

# ASEAN NEWSLETTER

*Prepared for the Ministry of Foreign Affairs and Trade, Republic of Korea by the Institute of Strategic and International Studies (ISIS) Malaysia*

*Editors: Mr. Steve CM Wong and Ms. Natalie Shobana Ambrose*

## ASEAN News Updates

### **Japan wants to strengthen ties with Asean, says PM Abe**

(July, 25 2013)

Visiting Japanese Prime Minister Shinzo Abe says he intends to promote "strategic diplomacy" in the region, particularly with an eye to strengthening ties and economic partnership with Asean. "I wish to embrace the vitality of Asean (and incorporate it ) into the revitalisation of the Japanese economy," Mr Abe told reporters at a joint press conference with Singapore Prime Minister Lee Hsien Loong. (Source: Straits Times)

### **Foreign Ministers of FEALAC Countries Agree to Enhance Cooperation**

(July 24, 2013)

Chinese Vice-Minister of Commerce Gao Yan is confident that bilateral trade between Asean and China will hit the US\$500 billion target by 2015. In the first half of 2013, bilateral trade between China and Asean totalled US\$210.56 billion, up 12.2 per cent year-on-year and recorded a 3.6 percentage point higher than the growth of China's foreign trade, she said. Hence, she is confident of achieving the target if the two-way trade continued to stay on a positive trend. Gao told a press conference on "China-Asean Trade and Economic Cooperation, the 10th China-Asean Expo, the 10th China-Asean Business and Investment Summit in celebration of the 10th anniversary of the China-Asean Strategic Partnership in Beijing. (Source: Borneo Post)

### **Asean ministers recommend adopting of joint haze monitoring system**

(July 17, 2013)

The system, which would be used in tandem with official land-use and concession maps of fire-prone areas, will help pinpoint who or which companies own the plots of land which are on fire. (Source: Asia One News)

### **17th ASEAN-Republic of Korea (ROK) Dialogue**

(July 14, 2013)

Asean is urging tour operators from the 10-member states of the grouping to develop multi-country packages highlighting the so-called "experiential and creative tourism." Such a kind of tourism is reportedly a rising trend among consumers seeking more authentic travel experience, said Aung Zaw Win, chair of the Asean tourism product development working group. This means travelers get to enjoy multi-destination packages that allow them to experience unlimited variety in terms of culture, landscape, people, flora and fauna, food, handicrafts, entertainment, shopping, recreation and excitement, within the 10 member countries of the Asean. (Source: Business Enquirer)

### **New Zealand's ASEAN Strategy**

(July 12, 2013)

The New Zealand Inc Strategy for the Association of South East Asian Nations (ASEAN) was launched by Prime Minister John Key on 12 July in Auckland. New Zealand's ASEAN Strategy is one of a number of Strategies focusing on countries or regions of key importance to us over the next five years. ASEAN presents New Zealand with significant opportunities across ten nations to grow our political, trade and people to people relationships.

The Strategy sets goals in three broad areas:

- Becoming better connected and more influential with key ASEAN countries
- Becoming better integrated with the ASEAN Community and valued for our contribution
- Boosting investment, trade and economic returns from the region to grow and diversify our economic relationships with key ASEAN countries. (Source: NZ Embassy)

### **New Publication: ASEAN Annual Report 2012 – 2013**

(July 11, 2013)

Highlights of the achievements, development of programmes implementation, and activities of three ASEAN Pillars namely: The ASEAN Political & Security Community (APSC), the ASEAN Economic Community (AEC), and the ASEAN Socio-Cultural Community, during the period between 2012-2013 is covered in The ASEAN Annual Report 2012-2013. (Source: ASEAN Secretariat)

## Inside this issue

### **The TPP and ASEAN: Setting the Cat Among the Pigeons?**

*By: Mr. Steven CM Wong*

### **Transboundary Haze and Moving Forward for ASEAN**

*By: Ms. Wan Portia Hamzah*

### **Protecting Half the Sky: Harmonising ASEAN's Human Rights Mechanism for Women and Children**

*By: Ms. Natalie Shobana Ambrose*

### **The TPP and ASEAN: Setting the Cat Among the Pigeons?**

*By: Mr. Steven C.M. Wong, Senior Director, Institute of Strategic and International Studies (ISIS)*

ASEAN had no formal response when four of its member states – Brunei, Malaysia, Singapore and Vietnam – began negotiating the Trans-Pacific Partnership despite earlier having committed to the creation of an ASEAN Economic Community (AEC) by 2015. Unofficially, however, there was some measure of disquiet with countries initially complaining that they were left out or flatly stating that they were not ready to join. As was to be expected, no mention was made as to impact that TPP would have on the much-vaunted notion of ASEAN centrality.

