EU Guidelines on Human Rights Defenders, etc.
- Provide legal assistance, set up escort security protection, Human Rights Defenders trust fund and create public recognition e.g. giving HR Awards.
- Alliance building & strengthening HRD cooperation at the local, national, regional and international levels.
- Utilizing media and IT – Social media platform for information exchange and action.
- White list approach and cross-border action e.g. postcard campaign, sit-in, etc.

Proposal to ASEAN:

- Review TOR of AICHR, make it more active and effective by establishing a functioning new AICHR comprised of 5-7 independent experts supported by an active secretariat, and to have powers to appoint Special Rapporteurs to prepare reports on any relevant thematic issues.
- Establish the ASEAN HR Council (current AICHR + ACWC + Civil Society).
- Convene Annual ASEAN Human Rights Assembly involving all key stakeholders
- Improve communication with CSOs and concern stakeholders.
- Seriously thinking and planning for the formation of the ASEAN Human Rights Court in the long run (perhaps aim at 2020).

Panelist No 3: Vanny Prok

(Working Group for Peace, Cambodia)

The objective of the presentation was to share lessons learnt and to highlight different situations faced by Cambodian Human Rights Defenders.

Human Rights and Political Situation of Cambodia

- The situation of human rights and fundamental freedoms in Cambodia, including the freedoms of expression, assembly and association is very urgent.
- On 2 January 2014, five monks were arrested along with ten union activists and garment workers at Yak Jin factory on the outskirts of Phnom Penh. The armed forces were seen beating demonstrators during the arrests.
- In January 2014, the Royal Government of Cambodia (RGC) announced that the rights to protest and hold demonstrations had been put on hold until “public order and security are restored.” All access to the Phnom Penh’s Freedom Park was denied.
- Environmental activist Chut Wutty was shot dead by the military police who enjoys great impunity.
- Mr. Mam Sonando, the owner of the independent Beehive Radio, and activist Yorm Bopha of the Boeung Kak Lake land issue were imprisoned under bogus charges.

Government’s position

- The state apparatus of Cambodia including violent security guards, police, military, the judiciary and even the National Assembly are being used to harass and harangue HRDs.
- Lack of independence of the judiciary from political branches results in the use of courts as political tools to silence opposition and dissent.
- The RGC imposed a ban on peaceful assembly following a crackdown on opposition and garment workers protests.
- Access to the Phnom Penh Freedom Park – a public space especially designated for the airing of opinions at public gatherings – was blocked.
- Two lawmakers of the opposition party were severely beaten to the ground in front of the National Assembly.
- Mr. Ny Chakrya- a Human Rights Defender was charged when he advocated for the release of 2 land activists imprisoned by



the judiciary for protesting against their land being given to a Vietnamese trading company.

- The Vice- President of the Cambodian National Rescue Party (CNRP) and National Assembly was removed from his positions. Worse, the immunity of the Chief of the Minority group of Lawmakers was stripped by the President of the National Assembly.

Challenges for HRDs

- According to Article 12(2), the relevant authorities must protect HRDs under the National Law.
- The RGC has not developed any policies or independent mechanisms to protect HRDs, who continue to face threats, intimidation, harassment and attacks both physically and economically. Worse, their families always live in fear and their futures are uncertain.

Actions taken by HRDs

- Human Rights abuses are monitored, violations are reported, redress for victims and punishment for violators are demanded. Positive changes in policies and actions of government in the area of human rights are secured.

- Protecting the rights of opposition lawmakers and their political rights including reducing violence and control of people’s movement, and powers for serious reforms and positive changes.

Recommendations

- All political parties have to work together and the culture of dialogue must be implemented again.

Panelist No 4: Ryan V. Silverio
(ASEAN SOGIE Caucus)

The presentation entitled “Storm Beneath the Rainbow: LGBTIQ Human Rights Defenders in ASEAN” highlighted the following points.

Framing LGBTIQ Issues as Human Rights Concerns

- Upholding the principle of non-discrimination
- Right to life
- Freedom of expression
- Right to health
- Economic, social and cultural rights

LGBTIQ Rights within 2015 ACSC Statement

- Among Regional Priorities
- 2.4.1. “Discrimination denies the people their inherent rights and preserves the imbalance of power relations...result in persecution, cuts across... sexual orientation and gender identity/expression (SOGIE)”
- Among Recommendations
- 4.4.1. “Immediately adopt the definition of ‘non-discrimination’ defined by international human rights law...”

- Threats, intimidation, harassments and attacks on HRDs and lawmakers must stop immediately and impunity must be resolved.
- The rule of law needs to be implemented without any double standards and there must not be anymore suppressive laws to threaten people who claim their rights e.g. land rights, and the Constitution must not be repeatedly violated.

4.4.2. “Recognise multiple sites and intersectionality of discrimination through guarantees of equal opportunities, equal access and equal benefits to all peoples, from all sectors, including...LGBTIQ persons...”

4.4.3. “Eliminate public morality clauses and cultural relativist justifications used to deny and violate the rights of the people...”

Engaging Spaces for Participation

- “...opportunities, moments, and channels where citizens can act to potentially affect policies, discourses, decisions and relationships that affect their lives and interests.” (Gaventa, 2006).

Activism & Strategies within ASEAN

- Policy advocacy
- Challenging laws
- Utilizing UN human rights mechanisms
- Constituency building

Ryan V. Silverio
(ASEAN SOGIE Caucus)
presenting while other panel speakers
and the moderator sits behind.



Do we face risks?

- Who we are...
- What we believe in...
- What we do...

Critical space for LGBTIQ HRDs

- Banning of or restricting legal registration of organizations
- Forced office seizures and confiscation
- Cancellation of activities
- Surveillance
- Physical attacks/threats of attacks
- Arrests
- Inhumane and degrading treatment or punishment

Solidarity within CSO spaces?

- Lack of response from mainstream HR groups within the region
- Taking on LGBTIQ issues is considered “sensitive”, “too risky”, and “is not our priority”.

“Laws that, directly or indirectly, criminalize people on the basis of their sexual orientation or gender identity further exacerbate violence and discrimination. This includes ‘anti gay propaganda’ laws that arbitrarily restrict rights to freedom of expression and assembly and threaten the work of LGBT organizations and human rights defenders.”

(Source: Joint Statement of HR Experts, 15 May 2015. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15941&LangID=E>)

Open Plenary Key Points

In Thailand, there were efforts by CSOs to develop a white list of human rights defenders to seek government protection and intended as an alternative to the black list of the government. But this was later deemed not feasible because the list had endangered the lives and security of those on the white list.

It is the collective responsibility of CSOs to express serious concerns to governments when violations of human rights occur in any country, for instance in the case of the disappearance of Dr. Sombath of Laos. Government officials have a responsibility to provide information and also undertake such cases because they have committed themselves to human rights protection in their official documents.

Mechanisms to protect human rights defenders include making police reports, sharing information, submitting memorandum to the authorities, organizing candle light vigils and so forth, to build momentum and mount pressure on the authorities. The methods and approaches can differ according to the issues and the situation. It is also important to involve international groups in the campaigns.

There are several ways for groups to show solidarity with the LGBT groups and issues as LGBT people are also found in different sectors. This intersectionality dimension could be opportunities for groups working in these respective sectors to express solidarity with the LGBT people and their issues.

LGBT issues could be difficult for AICHR or ASEAN to undertake in their agenda, but one way is for the AICHR representatives to put pressure on their governments when human rights defenders’ lives are at risk.

National human rights institutions can also play a vital role since the AICHR states that human rights are for all everywhere. These are potential policy windows for human rights institutions to take on cross border transnational issues including protection of human rights defenders.



Active audience participation during the open plenary session.



8. Session 8: ASEAN Community In The Global Context - Compilations, Complicity Or Coherence?

Moderator: Isagani V. Abunda II

(Initiatives for International Dialogue, Philippines)

Panelist No 1: Charles Santiago

(Member of Parliament, Malaysia)

There is a strong need for the social and people-centered dimension in ASEAN. In 2004 as part of the Vientiane plan of action the ASEAN Heads of States agreed to the 3 pillars namely the political-security, economic and social-cultural. But so far the most advance is the economic pillar which is supposed to achieve its end result only by 2020 but it has fast forwarded to 2015 with the launching of the Asean Economic Community.

This means that there will be deepening of liberalization in the 3 main areas. The first is the ASEAN Free Trade Agreement which is 100% achieved in many countries except for a few. Then the ASEAN framework agreement on services, where every country has a scorecard in terms of how much they have realized in terms of the 100% mark. Most are at 60-80% mark but the highest is Cambodia with 85% achieved. The third area is on ASEAN investment.

The main promoters of this initiative are the ASEAN governments and the ASEAN business community namely the US ASEAN Chamber of Commerce, the EU ASEAN Chamber of commerce, the ASEAN Business Advisory Council and also the ASEAN Business Club. This club is very powerful and has a yearly interface with the ASEAN governments to directly influence them to change certain laws and policies.

For instance, in Malaysia, it was able to convey to the Malaysian government to make it easier to fire workers and also commented about the country having too many holidays which would affect the productivity and business. They can communicate exactly what they want to governments. This is how powerful they are.



Charles Santiago
(Member of
Parliament,
Malaysia)

The AEC is a business venture, an investment agenda and about business in ASEAN. The present agenda of the AEC is clearly indicated in the minutes and reports of the senior officers' meetings. These reports clearly stated a very specific role for the business community in promoting economic growth for their businesses as well as ASEAN. Business community representatives present in these meetings contribute their inputs which are in turn taken up during the formulation of national policies.

On the other hand, there is no equivalent space for civil society or trade unions. Small and medium scale industries are not involved in the processes and their issues are not surfaced and seriously taken up in the formulation of policies.

The ASEAN agenda is charted by big businesses for instance the Malaysian CIMB bank is no longer known as a Malaysian bank but more known as an ASEAN bank. Today the DBS bank of Singapore is acquiring banks in Malaysia, Thailand, Indonesia, and the Philippines and all over the region. It can be seen that these big players are accumulating wealth all over the region.

As a community by 2015, does it really represent all the stakeholders? Job security for workers is a major consideration because of the system of outsourcing used by many businesses. For instance when labor disputes arise, employers often hide behind labor brokers who would shed off their responsibilities in handling these issues.

Inequality is another serious trend in the region. In Malaysia for instance, 15 families are said to control 75% of the country's wealth.

Migrant labor is another serious trend. Workers in informal work has no protection, job security and support system. The market cannot support the people and the price of medicines and treatments have gone up. Before healthcare was a right but now the government says they have no money to support this.

These are all serious concerns but ASEAN does not seem to be addressing them. Instead they are busy integrating with the larger economies in the world through many free trade agreements, for instance the TPPA, EU-ASEAN bilateral agreements and regional comprehensive economic partnerships.

The SEA economies are integrated into the larger liberalized economies in the world to make a happy free market. But it has its problems, for

instance, it does not ensure sustainable life for the people. For example the TPPA patenting laws and policies will make medicine prices increase multifold because of patenting policies.

Now trade agreements will determine the fate and lifespan of the people despite the UN and especially the WHO which constantly says that healthcare is a basic human right. Yet our governments eagerly want to sign the TPPA because of the aspiration to integrate into the economy of the region and the world.

A social agenda is very much needed to stop this spiraling trend to the bottom. We also need an equitable distribution especially in countries like Cambodia Vietnam, Laos and Myanmar.

Incidentally the ASEAN Declaration of 2013 talks about and adheres to all these protections but it also says that it all depends on the resource and the economic policies of the nations. This could be a loophole for nations to violate principles spelt out in the declaration.

The much needed social dimension in the ASEAN cannot be located at the social-cultural perspective like an after-thought. It must be sitting side by side in the economic integration so that distribution issues are handled at the economic level and not at a completely different pillar.

