

Advancing a Peoples' ASEAN
Statement of the ASEAN Peoples' Forum-Fourth ASEAN Civil Society Conference

20 – 22 February 2009
Bangkok, Thailand

We represent a group of more than 1,000 participants from the ASEAN region, and in solidarity with our friends and colleagues from all over the world, have come together at Chulalongkorn University, Bangkok, Thailand, from 20th to 22nd of February 2009, for the **ASEAN Peoples' Forum (APF) - Fourth ASEAN Civil Society Conference (ACSC IV)**.

We represent various community-based organisations, civil society organisations, NGOs, social movements of women, children and youths, person with disability, migrant workers, formal and informal workers, indigenous peoples, ethnic minorities, peasants, small-scale fisher folk, stateless and vulnerable groups, and want to highlight the key concerns of people and communities in the region, which must be the focus of ASEAN work for it to be truly significant, meaningful and effective. We call on ASEAN and its member states to:

While strengthening our connection and advancing a Peoples' ASEAN, following outcomes of the past three ACSC held in Malaysia, Philippines and Singapore, our three-day deliberations underscored challenges to be urgently and strategically addressed in the region.

Here are the key concerns of people and communities in ASEAN region; ASEAN must focus on these issues, for the association to be truly significant, meaningful and effective.

ON POLITICAL-SECURITY CLUSTER

Deteriorating human rights situation and the persistence of intra-state conflict continue to undermine the political, and peace and security conditions in the ASEAN region. The situation is particularly alarming in Burma, with continuing arrests and detention of political prisoners, systematic human rights violations against ethnic minorities, among others, assaults on basic freedoms and rights, especially made stark during the Saffron Revolution and the events surrounding the Nargis cyclone disaster. While human rights violations escalate and remain unresolved, human rights defenders (HRDs) have been targeted and stripped of their freedom of expression, association and peaceful assembly.

In view of the above, we call on ASEAN and its member states to:

- Ensure a transparent and inclusive process in the establishment of the ASEAN human rights body (ARHB), by ensuring the widest representation of organisations in the drafting, adoption, and implementation of its terms of reference. The AHRB must be guided by human rights principles of non-discrimination, self-determination, substantive equality, interdependence, inter-relatedness, universality, and indivisibility of human rights standards.
- Call for the High Level Panel on the establishment of the AHRB to make public the draft of the Terms of Reference on AHRB to ensure that the process will be transparent and participatory. The terms of reference of the AHRB should be explicit in its mandate to actively protect, not just promote, human rights in ASEAN.
- Ratify and implement key ILO Core Labour Standards and key UN human rights conventions, which should be reflected in national laws-
- Establish the special mechanism of protection for Human Rights Defenders (HRDs), including women HRDs, in the AHRB, and develop national level protection mechanisms integrated in the mandate of the national human

rights institutions, in accordance with the UN Declaration on Human Rights Defenders, including an individual complaint mechanism.

- Ensure that human rights and human security is guaranteed in all situations especially in conflict situation. Provide dispute prevention and resolution and address intra-state conflicts by having early warning system with the involvement of civil society groups.
- Create a regional peacekeeping and peace monitoring team that can be used to monitor armed conflicts in the region.
- Secure the release of all Burma's political prisoners as a condition for the country to proceed forward to national reconciliation and democratisation process.
- Not to recognize or accept the legitimacy of the upcoming 2010 election which will entrench military rule in Burma, but urge the Burmese military junta to instead review the 2008 Constitution with the involvement of key stakeholders such as leaders of pro-democracy forces and ethnic groups.
- Ensure that the root causes of the Rohingya refugee crisis– the lack of democracy and human rights in Burma – is addressed by calling for a special emergency meeting of ASEAN governments to find a long lasting solution taking a human rights approach in dealing with refugees staying in ASEAN countries.
- Push for the cessation of attacks and exploitative policies against ethnic nationalities, the use of systematic rape as weapon and the use of child soldiers in Burma.
- Ratify and/or harmonise national laws with international human rights conventions and principles, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the ILO Multilateral Framework Instrument for the Protection and Promotion of the Rights of Migrant Workers, and the United Nations Declaration on the Rights of Indigenous Peoples. Ensure that relevant provisions are implemented at the national level.
- Ensure that the rights of all workers and their families including migrant workers, especially women migrant workers and domestic workers regardless of their legal status, marital status, race, ethnicity, age, or religion, are recognised, protected, realised and fulfilled. All workers should also be given decent work and wages, the rights to organise and to form trade unions, collective bargaining, access to safe and affordable health services including reproductive health, occupational safety, social security, and protection from violence.
- Establish effective mechanisms for social security and worker protection, especially in times of crisis.
- Eliminate child labour and hazardous work in the region.
- Promote, implement, and protect the rights of migrant children and children of migrant workers. Access to nationality shall be guaranteed with no regard of their legal status.
- Involve civil society organisations and ensure transparency in the preparation of the ASEAN Convention on Combating Human Trafficking; ensure that the definition of human trafficking is in line with the Palermo Protocol; and protect and respect the rights of indigenous peoples, ethnic minorities, refugees, child of migrant workers, and sex workers. ASEAN must also ensure that the redress, reparation, and reintegration process of trafficked persons are implemented from a rights based approach and urge responsibilities of ASEAN+3 countries pertaining to the protection of trafficked persons.
- Support the initiative on the international convention on the rights of peasants.
- Exert regional suasion and create mechanisms to solve border conflicts peacefully and without using military force. The rest of the ASEAN members shall be engaged in solving such disputes as well.

