

ASEAN after the ASEAN Charter: Priorities and Prospects for a People-Centred ASEAN

Norodom Sirivudh

Founder and Chairman, Cambodian Institute for Cooperation and Peace

ASEAN will be a rules-based, people-oriented and more integrated entity. After the formal entry into force of the Charter, our community-building will shift to a higher gear with full steam forward.

Surin Pitsuwan, ASEAN Secretary-General

The Charter can be the basis for speeding up and strengthening our regional integration. By virtue of its provisions, we can enhance the process by which we are transforming ASEAN from a loose association to an ASEAN Community resting on the pillars politico-security cooperation, economic cooperation and socio-cultural cooperation. It also provides for ASEAN's elevation into a rules-based and people-centred organization with a legal personality.

Susilo Bambang Yudhoyono, President of Republic of Indonesia

We believe that the charter gives us legal impetus, and if you don't rely on legal impetus, what do you have? So if we had no mechanism to settle a dispute, we have it now.

Rais Yatim, Former Malaysian Foreign Minister

The Charter will qualitatively change the way we approach and think about ASEAN. It will make ASEAN into a more effective and cohesive organization, with a rules-based governing framework, and streamlined decision-making process. All this will pave the way for closer integration in the years ahead.

Lee Hsien Loong, Prime Minister of Singapore

The signing of the ASEAN Charter in 2007 was a significant milestone in ASEAN community-building process. Once it enters into force, the Charter will provide a legal and institutional framework to make ASEAN a more rules-based, people-centred, effective and efficient organisation.

Samak Sundaravej, Former Prime Minister of the Kingdom of Thailand

Introduction

After forty years of its existence, ASEAN finally had her own Charter adopted at the 13th ASEAN Summit in November 2007. The Charter is regarded by many regional leaders as a means towards more integrated, competitive, rules based, and people centered regional institution. The paper attempts to answer three questions in this regard: 1. What are the opportunities and priorities towards fulfilling the Charter's pledge of promoting a "people-oriented ASEAN"? 2. How can human security be mainstreamed and prioritized in the process of ASEAN integration? 3. What are the challenges of centering people in ASEAN integration? How can these be overcome?

1. Opportunities and priorities towards fulfilling the Charter's pledge of promoting a "people-oriented ASEAN"

ASEAN has been evolving to meet regional and global dynamic nonlinear changes of socio-economic and political system. Democratization and respect of human rights are the core values to support the development of the institution. Although ASEAN Charter does not have strict provisions on democratization, it is a cornerstone towards human centered ASEAN in which human security is emphasized.

Reading the purposes and objectives of the Charter, we could highlight some important points stating on human values and security as follow:

The purposes of the Charter are: To ensure that the peoples and Member States of ASEAN live in peace with the world at large in a just, democratic and harmonious environment; To promote sustainable development so as to ensure the protection of the region's environment, the sustainability of its natural resources, the *preservation of its cultural heritage and the high quality of life of its peoples*; To develop human resources through closer cooperation in education and life-long learning, and in science and

technology, for the *empowerment of the peoples of ASEAN* and for the strengthening of the ASEAN Community; To enhance the *well-being and livelihood of the peoples of ASEAN* by providing them with equitable access to opportunities for *human development, social welfare and justice*; To strengthen cooperation in building a *safe, secure and drug-free environment for the peoples of ASEAN*; To promote a *people-oriented ASEAN* in which all sectors of society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building; To promote an ASEAN *identity* through the fostering of greater awareness of the diverse culture and heritage of the region.

The Charter is based on the principles of respecting for *fundamental freedoms*, the promotion and protection of *human rights*, and the promotion of *social justice*; upholding the United Nations Charter and international law, including international *humanitarian law*, subscribed to by ASEAN Member States; and respecting for the different cultures, languages and religions of the peoples of ASEAN, while emphasizing their common values in the spirit of unity in diversity.

The Charter pays the way for the improvement and protection of human security in the region through protection of human rights and fundamental freedoms. It is therefore safe to argue that ASEAN Charter serves the interests of the people of ASEAN.

2. Human security and ASEAN integration

Regional grouping is socially and politically constructed. People centered regional integration could not be realized unless all people in the region get involved in the process. Regional citizens are the one who shape the direction of the region. Human mobility in the region, for instance, is increasingly plays its important role in constructing a single regional human landscape.

Every individual is an architect of the regional construction. Every individual needs to be protected. Human Security, a social safety net to provide social, political, and economic stability of the individuals, is thus the only way to realize regional integration. How to integrate human security in the mainstream and priority in the process of ASEAN integration is very crucial. The concepts of human security should be inclusive and incorporated in the regional and national policy at all levels and sectors.

3. Challenges of centering people in ASEAN integration

There are several challenges towards realizing people centered ASEAN:

Firstly, the development gap between old and new members of ASEAN and the widening gap between rich and poor within the country could pose various potential threats to regional instability and human security.

Secondly, gender inequality is still a main challenge for development and poverty reduction in the region which disrupts the regional integration process.

Thirdly, the lack of partnership between the government and civil society is another obstacle. The governments sometimes consider civil society as an impediment rather than channel for nation building. We must understand that civil society organizations have played quite important role in socio-economic development, poverty reduction, promotion of human rights and democracy in the region.

Finally, some political systems existing in the region do not provide favorable condition to assist social, political, and economic stability in the region and it pulls back regional integration process.

Conclusion

ASEAN Charter is one for the achievements of ASEAN in which progress had been made towards people centered ASEAN. The Charter is a living document supporting the people of ASEAN to claim their rights and fundamental freedom. The Charter should be subject to amendments in the future to make ASEAN stay relevant

Recommendations

- In order to fulfill the purposes and objectives of the Charter, all member states must integrate ASEAN Charter into their national legal and political instruments.
- The implementation and enforcement of the Charter shall be strictly monitored by the ASEAN Secretariat. In this case ASEAN Secretariat should establish ASEAN Charter Compliance and Monitoring Office.¥
- “ASEAN Way” especially “Noninterference Principle” should be modified to give space for the effective implementation of the Charter.

- ASEAN Human Rights Body should be established as soon as possible in cooperation with Civil Society to monitor and protect human rights in the region.
- People of ASEAN should be informed about their rights and duties under the Charter.
- Partnership between the government and civil society should be strengthened to direct human centered ASEAN.
- The concepts of human security should be included in all national and regional development policies and strategies.
- Women should be encouraged to participate in regional integration process.