As such some are already thinking of formulating and launching an ASEAN Social Agenda with the support of trade unions and NGOs. This agenda says there needs to be a fair balance between business and labor which is now missing in ASEAN and the AEC.



Panel of speakers: (left to right):
MP Charles Santiago, former
Minister Dato Saifuddin, UN Youth
Ambassador Ahmad Alhendawi
and moderator Isagani Abunda.

Panelist No 2: Ahmad Alhendawi

(United Nations Secretary General's Envoy on Youth, Jordan)

Sustainable Development Goals (SDG): The Role of Youth In Transforming Our World

The UN and ASEAN share a good partnership and 5 years ago in Bali they talked about a joint declaration and comprehensive agreement and now this framework document is being revisited.

This year is very important for ASEAN and also the global community because the adoption of the Sustainable Development Goals (SDGs), reversal of climate change and development prosperity is a part of the 17 development goals.

The SDGs are very comprehensive and belong to all countries including ASEAN nations. We have learnt a lot from the last 15 years of implementation of the MDG and this is one of the regions that have made a lot of achievements in terms of the Millennium Development Goals (MDGs). In fact Malaysia in partnership with the UN will be releasing a report about lessons learnt and the progress made including some recommendations for the future in the implementation of the MDGs.

Half of the world's population is under 25 years of age. In the ASEAN region 60% of the population is under 25 year of age. This massive population of young people is eager to contribute to the development of their countries.

The way forward is to promote the good news that the ASEAN region can make it work for everyone. Young people are clearly facing serious challenges in terms of education and employment, and underemployment. The UN is championing these topics and investing more into the sector of young people.

Most young people are still systematically discriminated in the world as they still do not have the right to make decisions for their lives but other people are making decisions for them. Young peoples' systematic participation and engagement commitment towards the implementation of the SDGs are very important. The UN is launching the global partnership for youth and the sustainable development goals and very soon will be launching a gateway or portal to facilitate youth engagement around the world.

My message to you is firstly to champion the sustainable development goals through your engagements in the ASEAN debates. Secondly to open more spaces for young people to join this march for integration and achievement of the SDGs and peace and prosperity for all. Thirdly join the UN in the SDG global youth project.

We hope the CSOs will play a crucial role here and make the invisible visible.

Ahmad Alhendawi
(United Nations
Secretary General's
Envoy on Youth)



Panelist No 3: Dato' Saifuddin Abdullah

(Akademi Belia and former CEO of Global Moderates Movement, Malaysia)

Notes on Preventing Violent Extremism

Terrorist Objectives

They are not only and always religiously motivated (Karen Amstrong, Fields of Blood) but also could be based on ethnic, nationalistic and desiring independence. They could be those who want to reform and replace existing government systems. Or they could be a combination of both of the above.

Root Cause

Understanding why a person has become a terrorist is important, but it does not necessarily tell us why an entire movement has turned to violence. It is really about civil liberties; lack of political representation; failure of political movements; injustice; media effect etc. "Most revolutions are not caused by revolutionaries in the first place, but by the stupidity and brutality of governments." (Sean MacStiofain, Provisional IRA Chief of Staff.)

Terrorists' Traits

Terrorists are not abnormal and they do not have distinct personality traits.

Terrorists' Narrative (SEARCT or the South East Asia Center for Counter Terrorism).

Common narratives such as "We must act", "Terrorism is the only way and it is a legitimate way", and "This way is successful (now, not in the future)".

Why Individuals Join

- A (thrilling, adventurous, glorious, Islamic, Salahuddin Ayubi, etc) call to action
- Peer influence that galvanises the will to act (4 months to 2 years)
- Misinformed understanding of scriptural tenets or ideologies
- Desire to defend Islam/etc against a perceived war against Islam/etc

Soft & Hard Support for Terrorists

Soft support such as not publicly supporting but in empathy, offering prayers, cooperation and providing a safe community and sharing their propaganda online. Hard support includes practical ways in terms of finance, joining demonstrations, votes, storing and hiding weapons, providing safe houses, and collecting intelligence.



Dato' Saifuddin Abdullah
(Akademi Belia and
former CEO of Global
Moderates Movement,
Malaysia)

Terrorists' Strategy

- Terrorists do not only aim at their direct victims – it is about other audiences to create a wider impact of their violence.
- Provocation - to achieve a strong reaction from governments.
- Escalation - increases severity of attacks
- Blaming - directed towards governments.
- Endurance - to break the morale of the state.

Governments' Responses

- Deter terrorist/supporters by introducing severe penalties and punishments and new laws.
- Increase the ability of the security forces (to identify, disrupt and incapacitate).
- Reduce the vulnerability of potential targets.
- Address symbolic needs (eg. outrage at events).
- Tackle underlying grievances and root causes.

Issues

- Can turn into a confused mix of initiatives and sabotaging each other. Reflects tensions and rivalries in the government's structures and systems.

- Some root causes are inconvenient truths – political untouchables (e.g. fallout from UK’s foreign policy on Iraq and Afghanistan conflicts).
- Governments are not always genuinely serious: Actions are short-lived; More about form than substance.
- Engage in policies that are known to be ineffective/counter-productive (why apparently intelligent politicians – surrounded by more intelligent advisors – make obviously bad decisions in fighting terrorism) – because they care more about other things.
- Polls rise when governments introduce aggressive actions; but terrorists’ recruitment also rises because they sense more injustice – driving more recruits to extremist groups; increased sympathy and support not only among the locals, but also international community - “high poll: high toll”.
- Proactively involve Civil Society: Governmental resources are limited and are not enough to counter radicalization and deal with violent extremism – and sometimes, by their very nature, lack the credibility and influence to reach out to certain groups. Governments should reach out to members of Civil Society as partners, especially in outreach programs, where they have the necessary expertise and reputational resources governments may not have. Also, the type of engagement and diverse streams of information from CSOs can make them effective as early warning systems of trouble areas for authorities to consider and develop strategies;
- Be open to non-traditional actors: Efforts to counter violent extremism should not be limited to traditional actors (academic, governmental agencies, etc.) as some of the most impactful movers can come from different sources and take the form of the most unconventional agents. Even though the central message or *raison d’être* would not be on countering violent extremism, but the value of their ability to perhaps point the masses to a particular direction, or even cause most to hesitate before clicking that button may be incalculable when it comes to counter-radicalization efforts.
- Education: enhance long term efforts to educate young minds and instill in them not only civic values and ideals such as good citizenship, tolerance, and compassion, but also critical approaches. Perhaps one of the problems in developing countries is that with so much emphasis given to technical skills and knowledge to empower the economy, good training in critical thinking covered in art, literature, etc, have been sidelined (perhaps that is a factor that contributes to a disproportionate number of those with high technical skills turning to radicalism).
- Engage with artists: Artists know how better to tell a story and shape narratives better than others, so perhaps it is time we regarded them as resources in trying to find solutions for violent extremism
- Building Capacity for Social Media Outreach: Just because people tweet a lot, does not mean they tweet well, or that they even tweet effectively to counter violent extremism. Identifying future leaders and equipping them with social media skills to tackle violent extremism.

Our Strategy

- Holistic framework:

We should focus not only on identifying and apprehending active terrorists but also tackling the root causes (to deprive recruitment and support from communities). Work on *maqasid shariah* (objectives of the Islamic jurisprudence) & with “Democrat Islamists”, it is not about “counter-narrative”, but about “re-telling the narrative”.

- Online Voices:

Recognizes that the most effective, potent and credible message should rise from within the Muslim community – greater credibility – able to address thorny and complex issues of religious ideology. Can promote calls for religious tolerance – counter perception that the West is at war with Islam. Promote positive role models for constructive political debate. Hence, empower credible, authentic and constructive Muslim voices.

- Objectives:

To undercut support for terrorism, reduce the likelihood that youth will heed the call to terrorism and disrupt the recruitment process.

Recommendations

- Holistic Framework (Focus not only on identifying and apprehending active terrorist; also tackling the root causes to deprive recruitment and support from communities; *maqasid shariah*).

- Build a social network of those dedicated in countering extremism: Identified focal points can be enhanced further by making them a part of a network that can share ideas, knowledge, skills, information and contacts, multiplying their effectiveness in countering violent online ideologies several folds.
- Strategy & division of work/specialization: between content, messengers, bridge-builders/amplifiers; between the “professionals” and “supporters”.

Open Plenary Key Points

All ASEAN youth programs have not lasted for more than 3 years. The long term ones were from outside such as the Japanese youth ship program and another youth leadership program initiated by USA President Obama, but ASEAN has yet to come out with a youth program that will last for more than 3 years.

Most Governments are not comfortable talking about human rights with the young people. Perhaps CSOs could engage them by discussing ‘safer’ issues like decent employment for young people. Another platform for youth participation is the ASEAN Youth Forum organized back to back with the ACSC/APF.

The SDGs are good but the rights of the migrant workers are not evident although this issue is enormous in our region today. There is fear that

governments will only give lip service to the SDGs as they did to the MDGs in the past. For instance the Malaysian government is cutting down budget allocations for health instead of further enhancing this item for the people.

SDGs must be realized in the budgets of the governments both at the Federal and State levels and especially in the local councils, so that there is seriousness and commitment to the implementation of these aspirations.

Most importantly is for governments to allocate resources, and ensure the goals are translated into domestic laws and regulations otherwise it is a waste of time. If governments and the people cannot address the eroding social protections and rights of the people in their respective countries and region, they will be in serious trouble.

There is no guarantee to the proper implementation of the SDGs in the respective countries but it depends on the commitment of governments which have agreed to these goals. But these 17 goals as a framework for development must be defined within national priorities, targets and planning.

It is important to listen to the voices of young people as this is one of the basic and most fundamental aspects to ensure their engagement in society.



Young people have a vital role to play in the development of the country such as these young human rights activists in Malaysia standing with senior NGO members.



9. Session 9: A New ASEAN Engagement Framework: What Possibility?

Moderator: Pen Somony

(Cambodian Volunteers for Society [CVS], Cambodia)

Panelist No 1: Atnike Nova Sigiro

(Forum Asia/SAPA TFAHR, Indonesia)

Throughout the 70's until the 80's, we can see ASEAN's existence in the context of the cold war, with both internal and regional conflicts. Despite the dynamics of international politics in that period, ASEAN, particularly the governments, had managed to negotiate and avoid further conflicts among themselves. But that peaceful period occurred during the oppression of the people and the absence of opposition voices under authoritarian regimes in most, if not all of the ASEAN countries.

The ASEAN world view was limited in terms of the presence of civil society. Scholars of international relations in the 80's and early 90's recognized ASEAN as 'a club of dictators', where all talks and decision-making happened only among the head of states when they were golfing or retreating in some villas in the beautiful part of this region. This is the context of how the principle of 'non-interference' and 'consensus' was agreed upon. ASEAN was still at the stage of recovering from existing tensions among their member countries and trying to build a common interest or trust among themselves as a regional bloc.

Where were the civil societies during this period? We were the ones fighting for democratic space, human rights, and shouting against authoritarian regimes/governments. Regardless of whether we were students, workers, women, peasants, NGO workers, lawyers, and so forth, we believed that the people's well being will perish when "democratic space" was absent.

Labor rights were violated, natural resources were plundered, students were arrested, opposition were illegalized, and human



*Atnike Nova Sigiro
(Forum Asia/SAPA
TFAHR, Indonesia)*

rights were considered alien to this region, particularly with the introduction of so called "Asian values".