Today, the mood among the ASEAN members not participating in the TPP has shifted slightly but they still largely remain uncommitted. The Philippines has stated it has a roadmap to enter into the TPP but with no definite details or timeframe. Indonesia has announced that it is willing to consider entry provided that progress on the Regional Comprehensive Economic Partnership (RCEP) was going well. Thailand was reported last year as being on the threshold of joining TPP negotiations but officials later denied this, saying that it was ‘thinking about it’ but was otherwise quiet on the issue.

The TPP has undoubtedly set the cat among the pigeons, disturbing enough for ASEAN to have initiated the RCEP at the 19<sup>th</sup> ASEAN Summit in 2011. The recommendations of an official study group on an essentially similar proposal had been kept on the backburner since 2009. One may not be able to conclusively link the RCEP to the TPP but one can quite easily be drawn to such a conclusion by looking at the background of events and understanding the dynamics.

The Comprehensive Economic Partnership for East Asia (CEPEA), involving ASEAN Plus Six, was proposed by Japan in 2006 and a study was submitted to the ASEAN Economic Ministers in 2009. In that same year, a parallel China-driven study was conducted under the auspices of the ASEAN Plus Three on an East Asia Free Trade Area (EAFTA). The fact that one initiative was backed by Japan and the other by China no doubt had a bearing on the nature of discussions as to which scheme was better for the region. Faced with two proposals but involving two different sets of countries, East Asia Summit leaders delegated the task of ‘studying’ both to their officials in October of that year.

In November that same year, President Obama announced that the US would enter the TPP and Congress was formally informed the following month. Although he had indicated his intentions the year before, the ante was now raised. Not only was the US involved but the nature of the negotiations, going on the US FTA template, was far more extensive and comprehensive than anything that ASEAN had ever attempted. In October 2010, Malaysia joined the third round of negotiations in Brunei Darussalam.

That same month, ASEAN leaders declared that efforts at regional integration would be redoubled, including both the CEPEA and EAFTA but now also including the six ASEAN Plus One agreements. Diplomatically inclusiveness might make sense but the idea that all three tracks could separately co-exist was a logically challenging one. As this realisation started to seep in, the focus started to focus more on the much larger CEPEA, with ASEAN leaders instructing their officials to accelerate work on consolidating the ASEAN Plus Ones. Perhaps to break the China-Japan deadlock and in order to be sensitive to China, ASEAN initiated its own proposal, RCEP, effectively substituting the CEPEA and EAFTA.

On the face of it, RCEP goes further and deeper than existing agreements that ASEAN has signed on a Plus One basis and, in many respects, even the AEC. The RCEP Guiding Principles, for example, incorporate services liberalisation, intellectual property protection and competition. In addition, and in what could be a nod to the TPP, the RCEP would cover “other issues covered by FTAs among RCEP participating countries, which may be identified and mutually agreed in the course of negotiations, and take into account new and emerging issues relevant to business realities”.

Left to their own devices, services liberalisation under the Plus One’s had not made much headway, let alone the other issues. A study conducted by the Economic Research Institute for Asean and East Asia (ERIA) in Jakarta showed that on a scale of 0 (no free trade) to 1 (extremely free trade), the latest package offered under the ASEAN Framework Agreement on Services scores 0.4 while services liberalisation with China and South Korea scores a puny 0.2.

The drawback is that the RCEP contains language that some have felt uncomfortable with, especially given ASEAN’s tendency of striving for minimalist rather than maximalist goals. Qualifying phrases such as

“recognizing the individual and diverse circumstances of the participating countries” and “appropriate forms of flexibility, including provision for special and differential treatment”, in effect, provide escape clauses from the making of full-blooded commitments. Adding to this apparent credibility gap is the fact that unlike the TPP, there are no prime movers, certainly none as large and powerful as the likes of US to set agendas and keep negotiations on track.