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SOCIO-CULTURAL CLUSTER

Education, health, heritage, culture and disaster management continue to be neglected areas in the region, with serious consequences to quality of life. Free and quality basic education is still not accessible to all children and youth in ASEAN, and a large number of adults are illiterate. Most ASEAN member states do not seriously allocate budget for education that will reach out to poor and marginalised sectors such as communities in armed conflict areas and emergency areas. ASEAN countries have yet to meet the minimum budget allocation for health despite the high prevalence of malnutrition, maternal mortality, and diseases. Disaster Management is done in an ad hoc way, focusing only on restoring livelihood but not addressing attendant problems such as land disputes and human rights violations, often rendering response ineffective, such as in the case of major disasters such as the Cyclone Nargis.

We call on ASEAN and its member states to:

- Draw up a long-term plan for disaster management, by involving local communities in programmes and creating a volunteer network that could be mobilised when there is an emergency. The disaster management plan should lead to a long-term rehabilitation and sustainable development for the community. Humanitarian efforts should also be transparent and accountable.
- Ensure that all the six goals of Education For All (EFA) are met and that there are national and regional plans in ensuring education for all with affirmative action for marginalized groups. Education should consist of formal, non-formal, and alternative education.
- Secure EFA by allocating 6% of Gross National Product and 20% of national budgets for basic education. Three percent of national budget should go to adult education. ASEAN should work for multilateral and/or bilateral assistance for education.
- Implement education policies toward genuine multiculturalism in education and ensure the use of appropriate languages and dialects as part of quality learning and respect for diverse culture and identity in South East Asia.
- Allocate at least 5% of national budget of each country to ensure safe, affordable and accessible quality health care service for the people.
- Promote gender sensitivity and equality in all its policy and processes.
- Promote ASEAN youth exchange for cultural and historical understanding for solidarity.
- Provide sufficient budget for youth empowerment including promoting and supporting sustainable entrepreneurship for youths.
- Protect and preserve the ASEAN natural and ancient heritages be protected and preserved.
- Promote and support peoples' media and establish ASEAN's own media.

ECONOMIC CLUSTER

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Large-scale development projects, such as mining, dams, ASEAN power grid, roads and industrial plantation, currently key drivers of the ASEAN economy, have led to environmental degradation and resulted in negative impacts on culture and livelihoods of peoples and communities in the region. Such a development thrust has further exacerbated inequality and food insecurity in the region, where many, especially the poor, are suffering from rising food prices, severe hunger, rising unemployment and falling incomes, and lack of access and control over land, water, productive resources, genetic resources, as well as social protection.

The climate crisis further highlights the vulnerability of the region, where the impacts of climate change have become unmistakable and pervasive, yet there is still no plan to reverse the development path especially for industrial and energy development, and environmental standards or common values at the national and regional levels are still lacking to address this urgent and serious situation.