CSOs gradually claimed their space for human rights and democracy through labor movements, student movements, and other forms of democratic movements in Thailand, the Philippines, Indonesia, and also in Malaysia and demanded their governments to be accountable to their people. I remember one quote from Daw Aung San Suu Kyi: "Please use your freedom to promote ours"

Failure to manage countries in the region was becoming severe when the economic crisis hit this region in the late 90's. ASEAN realize that they needed to strengthen their significance in the global economic power struggle. ASEAN felt that they needed a more 'rules-based' regional bloc which resulted in the initiation and establishment of several agreements such as the ASEAN Free Trade Agreement (AFTA), and others with its dialogue partners such as US, China, EU, India, South Korea, and so forth.

When the ASEAN Charter was established, it was also at this time that the civil society started to engage with ASEAN through discussions with the Eminent Persons Group (EPG) in the ASEAN Charter. Around the same time the first ASEAN Civil Society Conference (ACSC) was organized in Malaysia in 2005.

ASEAN governments continued to compete for business and investors within the region. This saw the increase of migrant workers and refugees due to conflicts and discrimination in the region. It also saw the emergence of issues such as the haze from forest fires and human-made natural disasters such as floods and other environmental destruction.

Civil societies also increased their solidarity based on different human rights issues such as women's issues, environment, children, migrant workers, labor, indigenous peoples, LGBTIQs, economic justice, and so forth. CSOs have to work together to pressure their governments and ASEAN to listen to our aspirations, to understand the real situation, and to respond to the challenges of the people in this region. The ACSC/APF is one of the important platforms for civil society to claim our engagement with ASEAN and give voices to those who could not express their urgent issues.

According to a definition of civil society by Vaclav Havel, "Civil society is the sphere of civic associations threatened by the intrusive holistic state-dominated regimes". So we as groups with different views and even ideology should work together within our limited and dominated space. There is a need to balance between strengthening our collective voices to ASEAN at the same time respecting diversity and space among ourselves.

The ACSC/APF need to build upon prior achievements and failures and maintaining the space that we have claimed so far based on the principles and modalities of human rights, democracy, good governance, non-discrimination, and so forth. CSOs must continue to claim this space and ensure that ASEAN people will be engaged meaningfully in the formulation and implementation of future policies of ASEAN.

Since its establishment in 1967, ASEAN has changed significantly, but something has remained the same which is the absence of the ASEAN people in the Summit and other meetings. A famous poet, Pablo Neruda once said, "You can cut all the flowers but you cannot keep Spring from coming."

Panelists (left to right): Atnike, Jerald, Pen (Moderator), Wanun and Diyana speaking on possible new engagement approaches with ASEAN.



Panelist No 2: Jerald Joseph

(ACSC/APF2015 Chairperson & Pusat KOMAS, Malaysia)

The ASEAN and CSO relationship and situation can be compared to a family with ASEAN as the parents who do not know what to do with their teenage children, the CSOs. But the time has come where “father and mother know best” is over and governments have to listen and engage with CSOs.

CSOs like to talk a lot about their issues and highlight human rights violations of our respective countries. But this space in the ACSC/APF should be used as a platform for effective and meaningful engagements with ASEAN governments.

CSO representatives must be prepared and know how to engage with governments. We also have to know that ASEAN is an intergovernmental process and not an NGO Conference.

What CSOs are trying to do is changing the way governments engage with them. CSOs also have to realize that engagements with governments need not only be through official platforms such as during official meetings when we are given a short period of time to present our issues.



There are other platforms such as informal talks in the coffee shops and outside the meeting rooms. But CSOs must still push the boundaries of space available for us to dialogue and engage with governments.

CSOs have to be able to handle difficult situations when confronted with government representatives and bodies which probably have different views from us. We must know how to dialogue and engage with them even in disagreement.



Jerald Joseph
(ACSC/APF2015
Chairperson &
Pusat KOMAS,
Malaysia)

The important point is that we are able to maintain our position and principles while we continue to stretch the boundaries of space to engage with governments.

The CSOs represented in the ACSC/APF are not the only ones involved in this work because there are many thousands out there in the region who are not able to be here because of limited resources, language and so forth. It is our responsibility to make sure these messages reach the groups and individuals who were not able to make it for this conference. For instance the presence of the indigenous peoples from Sabah, Sarawak and Orang Asli who are here despite many obstacles, is very much appreciated.

Another important point is to appreciate whatever achievements we have made to move forward. For instance this year's ASEAN Summit the ACSC/APF has been invited to the opening ceremony and welcome gala dinner of the Summit which has never been done before. This is another step forward in our struggle for more space and engagements with the governments.

Panelist No 3: Diyana Yahaya

(Asia Pacific Forum on Women, Law and Development (APWLD)/Southeast Asia Women Caucus on ASEAN, Thailand)

The following are highlights from the presentation focusing on the engagement framework of the CSOs with ASEAN citing examples from the APWLD.

About the ASEAN Women's Caucus (AWC)

- Formed in September 2008.
- Co-convened by APWLD and IRAW Asia Pacific.
- Network of 100 womens' human rights groups, activists from 11 countries in SEA.
- Convergence of efforts both at the regional and national levels.
- Platform to share information, build expertise, support collective advocacy and provide a strong, coherent voice of women in SEA.
- Towards the realization of an ASEAN that is truly people centered and reflective of womens' rights.

Principles of the AWC

- Human rights for all above all, particularly for the more vulnerable, marginalized, disadvantaged women and female children.
- To ensure accountability to women and the peoples of Southeast Asia through independent, transparent, effective and responsive processes and structures which are consistent with Member States' human rights obligations to protect, promote, fulfill and realize the human rights of women. This includes extraterritorial obligations and recognition of primacy of human rights over and above other obligations.
- Meaningful and substantive participation and representation of women in ASEAN that is inclusive and representative of the diverse and multiple sectors of society aimed at eliminating discrimination and ensuring substantive equality of all women in Southeast Asia.

Engaging with ASEAN

- ASEAN human rights mechanism - encouraging AICHR/ACWC to take transformative role to integrate HR in the overall ASEAN structures and processes.
- ASEAN Committee of Permanent Representatives (CPR).



Diyana Yahaya
(Asia Pacific Forum
on Women, Law
and Development
(APWLD)/Southeast
Asia Women Caucus
on ASEAN, Thailand)

- ASEAN 3 pillar bodies – Political-Security Community Council, Economic Community Council, Socio-cultural Community Council.

What we have learned

- Contradiction within ASEAN.
- Disconnect between Human Rights and development.
- Collective movements.
- Making Women's Human Rights Central and Crosscutting.

What are the possibilities?

What is the AP-RCEM?

- Open, inclusive and flexible civil society engagement platform in Asia and Pacific designed to reach the broadest number of CSOs, to harness the voice of grassroots and peoples' movements to advance Development Justice which calls for a more just, equitable and sustainable model of development.

Is an ambitious new framework possible within ACSC/APF?

- Breaking that cycle of disconnect between Human Rights and development.
- APF to consider claiming a space within ASEAN structure.
- A longer term vision/planning for ACSC/APF.
- Larger and better coordinated civil society process/engagement mechanism.

Panelist No 4: Wanun Permpibul
(Climate Watch Thailand)



Wanun Permpibul
(Climate Watch Thailand)

ASEAN And Climate: Possible Engagement

ASEAN Collaboration on Environment and Climate Change:

- Cooperation began in earnest following the ASEAN Summit in Singapore in 2007.
- Established the ASEAN Climate Change Initiative (ACCI) and the ASEAN Working Group on Climate Change in 2009.
- ASEAN leaders adopted the Statement on Joint Response to Climate Change in April 2010.
- ASEAN Action Plan on Joint Response to Climate Change adopted by ASEAN Environment Ministers in Sept. 2012.
- ASEAN leaders issued regular statements pertaining to climate change since 2007

especially in connection with the UNFCCC Conference of the Parties (COP).

- Most recent statement issued in 2014 in conjunction with COP 20 in Lima Peru which made reference to INDCs ten times.
- Declaration on Institutionalizing the Resilience of ASEAN and its Communities and Peoples to Disasters and Climate Change adopted during the 26th ASEAN Summit in Kuala Lumpur, Malaysia on 27 April 2015.
- ASEAN Position on Climate Change COP 21.

ASEAN Vision 2025: Key Elements on Environment and Climate Change:

- Climate change as non-traditional threats.
- Linking with Post-2015 Development Agenda.
- Linking to a resilient community with enhanced capacity and capability to adapt and respond to social and economic vulnerabilities, disasters, climate change as well as emerging threats, and challenges.
- Stakeholders engagement.
- Protection and promotion of human rights.
- Conservation and sustainable management of biodiversity and natural resources.
- Environmentally sustainable cities.
- Sustainable climate, a disaster resilient ASEAN, a climate adaptive ASEAN.
- Sustainable Consumption and Production.
- Strengthen social protection to reduce vulnerabilities.
- Enhancing financing system and social safety net.

Party	Emission 2011, (Mt)	INDC	<i>INDCs of ASEAN Countries: Mitigation</i>
Brunei		Not yet submitted	
Cambodia	49.12	Conditional: Reduce 27% BAU by 2030, increase forest cover to 60%	
Indonesia	1,981	Reduce 29% BAU by 2030, increase to 41% when receive support	
Lao PDR	36.28	Conditional: Policies and actions to mitigate GHG emission	
Malaysia		Not yet submitted	
Myanmar	184.71	Conditional: Increase hydropower to 9.4 GW by 2030, rural electrification based on 30% renewable sources, increase forested area to 30% by 2030	
Philippines	157.59	Conditional: Reduce 70% BAU by 2030	
Singapore	56.13	Reduce 36% intensive compared to 2005 by 2030, peaking in 2030	
Thailand	375.71	Reduce 20% BAU by 2030, increase to 25% when receive support	
Vietnam	251.18	Reduce 8% BAU by 2030, increase to 25% when receive support. Increase forest cover to 45%, reduce 20% intensive compared to 2010	

Current state of play on climate change for Paris Talks.

- 146 PLANS - national climate plans covering 146 countries as of 1 October 2015. This comprises 119 separate INDCs from 147 Parties to the UNFCCC, including the EU, a single Party representing 28 countries.
- Commitments made by developed and developing countries that are responsible 86% of global greenhouse gas emissions – almost four times the level of the first commitment period of the Kyoto Protocol.
- INDCs will bring global average emissions per capita down by as much as 8% in 2025 and 9% in by 2030.
- have the capability of limiting the forecast temperature rise to around 2.7 degrees Celsius by 2100, by no means enough but a lot lower than the estimated four, five, or more degrees of warming projected by many prior to the INDCs.