The idea that the same countries can commit to two different standards of obligations among themselves, even if configurations are not identical, is one that needs close examination. Logic dictates that more extensive and deeper agreements are the ones that form the de facto standard for economic interactions. In the present case, this would undoubtedly be the TPP. Not only are more countries joining the TPP – Japan is the latest entrant to do so after Canada and Mexico – but there is the chance that standards will further propagate through the Trans-Atlantic Trade and Investment Partnership (TTIP) and through other bilateral agreements that TPP members sign. ASEAN’s expectations about being able to take it easy and maintain flexibility may therefore be more apparent than real.

If China joins the TPP, and there are now very strong indications that it is prepared and willing to do so, the question may be all but answered. China, Japan and the US make up a big large part of world trade and ASEAN is dependent on them to a large extent. The RCEP cannot significantly deviate from these expectations of standards since these three same countries are involved in the TPP. ASEAN may therefore have little room to manoeuvre if it places a high priority on concluding the RCEP.

This presumes, of course, that the TPP and/or RCEP are successfully concluded. Given the nature of the negotiations and the level of ambition, this is not something that can be assumed. If efforts to conclude the TPP are not successful, this might possibly give greater wiggle room for the RCEP. If some or most of countries do go ahead, those who opt out might find that any alternative is as stringent.

\*\*\*\*\*

## Transboundary Haze and Moving Forward for ASEAN

By: Wan Portia Hamzah

Senior Fellow, ISIS Malaysia

The recurring transboundary haze pollution that has been affecting part of the ASEAN region for more than a decade is well-documented. That the haze originates from within the region and that the plans, beautifully crafted from as early as 1990s<sup>1</sup>, by ASEAN for ASEAN to address it have been ineffective, is still a thorny problem. ASEAN is strongly non-interventionist and conducts by consensus but the haze has created misunderstandings and frictions among some ASEAN member countries (AMCs). Addressing the problem is challenging because it is related to issues of land use, greenhouse gas (GHG) emissions, economic and social well-being and equally important ASEAN solidarity.

The transboundary haze is caused by land/forest fires – albeit illegal - largely within Indonesia as a result of land-clearing or soil rejuvenation using the much preferred technique of slash-and-burn which is considered much cheaper and faster than the zero-burning technique recommended. Often blamed are the traditional smallholders but for the 2013 fires also implied are the large-scale oil palm or timber/pulp and paper companies many reportedly linked to Malaysia and Singapore. But recent investigations<sup>2</sup> have added a new group of actors in Indonesia – local land investors who have sidestepped the government’s land-use system when acquiring land for oil palm production thus making them potentially more difficult to regulate. Calls for policies and policing to be adjusted to deal with the new group to prevent annual fires and subsequent haze have thus been made.

While there are heated debates on the location of the June 2013 fires, the World Resources Institute’s (WRI) early assessments - using NASA’s fire alerts<sup>3</sup> and the 2010 Indonesia’s Ministry of Forestry concession maps previously available on the Ministry’s website - have shown that the ‘hotspots’ in Riau occur within the boundaries of pulpwood and timber plantations as well as oil palm concessions but these findings must be verified<sup>4</sup>. At the same time, a new mapping tool developed by the Center for International Forestry Research (CIFOR) has mapped fire scars using updated satellite technology<sup>5</sup>. The findings are consistent with that of WRI’s indicating that the majority of fires were concentrated in deforested peat lands or established plantation lands - unlike the past fires which were located in largely natural forest areas. Remote-sensing technology has advanced that data accuracy is much improved today. This has enabled the Indonesian government to swiftly announced, after pairing satellite data with on-the-ground investigations, that eleven companies have been identified and will be investigated. So far there have been no charges filed against any company partly because the process is not all that straight forward.

Uncoordinated governance system, ambiguous laws, short-staffed and untimely investigations, intervention from the well-connected and discrepancies in boundary maps/lack of updated concession maps have hampered analyses as well as scrutiny preventing the government to act but the situation may change with the stronger political will expressed this time round. Meantime environmental legal experts, quoting the Trail Smelter Arbitration of 1939/41<sup>6</sup>, have accused Indonesia of breaching international law which forbids a state to allow

<sup>1</sup> Early plans to harmonize policy directions and step up operational and technical cooperation on issues such as transboundary and forest fires include the 1990 Kuala Lumpur Accord on Environment and Development, the 1992 Singapore Resolution on Environment and Development, the 1994 Bandar Seri Begawan Resolution on Environment and Development as well as the ASEAN Cooperation Plan on Transboundary Pollution of 1995. This was followed by the ASEAN Regional Haze Action Plan of 1997, a response strategy, crafted by the Haze Technical Task Force since the haze is a sub-regional issue involving only some ASEAN member States. In 2002 the ASEAN Agreement on Transboundary Haze Pollution was signed and entered into force in 2003. Others include the ASEAN Zero Burning Policy 2003, ASEAN Peatland Management Strategy 2006 and the Cebu Resolution on Sustainable Development 2006.

