

**STATEMENT BY**

**H.E. AMBASSADOR HAMIDON ALI  
PERMANENT REPRESENTATIVE OF MALAYSIA**

**ON BEHALF OF  
THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN)**

**COMPRISING BRUNEI DARUSSALAM, THE KINGDOM OF CAMBODIA, THE  
REPUBLIC OF INDONESIA, LAO PEOPLE'S DEMOCRATIC REPUBLIC, MALAYSIA,  
THE UNION OF MYANMAR, THE REPUBLIC OF THE PHILIPPINES, THE REPUBLIC  
OF SINGAPORE, THAILAND AND THE SOCIALIST REPUBLIC OF VIET NAM**

**ON**

**AGENDA ITEM 69 (b): PROMOTION AND PROTECTION OF HUMAN RIGHTS:  
HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR  
IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS**

**AT**

**THE THIRD COMMITTEE OF  
THE 64<sup>TH</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY  
NEW YORK**

**TUESDAY, 27 OCTOBER 2009**

*(Please check against delivery)*

Mr. Chairman,

I have the honour to deliver this statement on behalf of Member States of the Association of Southeast Asian Nations (ASEAN) comprising Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao People's Democratic Republic, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, Thailand, the Socialist Republic of Viet Nam and Malaysia.

2. On 23 October 2009, at the 15<sup>th</sup> ASEAN Summit in Cha-am Hua Hin in Thailand, ASEAN inaugurated the ASEAN Intergovernmental Commission on Human Rights. This Commission is a historic milestone in the ASEAN community-building process, as a vehicle for progressive social development and justice, the full realisation of human dignity and the attainment of a higher quality of life for ASEAN peoples.

3. The Commission is the concrete expression to the implementation of Article 14 of the ASEAN Charter, which called for the establishment of an ASEAN Human Rights Body, and is ASEAN's commitment to pursue forward-looking strategies to strengthen regional cooperation on human rights.

Mr. Chairman,

4. The process that has culminated in this Commission was the result of the continued and ongoing evolution of ASEAN. We embarked on community-building as part of our strategic response to the new challenges in the 21<sup>st</sup> century. In 2004, we adopted the Vientiane Action Programme (VAP), which is the master plan for building the ASEAN Community on the three pillars of political-security, economic, and socio-cultural.

5. The VAP included a commitment to develop an ASEAN Charter as part of the political-security cooperation to shape and share norms. This Charter was signed by the ASEAN Leaders during the 13<sup>th</sup> ASEAN Summit in Singapore on 20 November 2007, and entered into force on 15 December 2008.

6. With the inclusion in the charter of a stipulation on ASEAN establishing a human rights body, a High Level Panel was established at the 41<sup>st</sup> ASEAN Foreign Ministers Meeting to draft the Terms of Reference for AN ASEAN human rights body. In the course of their work, the High Level Panel met with various stakeholders, including civil society, parliamentarians, other regional human rights mechanisms, as well as the UN Human Rights Council, and the UN High Commissioner for Human Rights.

7. Following consideration of the final draft of the Terms of Reference for this ASEAN Human Rights Body by the ASEAN Foreign Ministers at their 42<sup>nd</sup> Meeting in Phuket, Thailand on 19-23 July 2009, the name of the body was agreed to as what we have now, the "ASEAN Intergovernmental Commission on Human Rights" (AICHR)

Mr. Chairman,

8. As contained in its Terms of Reference, the Commission has the purposes, amongst others, of promoting and protecting the human rights and fundamental freedoms of the peoples of ASEAN and to uphold the right of the people to live in peace dignity and prosperity. The Commission can contribute to the realisation of ASEAN as

set out in the ASEAN Charter as an organisation that will promote stability and harmony in the region, and friendship and cooperation among ASEAN Member States. As a regional mechanism, the Commission will also promote human rights in the regional context, bearing in mind national and regional particularities and mutual respect for different historical, cultural and religious backgrounds, and taking into account the balance between rights and responsibilities. Additionally, the Commission can enhance regional cooperation with a view to complement national and international efforts on the promotion and protection of human rights. Finally, the international human rights standards as prescribed by the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and the international human rights instruments to which ASEAN Member States are parties, will be upheld.

Mr. Chairman,

- 9 In this context, we emphasise the principles that guide the Commission:
- 9.1 respect for national sovereignty, territorial integrity and non-interference in the internal affairs of states.
  - 9.2 adherence to the rule of law, good governance, the principles of democracy and constitutional government;
  - 9.3 respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice;
  - 9.4 the universality, indivisibility, interdependence, and interrelatedness of all human rights and fundamental freedoms, as well as impartiality, objectivity, non-selectivity, and avoidance of double standards and politicisation
  - 9.5 recognition that the primary responsibility to promote and protect human rights and fundamental freedoms rests with each Member State; and
  - 9.6 pursuance of a constructive and non-confrontational approach and cooperation to enhance human rights.

Mr. Chairman,

10. With the strong political support from all ASEAN members, including the commitment on the provision of adequate resources, the Commission is expected to be able to fully and effectively carry out its mandate and functions. We are confident that ASEAN cooperation on human rights will continue to evolve so that the Commission will be the overarching institution responsible for the promotion and protection of human rights in ASEAN.

Thank you.