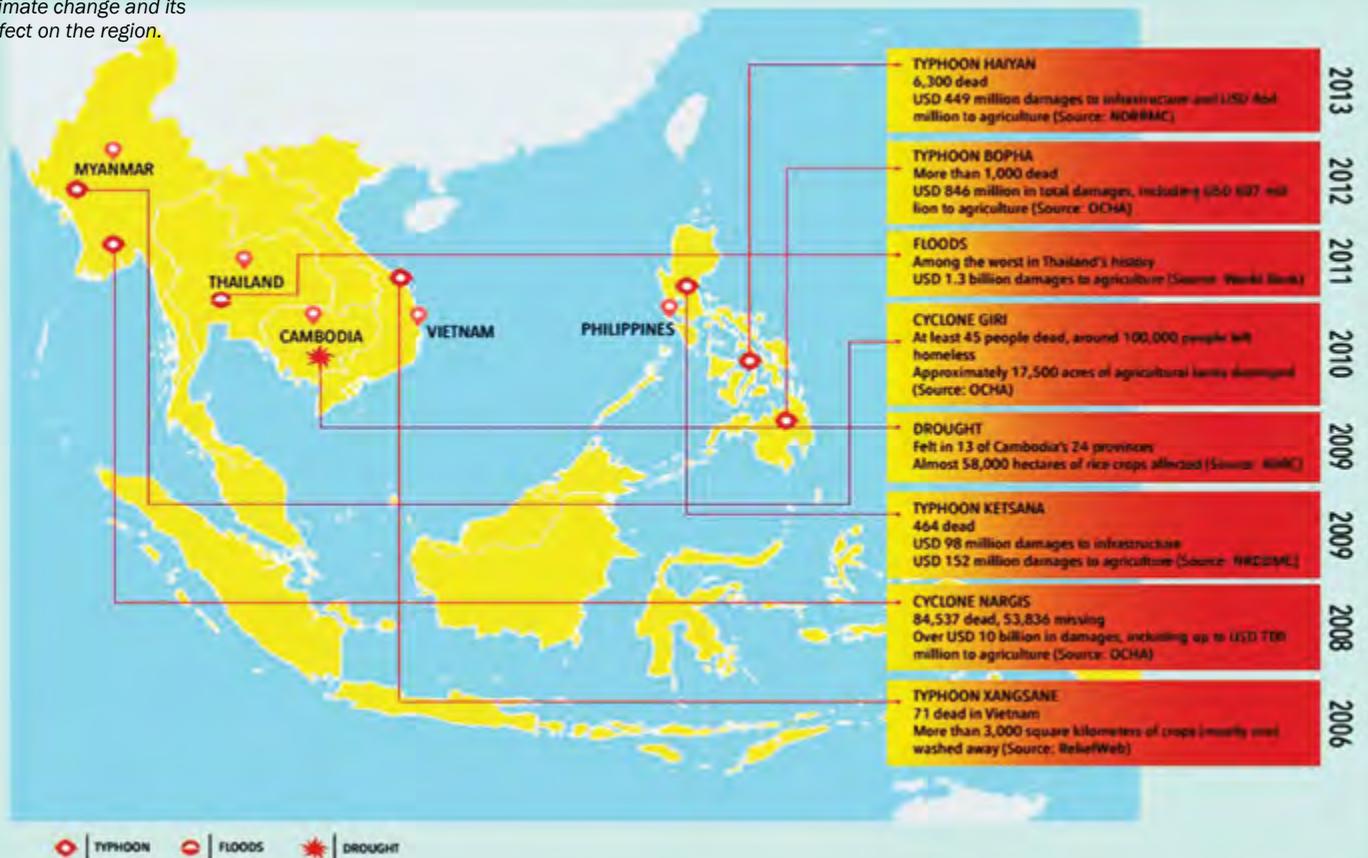
To realize

- Climate change a cross cutting issue, and a development issue.
- Mitigation and adaptation equally important and closely linked.
- SEA highly vulnerable to impacts of climate change.
- No excuse for no action: SEA high potentials for GHG mitigation, considering CBDs and justice.
- Long term adaptation = reducing vulnerability and enhancing adaptive capacity.
- ASEAN now a political bloc in the climate negotiations, speak in one voice.

Opportunities for engagement

- Open discussion, dialogues and consultation with CSOs: ASEAN Working Group on Climate Change, AICHR, ACWC, SOM, etc.
- Engaging CSOs at national process (informing, preparing, positioning, deciding, monitoring and reviewing process).
- CSOs coalition and collaboration.

Climate change and its effect on the region.



Open Plenary Key Points

Using human rights perspective and platform is effective in confronting issues in the region. CSOs have to be concerned with a range of issues including the environmental and sustainable development issues.

ASEAN documents talks about people centered and oriented community but individual governments and ASEAN have not really honored this for instance difficulty of CSOs to register and be accredited with ASEAN.

CSOs have to campaign against the ASEAN consensus rule practice especially the power of veto which is used by ASEAN governments in objecting to any CSO's application to ASEAN. ACSC/APF is a recognized body by ASEAN even though many of the participating CSOs are not accredited by ASEAN.

Not being accredited does not mean CSOs cannot do something as they can use the APF platform to engage with ASEAN until

their organizations become accredited. Meanwhile they can freely voice out their concerns and continue their lobbying work.

ACSC/APF must be vigilant, towards any developments happening to any country's CSO. For instance travel ban of some CSO members either from leaving or entering a country, CSOs should be vigilant to show solidarity if such incidents arise in any country. It is important to also show solidarity by sharing resources such as lending their skills and services to each other across country borders.

ACSC/APF is already engaging with ASEAN but it is important CSOs here work together with their respective national CSOs to hold dialogues with their respective governments. It is also important to look at engagements with their own governments as well as ASEAN as a long term vision and also a process where many steps have to be taken.



States must use human rights based standards to deal with environmental issues across country boundaries such as the controversial Australian-based Lynas rare earth plant in Pahang State of Malaysia which has sparked strong protest from the Malaysian people.



10. Session 10: The Future In ASEAN (Plenary Discussion)

Moderator: Jerald Joseph

(ACSC/APF 2015 Chairperson & PUSAT KOMAS, Malaysia)

Open Plenary Key Points:

The plenary session was held for 2 hours to discuss the planning and organizing of APF 2016; FCAA Monitoring Plans and Systematizing the People's Process in ASEAN

APF 2016:

It was reported that after the last ACSC/APF Conference in April in Kuala Lumpur, 40 Laos NGOs sent a letter expressing unhappiness about the ACSC/APF Official Statement.

The APF Chair shared that the Regional Steering Committee (RSC) represented by himself and another member visited Laos and met with 100 local CSOs to determine their readiness and willingness to host the ACSC/APF 2016. It was finally determined that it would not be possible to organize the ACSC/APF in Laos due to several factors.

One was the restrictive political situation and governance in Laos which is not conducive to organize and carry out the ACSC/APF in the manner the Conference has been organized in different ASEAN countries in the past. Another was the security consideration voiced by some local CSOs who feared what happened to Dr. Sombath might happen to other CSO members.

The Chair shared that during the meeting with 100 Lao CSOs, the feedback from them was they were not ready to host the ACSC/APF Conference and were willing to let the ACSC/APF RSC decide the hosting country of the Conference in 2016. The Lao CSOs had also expressed that they would be willing to participate in the event in 2016 wherever it is to be hosted.

This decision was made on 2 levels, within the RSC and also among the local CSOs in Laos. As such the RSC had decided to propose the following:

- The ACSC/APF format must continue to be implemented
- ACSC/APF only makes sense if there is a national ACSC/APF process in each country.
- ACSC/APF to be held in Indonesia or Timor Leste. (Thailand was considered but dropped because of current uncertain political situation).

Participants raised different arguments in favor of their preferences for the respective countries proposed as venue for hosting the ACSC/APF 2016. Those who preferred hosting the ACSC/APF 2016 in Thailand (border of Laos) felt that the Thai government is concerned with their international image and would not risk clamping down on the ACSC/APF conference.



Regional organising committee members ready to dialogue and discuss with CSOs during the open plenary session.

Furthermore, not holding it in Thailand because of political uncertainties and fear of government reprisal could send a wrong message and set a trend among other ASEAN governments in the future.

Those who preferred Timor Leste as venue expressed that this would be a good opportunity for Timor which is currently being considered to be a member of ASEAN. The local Timor Leste CSOs present also voiced their willingness and readiness to host the event in 2016.

The following are the final decisions made during the plenary session:

- Timor Leste would be the host of the ACSC/APF 2016 but the pre-consultations would be held in the other proposed countries namely Thailand, Indonesia and Laos.
- Details like venue, dates and other matters would be decided in the RSC meeting in February 2016.
- One important point is that in 2016 the Laotian Government has asked for an exception to hold only 1 Summit meeting in November.
- There was also a decision to extend the term of the present RSC for another few months in order to help the new NOC in Timor Leste prepare for the 2016 ACSC/APF. The RSC proposed that Jerald Joseph of the Malaysian Secretariat continues as co-chair of the RSC and his term to be extended for another 6 months (or until the next ACSC/APF) in order to help the new NOC in Timor Leste prepare for the 2016 ACSC/APF.

- The NOCs must also determine their National representatives within a period of time in order to facilitate the efficient taking over of their responsibilities as soon as possible.
- It was also decided that during the next ACSC/APF 2016 in Timor Leste, the NOC functions would be directly handed over to the Philippines who will be the host of the ACSC/APF 2017.

Follow Up Committee of the ACSC/APF (FCAA) Monitoring Plans:

It was shared that for many years the ACSC/APF has been submitting many documents to ASEAN but there has been no action or follow up to indicate the progress or impact it has achieved. Myanmar RSC has proposed to form a FCAA (a hardcopy of the document was distributed to all participants). It was also reported that the last FCAA was carried out by the outgoing RSC. Presently the Malaysian NOC has some savings from organizing the ACSC/APF 2015 and this is being set aside for the implementation of the FCAA research for 2016.

The plan is to hire a researcher to carry out this task, (4 or 5 names have been proposed by the RSC) and this person will be hired for 6 months to collate information and background information, and visit 9 ASEAN countries together with RSC members to have dialogue with CSOs organized by the respective NOCs. The researcher will also meet and interview different government departments, officials and other stakeholders as well.

It is anticipated that the final document will be ready within the period of 6-7 months before the next ACSC/APF in 2016.



Other Matters:

It was also proposed that the address list of all participants of this Conference would not be circulated. In order to facilitate communications among the participants the existing e-group could be used. Materials and papers presented and shared in the entire conference will also be available on the ACSC/APF website.

ASEAN CSO delegates active in discussions during the open plenary session.





11. ACSC/APF Conference Outcome Statement

“A PEOPLE-CENTERED ASEAN COMMUNITY: MAKING IT HAPPEN”

17–19 November 2015, Kuala Lumpur

1. While the focus in the region is on the upcoming 27th ASEAN Summit between the ASEAN heads of states and the global dialogue partners, representatives from ASEAN civil society have gathered again at the ACSC/APF 2015 Conference, titled “A People-Centered ASEAN Community: Making it Happen”, from 17 – 19 November 2015, to collectively deliberate and assess the impact of our 10 years of engagement with ASEAN.
2. This is a pivotal moment for the region with the ASEAN Community coming into being at the end of 2015, and with the adoption of the ASEAN Community Vision 2025. ASEAN regionalism is focused on achieving political cohesiveness, economic integration, a socially responsible, people-oriented, people-centered and rules-based ASEAN.
3. Civil society in ASEAN have repeatedly taken a stand that these processes need to be transformative and people-centered in the most meaningful, inclusive and representative manner in determining and shaping the aspiration and future of the region and its peoples.
4. The thematic concerns and recommendations raised in the ACSC/APF 2015–CSO Statement (April 2015) on development justice; democratic processes, governance and fundamental human rights and freedom; peace and security; and discrimination and inequality remain serious priorities for the region. An assessment of the last 6 months, post the submission of the ACSC/APF 2015 – CSO Statement (April 2015), demonstrates the continued silence of ASEAN in addressing the concerns and recommendations expressed in the CSO Statement. While globally ASEAN portrays itself as a cohesive regional bloc it remains indifferent to what it considers national prerogatives unless it has economic bearings.
5. We have in fact seen an escalation of human rights violations and lack of commitment of ASEAN to engage on these issues in a cohesive and meaningful manner. The deleterious consequences of the worst haze the region has experienced, situation of boat-people and the exemption of Rohingya and other ethnic minorities from exercising their rights to participate as voters and candidates in the recent electoral democratic process, well as the continued targeting and enforced disappearances of human rights defenders are some cases in point.
6. Given the apathetic and dismal response by ASEAN to the interventions and recommendations of the ASEAN civil society in the last 10 years of engagement, we are compelled to question the meaningfulness of the rhetoric on people-oriented and people-centered ASEAN. The impunity of recalcitrant ASEAN member states compound the escalation of violations and prevent the idea of regionalism as enshrined in the ASEAN Charter.
7. We, therefore, reaffirm our concerns and reiterate our preceding recommendations and call on ASEAN to escalate its responses to the interventions by the civil society.
8. In addition, the Conference also calls on ASEAN to address the following:
 - 8.1 Strengthened engagement with civil society organizations
 - a. ASEAN to recognize civil society as key stakeholder in the standard setting, standard interpretation and implementation processes of ASEAN laws, policies and programmes;
 - b. ASEAN to critically reflect on and adopt institutional measures and mechanisms to engage with civil society, with mutual respect, in a manner that is meaningful, transparent, accessible and inclusive, and in accordance to international laws and standards, towards a people-centered ASEAN community;