<sup>2</sup> ASB Policy Brief 33: Hot spots in Riau, haze in Singapore: the June 2013 event analysed <http://www.asb.cgiar.org>

<sup>3</sup> Fire alerts providing ‘hotspots’ or possible quantity and coordinates of fires are freely accessible from the Global Fire Information Management System in cooperation with NASA’s updated satellite. ‘Hotspots’ are most widely used indicator of surface fires but need on-the-ground verification since there can be other causes of high temperatures being reflected to satellite sensors. [http://www.nasa.gov/topics/earth/features/hotspots\\_prt.html](http://www.nasa.gov/topics/earth/features/hotspots_prt.html)

<sup>4</sup> <http://insights.wri.org>

<sup>5</sup> <http://cifor.org/fire>

<sup>6</sup> Stepan Wood “Transboundary Harm in International Law: Lessons from the Trail Smelter Arbitration” Edited by Rebecca M Bratspies & Russel A Miller, Cambridge University Press, 2006

activities within its borders to adversely affect other states. Similarly, according to Principle 21 of the Stockholm Declaration and Principle 2 of the Rio Declaration, state has an obligation not to cause environmental damage to other countries and to pay compensation for the damage caused. On the other hand, international law also allows for extraterritorial legal action and if such laws are passed by governments of Malaysia or Singapore affected by the haze pollution, the perpetrators could be prosecuted for activities carried out outside their territory.

While legal options are available, ASEAN has chosen environmental diplomacy and is addressing the haze through the ASEAN Agreement on Transboundary Haze Pollution of 2002. Showing ASEAN solidarity all AMC's have ratified the Agreement except for Indonesia. And this is a problem because the treaty regime for its compliance and effectiveness depends only on one state party – Indonesia<sup>7</sup>. Indonesia's ratification process started way back in 2006 but got rejected and a resubmission to the current legislature is to be made. The Indonesian Environment Minister recently announced that Indonesia will ratify by end of 2013 or beginning of 2014. Part of the reason for the delay is the decentralization process post-Suharto providing freer rein for provinces thus slowing down the national decision-making process.

But what is holding Indonesia back? "Ratification would essentially mean that a country acknowledges the terms and conditions of the treaty, abides by them and is fully aware of the implications if it contravenes the terms of the treaty"<sup>8</sup>. According to many scholars, Indonesia has nothing to fear because the Agreement takes into consideration the often debated "ASEAN Way" of non-intervention -to take care of state sovereignty- and contains weak "non-intrusive" parameters ranging from requesting and receiving assistance, monitoring, reporting, exchanging information and conducting research to absence of enforcement and liability provisions. HE Ambassador Amando S. Tolentino Jr also added that "far from undermining state sovereignty, enhanced environment cooperation in the area of environment will strengthen states' sustainable development"<sup>9</sup>

Although not a party to the Agreement, Indonesia did take actions including collaboration with specific AMC's but the effectiveness of such actions/collaboration has been questioned. That the economic and social costs of the haze pollution are significant<sup>10</sup>, an integrated response is a priority. Moving forward, the 15<sup>th</sup> Meeting of the Sub-Regional Ministerial Steering Committee on Transboundary Haze Pollution where environment ministers from Brunei, Indonesia, Malaysia, Singapore and Thailand met recommended government-to-government sharing of the concession maps to track down those responsible for the fires as well as adopting a joint haze monitoring system. In addition, both Malaysia and Singapore reiterated their continued efforts in bilateral collaborations.

At the ASEAN level, ASEAN approaches through soft law initiatives such as the ASEAN Peatland Management Strategy (APMS) and ASEAN Peatland Management Initiative (APMI) should be further enhanced<sup>11</sup>. The problem of transboundary haze could also be addressed through a disaster risk agenda where all the ten ASEAN member countries have ratified the ASEAN Agreement on Disaster Management and Emergency Response (AADMER). ASEAN must show that not only can it cooperate but respond to the haze disasters in a timely manner.