We call on ASEAN and its member states to:

- Reverse the current unsustainable development trajectory by upholding the rights-based approach to development and providing communities the rights to access and manage natural resources based on participation and local knowledge, balancing pro-poor economic policies with ecological sustainability, ensuring that economic integration in the ASEAN region is built on respect for human rights and peoples' welfare, and promoting community-based, people-centred and small-holder economic initiatives.
- Guarantee the protection of farmers and all workers-- including formal, informal and migrant workers-- to establish an egalitarian market system, secure livelihoods and decent works
- Produce a strategic policy to eradicate structural poverty in every level, and create mechanisms to protect and secure the welfare of all peoples, especially in times of crisis
- Compel large corporations including transnational corporations, to follow international human rights and environmental standards and conventions. Make them accountable for violations of applicable national laws and international conventions and agreements, including any their existing contractual arrangements with governments and/or communities.
- Formulate, as a matter of urgency and in consultation with civil society organizations, a national climate change action plan that would feed into an ASEAN climate change action plan, including both mitigation and adaptation measures, based on justice and development rights, with emphasis on adaptation plans and disaster risk reduction.
- Develop a common ASEAN position in the United Nations Framework Convention on Climate Change (UNFCCC) negotiations to push for a fair climate regime and climate friendly development efforts that is appropriate to the level of development of the ASEAN member-states and protective of the rights of indigenous peoples and local communities
- Work closely with civil society organisations to develop alternative energy as a strategy.
- Reject nuclear power and show leadership in actively promoting sustainable, renewable energy sources, energy efficiency, energy conservation, and decentralised energy systems and appropriate technologies.
- Address and put a stop to land grabbing and conversions pushed by the business sector and large corporations.

- Develop a common agricultural policy and action plan that aims to improve access and control of small-scale farmers and fisher folk to land, water and other natural resources, increase their productivity and incomes through sustainable livelihoods and organic agriculture within the broader framework of food sovereignty. Establish a common agricultural development fund that will help carry out such agricultural policy and action plan.
- Promote food sovereignty through genuine agrarian reform and equitable access and distribution of land and resources as mandated by the Food and Agriculture Organization and the United Nations International Conference on Agrarian Reform and Rural Development.
- Promote and implement people-oriented water resource management.
- Regulate transnational corporations in agriculture and protect the land of smallholder farmers from agribusiness expansion.
- Set-up mechanisms banning any form of speculation on food commodities and impose a moratorium on agro-fuels. Re-orient the ASEAN Food Reserves away from a trade focus and towards the regional stabilisation of supply and prices.
- Re-orient the current export oriented model of development.
- Make trade policy-making and negotiations transparent and accessible by providing space for participation by civil society and social movements like workers organisations.
- Enhance civil society contributions to development by providing an enabling environment; including regular consultations between various sectors across the region, to ensure their participation in the design, implementation and monitoring of aid modalities, development programs and strategies. Formulate an Official Development Assistance (ODA) system for aid coming into the ASEAN region. Ensure that aid will come in the form of grants not loans, and be based on justice and reparation.
- Require business sectors to balance all shares and benefits for the local peoples' livelihood by ensuring payment for environment services, recognising that local people are the shareholders for those projects and not just recipients of compensation.

Towards a Peoples' ASEAN

We call on ASEAN to

- Engage the peoples especially youth and children in all of its work, discussions, deliberations, agreements, and monitoring of all the pillars of cooperation.
- Facilitate and recognise all forms of civil society organisations and institutionalise mechanisms of peoples' participation in ASEAN processes and policies through, for example, the establishment of Small-scale Farmers and Fishers Advisory Council.

OUR COMMITMENTS

We, the participants in this gathering, are committed to work together to build a genuine “people-centred ASEAN”, where all policies are decided by the people, so that an ASEAN community based on

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human rights, human dignity, participation and social dialogue, social and economic justice, cultural and ecological diversity, environmentally sustainable development, and gender equality can be established

We will continue to make ASEAN accountable to the voices and the needs of the peoples by continuing to effectively monitor the work of ASEAN.

We will continue to struggle side-by-side with our Burmese colleagues to ensure that genuine democracy is restored after more than 20-years of dictatorial rule by the military junta. We therefore demand ASEAN to pressure the Burmese military government to move toward positive changes by engaging in national dialogues with the National League for Democracy and all the Ethnic Nationalities in Burma as soon as possible.

We commit to meet again in October 2009 in Thailand prior to the 15th ASEAN Summit, to follow-up on our demands to ASEAN, with full energy toward a commitment for the creation of a just, people-centred, and genuine caring and sharing ASEAN Community for the peoples.

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