- c. ASEAN to recognize the diversity of the multiple Civil Society Organisations (CSOs) and peoples' organizations that is reflective of the issues and priorities of the region. Thus, all engagement and consultations shall be inclusive and representative across all nations and issues in ASEAN. Gender balance and diversity shall be a key consideration. Rigid accreditation procedures only serve to undermine participation;
 - d. ASEAN shall not invoke the principles of non-interference, respect for national sovereignty, and domestic particularities, and its selective interpretation in censoring issues that particular ASEAN member states deem unsuitable;
 - e. Access to information and relevant standard-setting documents shall be made available prior to and during consultations to ensure the most effective and meaningful dialogue rather than an act of tokenism.
- 8.2 Modalities for engagement between CSOs and ASEAN governments
- a. Adopt consultative mechanisms that guarantee meaningful, representative and inclusive dialogue and systematic feedback with ASEAN member states both nationally and regionally, and is aimed at advancing peoples' voices and advocacies;
 - b. The identification and selection criteria for any interface/dialogue shall be in adherence to principles of participation that includes self-selection on the basis of an open and transparent process;
 - c. Facilitate multi-stakeholders engagement, especially in context of economic integration, particularly in mitigating adverse consequences of trade liberalization policies and free-trade agreements to the peoples of ASEAN;
 - d. The annual interface between civil society and heads of ASEAN member states during the ASEAN Summit should be an institutionalized practice and go beyond a symbolic gesture. It shall facilitate meaningful dialogue rather than monologues and have real impact on the decisions of the ASEAN leaders.
- 8.3 Enhanced role of ASEAN Secretariat and its institutions and organs
- a. ASEAN, in accordance to the ASEAN Charter, to enable and enhance the role of the Secretariat in facilitating and working with civil society by establishing and institutionalizing more effective mechanisms that are accessible to all peoples of ASEAN;
 - b. ASEAN Secretariat to facilitate effective communication and engagement of civil society with relevant bodies and organs in ASEAN;
 - c. ASEAN Secretariat, through the other ASEAN entities, including the ASEAN Foundation, to ensure effective information exchange and dissemination, through all accessible forms of tools and media;
 - d. ASEAN Secretariat to contribute to civil society capacity building initiatives in engaging ASEAN;
 - e. Enhanced ASEAN Secretariat and its institutions and organs to mainstream human rights and provide meaningful and dedicated support;
 - f. Dedicated secretariat support to be established for the AICHR and ACWC, which shall include sufficient resources and accessible structures to facilitate receiving of information and complaints/communications on violations of human rights.
- 8.4 Mainstream human rights and fundamental freedoms
- a. Human rights and fundamental freedoms to be mainstreamed in all pillars of ASEAN and across all entities and structures. It shall recognise primacy of universal principles of human rights and prioritise elimination of all forms of discrimination against all peoples in and from ASEAN, and promote realization of substantive equality of all individuals and collective human rights of all peoples;
 - b. ASEAN human rights mechanisms and instruments must strictly adhere to international law and universal principles and standards on human rights and fundamental freedoms.
9. Finally, the ACSC/APF 2015 has decided that the ACSC/APF in 2016 will not be hosted in Lao PDR given the lack of readiness of the civil society organisations in the country and the absence of assurance of a safe space for open and constructive discussions of all issues of concerns in the region. This is an exceptional decision made on the basis of our guiding principles and modalities of engagement. It will be held in Timor Leste.



12. Press Conference



Members of the local and international media present at the press conference

A press conference was held at the end of the conference to convey the sentiments of the ACSC/APF and present the final statement/outcome document to members of the media present as follows:

- Al-Jazeera
- Bernama
- Durian ASEAN (Online)
- The Sun
- Voice of America

The Chair informed all media representatives and participants that over the last few days, the ACSC/APF team had been issuing press releases to the media to keep them updated with developments in the ACSC/APF Conference. The ACSC/RSC then presented the finalised written outcome document of the November Conference and highlighted several vital points to members of the media.

A question was asked pertaining to what was one specific thing the ACSC/APF would like to demand from ASEAN. The RSC responded that the ASEAN secretariat should not play

a civil service role but to be an active facilitative body to communicate, engage and coordinate with the CSOs.

Another question was about the concerns on migrant workers in ASEAN countries. It was explained that migrant workers should be protected in terms of wages and working conditions. Another movement of people are the refugees, such as the Rohingya boat people who should be accorded at least the minimum standards of human rights and protected through bilateral and multilateral agreements.

Commenting on Malaysia's Chairmanship of the ASEAN Summit, it was expressed that the Malaysian government was quite open to dialogue and also supported the conference with unconditional funding. This is the way governments should act to ensure the smooth running of the CSO event. But the ACSC/APF was not able to have a dialogue with the Foreign Ministry.

But the positive side is the ACSC/APF was able to officially submit the final document of the Conference to all the ASEAN governments through the Malaysian chair.

It was disappointing that the heads of states like US President Obama, UN Secretary General Ban Ki Moon and other international leaders did not meet with the CSOs giving the rationale that they did not have time. But in fact they should have prioritised meeting CSOs especially in the light of ASEAN's call to be more people-centered and oriented.

Another positive outcome was the ACSC/APF representatives were able to have an open dialogue with several European Embassies to discuss a range of issues in ASEAN countries and especially establishing potential meaningful engagements with them.

Another achievement was also the holding of a special dialogue (later that evening) with the Philippine Ambassador who was tasked to represent the Philippine President to meet with the ACSC/APF.

On the question of haze, it was shared that transparency and cooperation between the states must happen in order to really trace and address the issue of haze and those responsible for this trans-border and transnational problem.

It is a good opportunity for ASEAN to step up and be bold to cooperate and ensure corporate social responsibility is practiced within respective business sectors in the affected countries.

Engagement with the Ministry of Home Affairs was embarrassing because there were no substantial engagements and dialogues with them compared to other Malaysian government departments.



Members of the ACSC/APF 2015 Conference Regional Steering Committee (RSC) responding to questions from the media during the press conference.



13. Special Activities

A. PUBLIC SEMINAR ON “CAN ASEAN ECONOMIC COMMUNITY (AEC) PROTECT RIGHTS OF THE PEOPLE”

November 17 2015

Moderator: Wan Saiful Wan Jan,
(IDEAS, Malaysia)

Invited Guest Speakers:

- YB Charles Santiago, Member of Parliament, Klang, Selangor, Malaysia
- Prof. Sary Levy Carciente, Author of International Property Rights Index 2015, USA
- Lorenzo Montanari, Executive Director, Property Rights Alliance, USA
- Dr Alex Chandra, Habibie Centre, Indonesia.

Content Summary:

This special forum was jointly organized by the IDEAS (Institute for Democracy and Economic Affairs), the ACSC/APF 2015 and SEANET Malaysia. It was held in conjunction with the launch of the International Property Rights Index 2015 published by the Property Rights Alliance in USA.

The forum began with a briefing on the Property Rights Alliance by Lorenzo Montanari who spoke about the history of the organization as well as the International Property Rights Index. Next, Prof. Sary Levy Carciente, the author of the document presented the findings of the International Property Rights Index 2015.

Meanwhile, YB Charles Santiago presented a more radical view and questioned whether the AEC can actually protect the rights of the people. He argued that while property rights can be good, it mattered very little if basic human rights were not guaranteed.

Prof Sary Levy, countered by saying that effective protection of property rights can only come if there is a strong and just legal system and this will in turn protect the poor and small farmers.

Panel of speakers, (left to right): Charles Santiago, Dr. Alex Chandra, Prof. Sary Levy Carciente, and Lorenzo Montanari. Moderator and IDEAS Malaysia Executive Director Wan Saiful Wan Jan (right photo).



B. SPECIAL DIALOGUE WITH EUROPEAN EMBASSIES

November 18, 2015

Moderator: Jerald Joseph

(ACSC/APF2015 Chairperson & PUSAT KOMAS, Malaysia)

Invited Guest:

- Anne Charlotte Malm, Head of the Development Cooperation in Asia, Embassy of Sweden, Bangkok Thailand.
- Johanna Källstrand, Intern from the Embassy of Sweden, Bangkok Thailand.
- Orawan Raweekoon, Program Officer, Development Cooperation Section (Regional) Human Rights & Democracy, Embassy of Sweden, Bangkok Thailand.
- Timo Goosmann, Embassy of the Federal Republic of Germany, Jakarta, Indonesia
- Jan Hendrik van Thiel, Deputy Head of Mission, Embassy of the Federal Republic of Germany, Kuala Lumpur Malaysia
- H.E Constantin-Volodia Nistor, Ambassador, Embassy of Romania, Malaysia.

Dialogue Key Points:

This special session was attended by 35 representatives from different SEA countries of the ACSC/APF Conference. It was organized to have an open platform for exchange of views and ideas between the delegates of the CSO of the SEA region and representatives of different European embassies.

The background of the ACSC/APF Conference was explained to the EU representatives and that the CSO communities were reflecting on the progress of ASEAN nations to focus on the agenda of people-centeredness for a people-centric ASEAN.



Left to right: Timo Goosman, Jan Hendrik van Thiel & Jerald Joseph.



APF representatives present the APF April Conference Outcome Statement (top right), 35 CSO delegates were present at the dialogue (below).

The CSOs presented the 6-page outcome statement of the ACSC/APF Conference in April 2015 which highlighted 4 key areas namely development justice; governance and denial of fundamental human rights; peace and security; and level of discrimination and inequality. This was submitted to the ASEAN leaders 3 months before the Summit so they could have adequate time to read and study it before the interface session with the CSO delegates and before the ASEAN Summit in April 2015 in Malaysia.

The Swedish government which sponsored the ACSC/APF Conference in April and in November did not consider their contribution as meddling into the internal affairs of the ASEAN nations.

This is because there are many common platforms such as the international declaration on human rights and all the international instruments linking Europeans to Asian and justifies their interaction with the ASEAN people. The main idea is for Europeans to share experiences with the Asian people.

It was expressed that regional cooperation is important especially in the area of poverty and life improvement towards sustainable development. This session was an opportunity to explore more concrete development cooperation between ASEAN CSOs and European countries.

It was also expressed that EU countries can raise urgent issues of ASEAN countries especially in Geneva to pressure ASEAN governments to respond to these issues.

It was also expressed that capacity building is needed to enhance CSOs' effectiveness in human rights work. It was also important for independent CSOs to receive recognition and legitimacy from European countries to help support their status with their respective home governments.

In Romania for instance, CSOs are part of the country's development but they also have to be effective in advocating relevant issues which are supported by the people and would be responded to by their government.

It was also reported that in Malaysia, the EU's development aid for capacity building is channelled through the regional level. But the full instrument of the EU and German development cooperation through the GIZ and other foundations are present there.

It was also shared that In Germany there had been a process of development of CSO and government engagement. Firstly they had to overcome suspicions and negative views of each other. These experiences finally led to a better and improved relationship when they started understanding each other's limitations and perspectives through official and informal 'coffee talk' exchanges.