Another approach to address the transboundary haze is through the United Nations Framework Convention on Climate Change (UNFCCC) but haze and associated carbon emissions on peat are post-deforestation and

<sup>7</sup> Alan Khee-Jin Tan "The ASEAN Agreement on Transboundary Haze Pollution: Prospects for Compliance and Effectiveness in Post-Suharto Indonesia

<sup>8</sup> Comments from Jose Raymond, Executive Director of the Singapore Environment Council. <http://www.dw.de/blame-game-over-haze-in-southeast-asia/a-16902194>

<sup>9</sup> <http://www.manilatimes.net/asean-indonesian-haze-not-a-sovereignty-issue>

<sup>10</sup> Apart from health implications, business will also be affected if the haze continues. Article "Options for ASEAN Diplomacy in Governing Risk of Transboundary Haze" by Jonatan A Lassa, IRGSC Policy Brief, No 005 June 2013 and article "Weighing the economic impact of Haze" Jamal Othman, The Edge, June 24-30 2013.

<sup>11</sup> APMS provides a framework that guides sustainable management of peatland within ASEAN and APMI provides a mechanism for collective cooperation between ASEAN member countries to address the issue of peatland management to reduce transboundary haze pollution and climate change impact.

technically outside the reach of the Reduced Emissions from Deforestation and Forest Degradation Plus (REDD+) mechanism but inside the land-based Nationally Appropriate Mitigation Actions (NAMAs) because of the direct link to land preparation prior to planting<sup>12</sup>. However, implementation of UNFCCC is carried out at the national level, but cooperation on climate change within ASEAN is guided by the ASEAN Socio Cultural Community Blueprint.

At the civil society or corporate level, consumer and investor pressure could help influence behavior of companies involved. Such pressure - naming, blaming and boycotting companies for acting unsustainably - has proven effective with companies responding positively showing greater transparency. Non-governmental organisations can play a more active role in the research, negotiation, monitoring and implementation process in addition to creating awareness. The scientific community must conduct research to understand weather anomalies or impact of climate change on haze or haze on climate change. Financial institutions providing loans to plantation companies should also ensure their sustainability commitments and for Malaysia-owned and Singapore-owned companies with land holdings in Indonesia, they should cooperate as part of their social responsibility.

For AMCs, where relevant, they should help in an integrated and sustainable manner - better monitoring, more transparent data, clear communications, increasing technical knowhow, as well as committing sufficient funding - to reduce the risk of future fires and haze. For Malaysia, Singapore and Indonesia, efforts must also be taken to unravel complex ownership structures since many arm-length subsidiaries are implicated. In the case of Indonesia, ratifying the Agreement will signal high-level political commitment by Indonesia and ASEAN solidarity. Securing the environment and addressing the human dimension will help to achieve the goals of the ASEAN Community and show-case regional integrity.

\*\*\*\*\*

---

<sup>12</sup> <http://www.asb.cgiar.org>

## **Protecting Half the Sky: Harmonising ASEAN's Human Rights Mechanism for Women and Children**

By: Ms. Natalie Shobana Ambrose

Analyst, Institute of Strategic and International Studies (ISIS) Malaysia

In July of 2013, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) met for the seventh time in Kuala Lumpur to finalise the draft Declaration on the Elimination of Violence against Women (VAW) and Elimination of Violence Against Children (VAC). This timely Declaration covers a broad range of vulnerabilities to include human trafficking, cyber based abuses, conflict, migration, climate change, statelessness, emergency situation, disaster and belonging to ethnic and/or indigenous groups.

The Declaration is said to address concerns of violence against women and children in achieving equality, peace and development which is part of ASEAN's collective effort in removing obstacles and strengthen regional mechanisms in promoting and protecting human rights. Key measures such as building adequate resourced national welfare systems, protection, recovery and rehabilitation of victims, promotion of legislation against VAW and VAC, protection of the right of women and children, were also highlighted. (Source: ASEAN Secretariat).

While this is a highly commendable initiative, one question which arises is whether the VAW and VAC Declaration is duplicating the ASEAN Human Rights Declaration (AHRD) which was adopted less than a year ago in November 2012.

Since women and children's rights are ultimately human rights, should this not be part of the AHRD and under the purview of the ASEAN Intergovernmental Commission on Human Rights (AICHR)? Then why are they separate?