Sweden has a long history of civil society, debates and clashes with the government. But the government does listen to the civil society and there is an independent media to voice out CSO concerns. The Sweden development cooperation partnership is constantly looking for good CSO partners in the ASEAN region and in the forefront to achieve the goals of sustainable development and human rights.



The Swedish Embassy Development Cooperation section works for issues of human right defenders through partnership with Forum Asia.

The German Embassy in Malaysia has supported and collaborated on working with the 'Orang Asli' indigenous people in regards to their land rights, supporting cases and also documenting their history. The German embassy in Jakarta is involved in 13 projects with the ASEAN under the thematic concern of capacity building of the ASEAN secretariat and Members of Parliament.

They are also engaged in concrete projects such as consumer protection, competition laws, and projects based on the ASEAN integration blueprint initiatives in Cambodia, Myanmar, Vietnam and others.

Another focus is on the green sector in various aspects of environmental protection such as illegal logging, forestry, sustainable management of natural resources and aspects of climate change such as biodiversity, peatland management and so forth.

It is important that CSOs from the region coordinate well on the UPR process to ensure that all important issues are covered.

The end of October 2015 will see for the first time a dialogue between ASEAN, AICHR and EU in Brussels. 7 of the 10 AICHR representatives will be replaced and it is important to see who would be appointed in view of sentiments such as non interference and the fact that several members states are already beginning to question this notion.

There is a growing conscience that ASEAN discussions are still being confined to the elite. But some governments are already discussing this trend especially in the light of community building starting from the people and not from top down; and also not centered only on economics.

The special dialogue was generally able to identify practical ways on how CSOs can engage with European governments and showed new hope for both sides to link up more closely in the future.



HE Constantin-Volodia Nistor (left), Anne Charlotte Malm (center) & Orawan Raweekoon (right).

C. SPECIAL PRESENTATION BY MYANMAR DELEGATES

November 19, 2015

Glimpses of 2015: Myanmar's General Elections

Towards the end of the ACSC/APF Conference, the Myanmar delegates made a special presentation about the recently concluded General Elections and the people's victory in their country. They shared that the 2015 elections saw a change of government and they were looking forward to positive changes in the country.

For the ethnic minorities it was about how to reclaim their rights, to do the best and be part of nation building. The following presentation is a photo slideshow with scenes from the recent people's victory in the 2015 elections in Myanmar.



Challenges: Pre Elections

The Irrawaddy RESULTS NEWS PARTIES & REGIONS VOTER'S VOICE KNOW YOUR VOTE FOR THE RECORD MEDIA



In Final Voter List Display, UEC Continues to Miss the Mark

While Rangoon's Hialing Tharyar Township may be a particularly acute case of voter list inaccuracies, the problem is widespread, imperiling the general election's credibility.

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ASEAN > CHINA > JAPAN > KOREA > INDIA > PACIFIC >

Myanmar's Government Appoints Military to the Election Commission

By Francis Clapp & Aung Din



CSO: Voter Education



NLD Campaign
(photos 1, 2, 3, 4)



1

2

3

4



USDP Campaign
(photos 5, 6)



5

6

Ethnic Areas Campaign
(photos 7, 8)

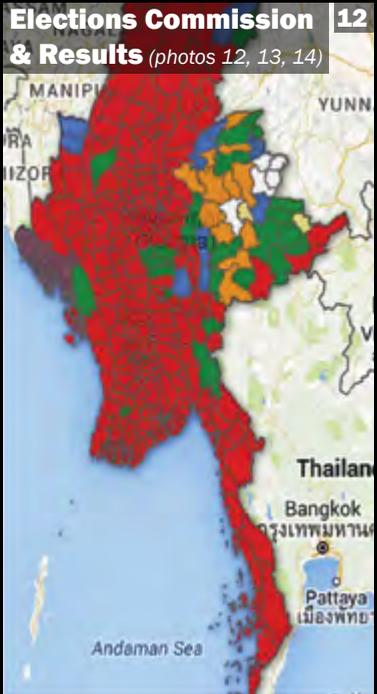


7

8



Elections Observation
(photos 9, 10, 11)



MYNET

အနိုင်ရ အမျိုးသားလွှဲပြောင်းရေးအဖွဲ့အစည်း

နိုင်ငံတော်	အနိုင်ရ	အနိုင်ရ	အနိုင်ရ
မန္တလေးတိုင်းဒေသကြီး	အနိုင်ရ	အနိုင်ရ	အနိုင်ရ
မန္တလေးတိုင်းဒေသကြီး	အနိုင်ရ	အနိုင်ရ	အနိုင်ရ



Vote Casting & Counting
(photos 15, 16)



Final Results
(photos 17, 18)

17
18



The Future...
(photo 19)

D. SPECIAL DIALOGUE WITH THE PHILIPPINE AMBASSADOR TO MALAYSIA

November 19 2015

HE Ambassador Jose Eduardo Malaya III (left) & Cecille Lao (right).



Dialogue Key Points

The Philippine government is very aware of the importance of CSO participation which is essential in moving towards the shared aspiration for a better region. The Philippines has been involved in the AICHR, ASEAN Institute of peace and many other sectoral bodies of ASEAN.

Inclusive and meaningfully participation of CSOs in ASEAN is an indication of engagement for positive change in areas such as protection of human rights, migrants, women, children, environment, climate change and peaceful settlement of disputes within the Philippines and the South China Sea. There is shared concern towards finding common solutions to address these issues as expressed in the ACSC/APF statement.

It was suggested that the Philippines can help create space for CSO involvement and engagement in ASEAN. It was also expressed that for instance the Philippines hosting the ASEAN Summit in 2017 should not only pay attention to planning commemorative activities but to incorporate more meaningful events.

Invited Guests:

- HE Ambassador Jose Eduardo Malaya III
- Cecille Lao, Philippine Mission in Jakarta
- Alvin Malasig, Philippine Embassy, Malaysia

A group of ACSC/APF delegates had a dialogue with the Philippine Ambassador to share about the ACSC/APF and its engagement with ASEAN and the respective members states. The following are key points from the dialogue.

APF delegates in the special dialogue (below),



Such feedback and ideas from CSOs will help in the preparations leading up to the event in 2017.

It was expressed that engagement processes with CSOs are very important. Since the Philippines is already very conscious of this, it would be very helpful if they can also convince their counterparts in ASEAN.

It is hope that in 2017, the interfacing of CSOs with governments will make a benchmark in having 1 hour instead of 15 minutes like in the last Summit meeting in Malaysia. There is also a need to plan more concretely, for instance to organize spaces for CSOs to participate and express their concerns within the limited time in the context of the summit.

There are hopes that the Philippines could facilitate the process of more

concrete engagement mechanisms and platforms to resolve the growing list of issues. It is also hoped that the Philippines will strongly support climate change issues and also push for the recognition of foreign domestic workers by the Singapore Employment Act.

Presently the APEC meeting held in the Philippines is a further enhancement of regionalism. It is conscious that the pursuit for economic development must also consider adverse impacts on certain sectors and the people in general.

The Ambassador and his team expressed that these inputs were very helpful for the Philippines to think more creatively in planning more meaningful processes and engagements with CSOs in the ASEAN Summit in Manila in 2017.

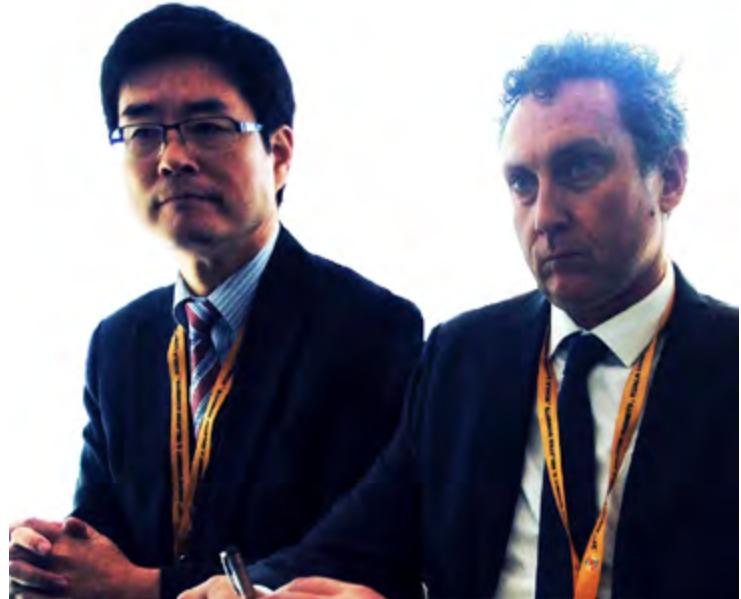
Delegates had a lively dialogue session with the Philippine Embassy representatives (top left, right & bottom right photos), Cecelia Lao and Alvin Malasig (bottom left photo)



E. SPECIAL DIALOGUE WITH UNITED NATIONS REPRESENTATIVES

November 20 2015

Shin Umezu (left) &
Mark Harris (right).



A dialogue was held between several representatives of the ACSC/APF Regional Steering Committee and two representatives of the United Nations:

- Shin Umezu, Acting Chief United Nations Departments of Political Affairs (DPA), Asia Pacific Deputy General Manager.
- Mark Harris, United Nations, Liaison to ASEAN

Dialogue Key Points

The ACSC/APF representatives conveyed to the UN officers that CSO-ASEAN engagements have not been as intensive as was hoped for but CSOs were able to produce an official 'Outcome Document' which has been passed on to the respective ASEAN governments.

The ACSC/APF delegation also conveyed disappointment with the UN Secretary General who could not meet and have

dialogue with the CSOs especially in light of CSOs strongly urging for more space and engagements with ASEAN.

Mr. Shin explained that the UN takes their interaction with the CS very seriously as it is considered very important. He further added that the UN Charter and mission which express aspirations to give voice to the voiceless and to respect the rights of all the people is an important principle. They also meet governments, opposition parties, NGOs and any other relevant persons but they are also limited by factors such as time constraints and so forth.

The UN has a good solid framework called the UN-ASEAN comprehensive framework in existence for the past 4 years. It covers everything such as human rights, economic, social-cultural, peace and conflict issues and so forth. The pillars mirror those of ASEAN.

This partnership is formally reviewed every 2 years so that the document is updated. Political leadership has an obligation to live up to the people-centered focus of ASEAN and the national leadership has to respond to the aspirations of the people. The UN continues to send this message to the ASEAN governments.

In terms of sensitive issues the UN tries to raise them consistently through private meetings within the UN and sometimes issue statements from the Sec-Gen on human rights violations through a good combination of public and private diplomacy.

The DPA staff provides options and strategies for the Sec-Gen on how to conduct this type of public or private diplomacy and they usually draft the document policies and draft remarks for him to present in bilateral meetings.

The UN works closely with its ASEAN counterparts but tangible results are yet to be seen. However these efforts are seen as a move in the right direction indicated by the principles of people-centeredness expressed in the ASEAN Charter and ASEAN Declaration on Human Rights, AICHR and other institutions, which should be made use of by CSOs.

As outsiders, the UN can help with expertise, experience and so forth, but it is important these efforts are based on formal requests by Governments and other main stakeholders. There are also mechanisms to do things on the ground without a grand scale political framework.

ASEAN as a political and regional bloc might be a good platform to deal with many issues. The consensus rule is still entrenched in the ASEAN system but it seems like this is being questioned along the years. Many issues are going beyond this rule and making it increasingly hard to maintain.

It was also expressed that the Sec-Gen places strong emphasis on the question of youth women and children. But how these are expressed and realized on the ground depend greatly on governments being open to provide more space and platforms for these sectors to express themselves and voice out their concerns.