In the Hanoi Plan (1999-2004), ASEAN considered implementing the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) however this was difficult as Brunei Darussalam was the last ASEAN member state which acceded to the Convention in 2006, two years after the conclusion of the Hanoi Plan timeframe. Today however, all ASEAN member states have ratified CEDAW and CRC. In the Vientiane Action Programme (2004-2010), a commission on women and children was sought to be established under the ASEAN Security Community (ASC). However in 2008, when the ASEAN blueprints were drafted, women and children's rights were discussed extensively in the ASEAN Socio-Cultural Community (ASCC) blueprint and had a mere mention in the ASC instead.

If all ASEAN member states are part of CEDAW which is legally binding, does the ACWC then duplicate the CEDAW Committee? Perhaps not.

The ACWC could in fact add value to CEDAW providing technical assistance and acting as a bridge between global and national initiatives. As many have noted, ASEAN's diversity gets in the way of finding collective resolve and this could be ASEAN's biggest problem when it comes to rights mechanisms – harmonising the various cultural and social patterns of each country not to mention the political history, government system and economic stance of all ten member states.

This might be one explanation as to why the ACWC Terms of Reference has steered clear of issues raised in Article 5 (a) of CEDAW: States Parties shall take all appropriate measures: *(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;*

So what happens if a female migrant working in a neighbouring ASEAN country has her human rights violated, what protection does ASEAN offer? Does she then find refuge in the ASEAN Commission on the Promotion and Protection of Migrant Workers (ACWM) because of her migrant worker status or the ACWC because she is a woman or the AICHR because she is an ASEAN citizen, or neither because none of them are legally binding?

This confusion calls for all three mechanisms to be coherently integrated and given the same importance within the ASEAN structure. This conundrum highlights the different definitions of human rights between the various stakeholders. For civil society, human rights is inherent, interrelated and indivisible whereas for governments who ultimately decide on the content and representation of the ASEAN's human rights mechanisms, this is not

the case – hence why there will soon be 3 varying human rights mechanisms within ASEAN, none of which are legally binding.

Logically though, the overarching human rights framework should include rights of the child, women’s rights and also migrant workers – it cannot be separated.

In an ideal world, once that worker crosses the border, she is still protected under CEDAW, but the reality is that CEDAW is international law, and national laws trumps international law in most all ASEAN countries unlike Timor-Leste. Article 9 of the Timor-Leste Constitution provides that ratified treaties are adopted into the country’s internal legal system, nullifying any domestic rules that are contrary to the provisions of Conventions that the country has agreed to. (Source: Child Rights International Network)

This begs the question, how serious is ASEAN with regards to human rights?

The whole AHRD was conceived in secret questioning its credibility. Even AICHR-approved civil society who the AICHR representatives were engaging with did not have access to the declaration in draft form. Consultation was carried out based not on the working draft but on the basis of issues and concerns raised. That is why many have called the AHRD flawed and said that it has fallen far below international standards. This included the United Nations High Commissioner on Human Rights Navanethem Pillay who had called on ASEAN leaders to suspend the adoption of the AHRD, suggesting that ASEAN undertake public consultation and review the content as the draft falls short of universal values. (Source: Jakarta Post)

Is this the route that the ACWC and the ACWM will take too? The limited publicly available information about these mechanisms and how they work together suggests that both the ACWC and the ACWM are following suit, which is a pity. This is the perfect platform for ASEAN to put some bite into its human rights mechanisms which has been deemed toothless and not proven otherwise.

Despite criticisms, it is laudable that an organisation so diverse and which started as a security-oriented organisation has now adopted a human rights mechanism, not just one but three at that. It is also important to note that of the other international human rights conventions namely the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the AHRD has included rights to development and rights to peace that according to the director general for ASEAN Cooperation at the Foreign Ministry, I Gusti Agung Wesaka Puja, is not even included in the universal declaration.

There was a time, where the term human rights would cause a vitriolic denunciation at the ASEAN leaders table. But at 46 years of age, ASEAN has come a long way. This though does not take away from the fact that a plan of action to harmonise the three human rights mechanisms is desperately needed.

At the end of the day, a declaration is just that – goodwill and a positive precursor to the formation of legally binding protection mechanisms. That shift is what ASEAN needs to actually start looking after half the sky.

\*\*\*\*\*