There are 20 thematic areas where CSOs can work with the UN system which is extremely open to them. For instance for Youth, the UNICEF is the lead agency which has its own Memorandum of Understanding (MOU) with ASEAN.

In the next few months the outcome on climate change will be reflected in the documents of the Summit. There is a process of developing an ASEAN-UN strategic plan of action across agencies on environment and climate change that will cover almost everything as stated in the ACSC/APF document.

There are already a number of specific plans under this initiative, for instance the ASEAN-UN strategic plan of action for disaster management which is very specific.

NGO roles can be determined through this plan which is still in the process of development. Mechanisms are there for CSO engagement and involvement in very specific areas especially through their Bangkok and now the Jakarta offices.

Engagement of CSOs through the ASEAN Institute for Peace and Reconciliation is moving quite slowly but they have already carried out a number of dialogues around the region. There has also been a few ASEAN-UN regional dialogues carried out in the region. Some CSO think tanks were able to bring their perspectives to member states behind closed doors.

F. SPECIAL DIALOGUE WITH MIROSLAV JENCA, ASST. SEC-GEN, POLITICAL AFFAIRS, UNITED NATIONS.

November 22 2015



Miroslav Jenca greets APF representatives (left photo), before the dialogue session (right photo)



A short dialogue was held between several representatives of the ACSC/APF Regional Steering Committee and Miroslav Jenča, the United Nations Assistant Secretary-General (ASG) for Political Affairs.

Dialogue Key Points

It was conveyed to Mr. Miroslav that the ACSC/APF Conference was held for the second time in Malaysia prior to the 27th ASEAN Summit. The last ACSC/APF Conference was also held right before the ASEAN Summit meeting in April in Malaysia.

The CSO representatives also presented the Conference outcome document to Mr Miroslav and explained that it contained CSOs' aspirations especially the need for more open, inclusive and meaningful engagements with the ASEAN.

They also expressed hopes that these shared concerns of CSOs and the UN would be taken up by the UN Sec-Gen who is in a very strategic position to convey these concerns to the ASEAN body and governments.

The ASG expressed that the UN has started working on the 5 year plan and action plans with ASEAN especially paying a lot of attention to human rights and the civil society.

The UN has always had engagements with the civil society as there are very serious issues

pertaining to human rights, corruption, participation of opposition politicians, civil society and so forth. One part of the plan is on human rights and expresses that participation should not only be limited to the governments but also to include the civil society.

The ASG shared that the senior officials meeting of the UN and ASEAN was organized and chaired by himself at the margins of the General Assembly in New York in September 2015. It was also participated by the Office of the Commission on Human Rights which made very strong statements about human rights. The meeting focused on the 3 pillars of the UN namely Peace and Security, Development and Human Rights.

It was also mentioned that the ACSC/APF is also in a process of striking a balance among its members who represent a range of CSOs and NGOs both independent as well as established by governments. There is an ongoing process of dialogue and understanding among them.

The fact that representatives from the ACSC/APF have been invited for the ASEAN summit opening ceremony and gala dinner are indications of their recognition and being acknowledged by ASEAN. It was expressed by the UN reps that more regular dialogues can be organized in the near future between the UN and CSOs which will be formalized in the 5 year plan of UN with ASEAN.

G. 27th ASEAN SUMMIT AND RELATED SUMMITS

November 18-22 2015

The 27th ASEAN Summit and Related Summits were held from November 18-22, 2015 in Kuala Lumpur, Malaysia. This second ASEAN Summit for 2015 marks the end of Malaysia's ASEAN chairmanship which will be assumed by Lao PDR in 2016. This Summit was significant as it also officially declared the much awaited ASEAN Community to be established beginning 2016.

The ACSC/APF Regional Steering Committee and National Organizing Committee members were officially invited by Wisma Putra, Malaysia to attend 3 separate events namely the Opening Ceremony of the 27th ASEAN Summit and Related Summits, the Gala Dinner and the Signing Ceremony for the Declaration on the Establishment of the 'ASEAN Community' and the 'ASEAN 2025: Forging Ahead Together.'

Being present at the Summit for the 2 days, the ACSC/APF RSC and NOC members had the opportunity to engage several Ministers, Diplomats and State actors and briefed them on the process of the ACSC/APF as well as to distribute the Conference Outcome Statement 2015. There were also initial interest shown by government agencies such as the Ministry of Foreign Affairs, Malaysia to have meetings and engagements with CSOs. These need to be followed up to maximise the willingness and sincerity of governments to dialogue.

The ACSC/APF witnessed the declaration of the much acclaimed people-centered ASEAN Community and also heard many promises of ASEAN leaders at the Summit. Initial impression of the 'ASEAN 2025: Forging Ahead Together' aspiration shows a lack of substance and missing components which would make ASEAN a truly people-centered community. As such the ACSC/APF will continue to hold ASEAN and its governments to their promises.

RSC and NOC members attending the opening ceremony (top photo), US President Obama was guest of honor at the Gala Dinner (middle), and ASEAN Heads of States at the signing ceremony (bottom)





14. Participants' Evaluation

Conference Sessions, Process and Outcome

- Timely to review CSOs' struggle within the ASEAN context in the last 10 years and to reflect on our shortcomings and brainstorm effective engagement methods with ASEAN.
 - Good to have sessions to strategize on ACSC/APF's future plan so CSOs can synergize respective national processes in line with it.
 - In order to be effective we need to go deeper to analyze and brainstorm better strategies aside from having engagements.
 - Good space for CSOs to be updated on national developments and human rights situations of each others' countries in the ASEAN region.
 - Sessions managed to show clearly the gaps in understanding between CSOs and governments on what a people-centered ASEAN should be. Despite differences it is still important to engage government representatives and diplomats for them to understand CSOs' aspirations.
 - It was meaningful to engage people of different levels and backgrounds which is actually an indicator of engagement success.
- An eye opener to see that some politicians actually understand the reality of ASEAN and what the people really need- a sign of hope that governments can help CSO pursue the peoples' agenda.
 - Speakers need to be more independent and capable in answering questions without bias.
 - Besides better coordination between topic and speakers, the conference should also have clearer objectives and instructions as it was difficult to link between various speakers and sessions.
 - The decision to have APF in Timor-Leste sends a strong message that a small country is capable and CSOs have already embraced them as the 11th state member of ASEAN.
 - Need to have more interactive and informal space for CSOs to engage each other and ask questions not related to the sessions. The workshop format was good as participants got to engage in topics of their interest and shared experiences.
 - Producing an outcome statement as a call to ASEAN was important despite the time constraints and having to accommodate various demands.



- The next CSOs gathering should consider space for advocacy activities besides discussions and engagements only.
- For a more effective press conference, perhaps to identify only a few representative speakers instead of the whole committee. Assign a facilitator/moderator and use name plates for all speakers.
- Ensure balanced representation in the panelist line-up.
- Ensure continued inclusive and diverse participation in ACSC/APF especially the indigenous representation in the conference.
- Essential for ASEAN leaders to continuously be present at CSOs' gatherings and engagement for them to be aware of CSO struggles and to respond to their voices.
- Inspiring to hear of difficulties faced by human rights defenders and CSOs working at local and national level in the region - will not feel alone or isolated in the struggle.

Secretariat and Logistics

- Very friendly, helpful and efficient. NOC members tried their best to accommodate everyone's needs and requests.

- Good translation service by the volunteers.
- Pre-conference registration and communications are essential with adequate information provided. Queries were always answered promptly despite some communications being too wordy.
- Comfortable accommodations, strategic location in the middle of the city and convenient as bedrooms and conference hall in the same venue despite the confusing layout. However need to consider elderly friendly facilities.
- Some found the registration procedures confusing -helpful to provide clearer logistical information about the conference and registration procedures.
- Consider participants' preference during the rooming allocation.
- WiFi provided not enough for the conference capacity.
- Food and beverages were appetizing but good to improve range and diversity.
- Consider organizing a more environmental friendly conference with less aggressive air-conditioning and without usage of bottled water.





15. ACSC/APF2015 Photo Gallery



Top line: Our very own 'paparazi' team (1st. photo), shout for human rights (2nd photo), Singaporean delegation belting out protest songs (3rd photo), engagement of different 'heights' (4th photo). Middle line: Busy secretariat (1st photo), Malaysian Orang Asli delegates feeling amused (2nd photo), wheelchair (3rd photo), voices in our ears- interpreters in action (4th photo). Bottom line: The new hosts of the ACSP/APF 2016-Timor Leste (1st photo), victory is ours! Myanmar delegation celebrates elections victory (2nd photo), RSC fully focused (3rd photo).





16. Press Releases

A. 10 Years Of Civil Society Engaging ASEAN, Do Governments Really Bother?

November 16 2015

KUALA LUMPUR. Organizers of the ASEAN Peoples' Forum (APF) 2015 expect up to 150 participants from the region to attend the ACSC/APF 2015 Conference Engaging 27th ASEAN Summit.

This is a follow up of the ACSC/APF forum of civil society organizations held on 21 – 24 April 2015, to review interventions by member states on four regional priorities: Development Justice; Democratic Processes, Governance and Fundamental Rights and Freedoms; Peace and Security; and Discrimination and Inequality. With the theme of “People-Centered” ASEAN Community: Making It Happen”, the ACSC/APF 2015 Conference on 17-19 November is motivated by a holistic, critical and thorough review by civil society on how the ASEAN Community has impacted the livelihood of the peoples in the region.

“Even though ASEAN’s theme is to be people-centered, civil society was not invited to be part of this ASEAN Summit processes,” said Jerald Joseph of Pusat Komnas, who is Chair of ACSC/APF 2015. The 27th ASEAN Summit will be held on 18-22 November 2015.

“This year’s Summit is especially significant, as we have engaged with stakeholders for 10 years, thus completing a full cycle of rotation among the 10 ASEAN member states. It’s timely for civil society to take stock and reflect on the strategies and impacts of the ACSC/APF in shaping ASEAN policies.”

With this stock-taking process, civil society in ASEAN will be charting a new course of directions and actions in addressing the new challenges in the post-2015 context.

The launch of the new ASEAN Community and the Post-2015 ASEAN Community Vision

this Summit will be an important marker for the region, but what does it mean for its peoples?

The dialogue with the Chair of the High Level Task Force on ASEAN Post 2015 Vision H.E. Dato Hsu King Bee of Malaysia and H.E. Jakkrit Srivali of Thailand would be crucial to find out if peoples are indeed taking center-stage in ASEAN.

The ACSC/APF 2015 Conference will involve various stakeholders, including civil society groups and government delegates. An interactive mapping session, “10 Years of Engagement: Where Are We?” will identify where civil society stands.

Allowing critical feedback, the session “Engaging Strategy: Have We Failed?” opens the discussion to the critical evaluation of H.E. Dr. AKP Mochtan, the Deputy Secretary General of ASEAN, and Mr. Yong Chantalangsy as ASEAN-ISIS Chair, amongst others.

The ACSC/APF 2015 Conference aims to gain a better understanding of ASEAN Governments’ intended plan for ASEAN Community.

“We look forward to strengthened solidarity, understanding and coordinated actions among ASEAN CSOs for a truly “People-Centered” ASEAN Community,” Joseph added.

The ACSC/APF 2015 Conference will be held on 17-19 November 2015, at Swiss-Garden Hotel & Residences in Kuala Lumpur. The full programme of the ACSC/APF 2015 Conference can be viewed at aseanpeople.org.

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B. Civil Disengagement, Alarming Lack Of Participation By Key Global Players

November 17, 2015

KUALA LUMPUR. Government and global agency representatives are largely missing in the ACSC/APF 2015 Conference being held on the side-lines of the upcoming 27th ASEAN Summit. Invitations to the governments of ASEAN member states, U.S. President Obama's administration, the office of the United Nations Secretary General, and other UN agencies generally went unanswered, indicating an alarming lack of interest, engagement and participation in the civil society processes which are integral to this week's high level meeting.

Engagement by government representatives with civil society participants during the Conference was particularly awaited in light of the upcoming launch of the new ASEAN Community and the Post-2015 ASEAN Community. This year's Summit marks ten years of civil society engagement with the region's stakeholders. This occasion has also raised the question of how successful this engagement has actually been.

"Where do we feature as part of these processes and discussions? ASEAN statements always use the term 'people-centered' or 'people-centric', but where are the people actually featured in the issues being discussed?" asked Jerald Joseph of Pusat Komnas, who is Chair of ACSC/APF 2015.

The lack of participation thus far begs the question of how committed the governments actually are to a people-centered approach.

Challenges faced by civil society organizations in communicating openly with government include the fact that engagement and consultation have not been integrated as a regular mechanism, and there has been limited dialogue with lower levels of government.

This week's conference is a follow-up of the ACSC/APF forum of civil society organizations held on 21 - 24 April 2015, to review interventions by member states on four regional priorities: Development Justice; Democratic Processes, Governance and Fundamental Rights and Freedoms; Peace and Security; and Discrimination and Inequality.

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C. Lack Of Engagement With Civil Society Leads To Human Rights Abuses In ASEAN

November 18, 2015

For Immediate Release

KUALA LUMPUR, 18 November 2015 - An assessment of the "People-Centered ASEAN Community" reveals that there has been a failure on the part of ASEAN to transform these words from mere rhetoric to a reality. Experts at the ACSC/APF 2015 Conference today emphasized that the failure of a meaningful people-centered approach has not been the failure of civil society, but of ASEAN

leaders and governments to live up to that commitment. Constant exclusion of civil society has also led to rampant human rights abuses in the region.

"It's been like trying to nail jelly against the wall," said Mr. Phil Robertson, Human Rights Watch Deputy Director, Asia Division. "It's a dialogue where one side talks and the other side pretends to listen. People are not being consulted or provided with opportunities to have meaningful participation in ASEAN discussions and processes."

Much of the ineffectiveness of ASEAN in engaging civil society and upholding human rights according to international standards was attributed to the consensus rule. Experts and civil society organizations commented on the challenge of working around the constraints of the consensus rule, which is often used as a safety blanket by member governments to prevent discussions on human rights abuses from going too far.

A deep conflict also exists between adhering to principles of universal and indivisible human rights and the idea of non-interference, with ASEAN governments being willing to entertain these principles only so long as they don't present issues that encroach on national sovereignty.

However, Mr. Jakkrit Srivali, Director-General of the Department of ASEAN Affairs of the Ministry of Foreign Affairs (MFA) of Thailand, encouraged civil

society organizations not to give up their efforts, reminding them, that while "it takes a long time for governments, civil society should keep knocking on doors, and find spaces for regular engagement to address both the easy issues and more difficult issues."

The ACSC/APF 2015 Conference is taking place on 17-19 November 2015, at Swiss-Garden Hotel & Residences in Kuala Lumpur. The full programme of the ACSC/APF 2015 Conference can be viewed at aseanpeople.org.

Mr. Jerald Joseph
Chair, ACSC/APF 2015

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D. Lofty Words But Lacking Substance? - ASEAN Community 2015 and ASEAN Vision 2025

November 23, 2015

The ASEAN civil society congratulates the ASEAN leaders for the launching of the new ASEAN Community. This community, our community is what we have been looking forward to for a long time.

The 27th ASEAN Summit and Related Summits 2015 have officially signed the Kuala Lumpur Declaration on the Establishment of the ASEAN Community and the Kuala Lumpur Declaration on the ASEAN Community Vision 2025. Further, we have also witnessed the signing of the ASEAN Convention against Human Trafficking in Persons, Especially Women and Children (ACTIP).

For the people of ASEAN this long awaited moment has been met with some disappointment. While the documents signed are replete with language that is premised on a people-centered community that belongs to all, there still remains serious scepticism on the part of civil society as to what the agreements reached and commitments made by ASEAN governments will actually mean for human rights, democracy, development and environment for the ASEAN people.

In his Opening Address on 21 November 2015, YAB Dato' Sri Mohd Najib Tun Abdul Razak the Prime Minister of Malaysia, as 2015 Chair

of ASEAN declared that ASEAN has stressed "community and consensus - building, over the excesses of individualism and the seeking of selfish objectives". He added in his statement that the adoption of the ASEAN Community marks the culmination of decades of effort to integrate, cohere and to forge ahead together. However, a dichotomy exists between the integration touted by ASEAN officials and the socially minded integration sought by civil society.

"What does this really mean for the peoples of ASEAN?" asked Jerald Joseph of Pusat Komus, who is the Chair of the ASEAN Civil Society Conference/ ASEAN Peoples' Forum (ACSC/APF) 2015. "Regional integration might be the goal but could it be instead selective integration, which has the potential of widening the development gaps? We recognize that this region has huge disparities in political, economic and social development and bargaining powers in the region.

Thus ensuring measures are in place to ensure fair representation of diverse interests of the peoples in ASEAN rather than certain dominant nations and interests of certain groups, especially the businesses and the multi-national corporations must be made a priority." he added. The ASEAN Community 2015 cannot focus only on integration policies which clearly provide economic and development gains without also

removing its reluctance to commit to addressing issues which are deemed to infringe on national sovereignty such as internal conflict, territorial disputes, environmental degradation, treatment of minorities and human rights violations which have negative trans boundary impacts and consequences.

Today we have also witnessed the signing of the Kuala Lumpur Declaration on ASEAN 2025: Forging Ahead Together, which incorporates the ASEAN Community Vision. The rhetoric around the Vision claimed that it will be a “bold, visionary, progressive and forward-looking document to reflect the aspirations of the next generation of ASEAN nationals”.

“A review of the document adopted falls short of the above aspirations. Despite the ambitious claim it continues to retain mediocre ASEAN commitment. An example is the commitment to eradicating corruption which seem to focus more on “establishing support”, “developing programs” and “strengthen cooperation”, rather than actual commitment on policy and institutional changes” added Jerald again. “This is typical of ASEAN adopting the lowest common denominator as the threshold for action”. This new vision gave the possibility of a new approach. Unfortunately this has again been a missed opportunity.

The human rights agenda of ASEAN in the Vision 2025 yet again focuses too much on the promotional aspect without a solid protection framework inserted. Civil society’s call for the mainstreaming human rights in the ASEAN Community 2015 process and in the ASEAN Vision 2015 has again been ignored and given peripheral attention.

“Commitment to human rights is again rather fragmented and established in silos in the 3 pillars’ blueprints. It has not holistically addressed how ASEAN plans to respond to and share resources in addressing emerging issues and issues exacerbated by regional integration such as migration, asylum seekers and refugees and heightened extremism and terrorism.

Purely addressing these regional concerns as security issues without a grounding in human rights principles and standards creates the path for continued human rights violations”, said Wathshlah Naidu of Women’s Aid Organization Malaysia, who led the drafting of the ACSC/APF 2015 statement and outcome document. She

added that “gender equality and the diversity of peoples of ASEAN are also not reflected comprehensively in the Vision. Eliminating all forms of discrimination and human rights violations is fundamental towards achieving regional integration that is rooted in achieving equality of all ASEAN countries and its peoples”.

Another key concern raised by civil society has been the lack of meaningful and substantive participation, inclusion and representation of all peoples of ASEAN in the drafting process of the ASEAN Vision 2025.

“As civil society, we demand that ASEAN stop co-opting its peoples through its rhetoric on “people- centered” or “people-oriented” mantras without genuinely making the commitment and institutionalizing a process where all interests of its diverse peoples are included in its policy documents and agreements through meaningful dialogue with all stakeholders” said Soe Min Than of Think Centre Singapore, who is also a member of the ACSC/APF 2015 Regional Steering Committee.

“ASEAN can only demonstrate its commitment to community building and implementation of the ASEAN Community agenda and the ASEAN Vision 2025 by ensuring engagement of all stakeholders through multifaceted dialogue, feedback and effective participation in determining and shaping the aspiration and future of the region and its peoples”, he added.

As ASEAN moves on with its Summit with various Dialogue Partners, ASEAN civil society again reiterates its concerns and recommendations made over the last 10 years of engagement and call on ASEAN to escalate its responses to the interventions by the civil society.

“We look forward to strengthened solidarity, understanding and coordinated actions among ASEAN and civil society as key stakeholder for a truly “People-Oriented, People-Centered and Rules-based ASEAN Community,” concluded Pen Somony of the Cambodian Volunteers for Society, who is also a member of the ACSC/APF 2015 Regional Steering Committee.

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17. Organizing Committees ACSC/APF 2015

A. National Organizing Committee (NOC) 24th October 2015

Name	Organization	Email/handphone
Chairperson		
1.	Jerald Joseph	Pusat Komus jjerald@gmail.com
Women		
2.	Wathshlah Naidu	Women's Aid Organization (WAO) watshig@gmail.com
Indigenous People		
3.	Tijah Chopil	JKOASM jkoasm@gmail.com
4.	Jannie Lasimbang	JOAS jannielasimbang@gmail.com
LGBT		
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6.	Pang Khee Teik	Seksualiti Merdeka worldwithoutpangs@gmail.com
Child Rights		
7.	Vijay Baskar	PS The Children vijay@psthechildren.org.my
Migrants/Trafficking/Refugee		
8.	Jessica Low	Migration Working Group jpylow@hotmail.com
Farmers/Fisher folks		
9.	Selamat bin Surip	Koperasi AgroTourism Tg. Karang 013-3051470
10.	Paul Sinnappan	People Service Organization paulsinnappan@gmail.com
Democracy and Elections		
11.	Maria Chin	Empower edirector@empowermalaysia.org
FOE & FOI (Freedom of Expression & Freedom of Information)		
12.	Sevan Doraisamy	Suaram ed@suaram.net
13.	Jac Kee	Centre for Independent Journalism jac@apcwomen.org
Environment		
14.	Gurmit Singh	CETDEM gs@cetdem.org.my ed@cetdem.org.my
Racism/Religion		
**	Jerald Joseph	Pusat KOMAS jjerald@gmail.com
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Youth/Student		
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17.	Datuk Saifuddin Abdullah	Global Movement of Moderates (GMM) saifuddin61@yahoo.com
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Education		
19.	Ho Yock Lin	Gabungan Bertindak Malaysia (GBM) ho10yocklinpoa@gmail.com

Labor			
20.	Florida Sandanasamy	MTUC	rida8082@yahoo.com
2014 Myanmar Malaysia Outgoing Steering Committee Rep			
21	Sumitha Kishna		ssk010@hotmail.com

B. Regional Steering Committee (RSC) 24th March 2015

No	Country	Name of representative	Name of Alternate
1	Malaysia	Jerald Joseph (Chairperson) Pusat Komus jgerald@gmail.com	
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3	Philippines	Eduardo C. Tadem Freedom from Debt Coalition ectadem@gmail.com	Jelen Packarin Women's Legal and Human Rights Bureau/SEA Women's Caucus jelen.paclarin@gmail.com
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9	Brunei Darussalam	Pengiran Datin Paduka Hajah Mariam Pg Hj Matarsat President of the Council of Women of Brunei Darussalam & Deputy President of Brunei Malay Teachers' Association pdphmariam@gmail.com	Datin Hj Siti Hajar bt Pehin Hj Md Yusof President of Pertiwi Association / Co-Chair of Brunei CSO Network sitihyusof@hotmail.com
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13	Regional	Gus Miclat Initiatives for International Dialogue (IID) gus@iidnet.org	