

# ASEAN Intergovernmental Commission on Human Rights (AICHR) and Indigenous Peoples



## AICHR

### What is ASEAN?

The Association of Southeast Asian Nations (ASEAN) was established initially by five countries in the region - Indonesia, Malaysia, Philippines, Singapore and Thailand - in August 8, 1967 with the signing of the ASEAN Declaration (Bangkok Declaration). Brunei, Cambodia, Lao PDR, Vietnam and Myanmar later on joined making up the now ten member states of ASEAN.

The official aims and purposes of ASEAN include the acceleration of economic growth, social progress and cultural development, and the promotion of regional peace and stability through abiding respect for justice and the rule of law in their relationship among countries in the region and adherence to the principles of the UN Charter

The ASEAN Charter was adopted in December 2008 which provided the legal status and institutional framework for the ASEAN. This Charter is a legally binding agreement among the ASEAN member states

### What is the AICHR?

The ASEAN Intergovernmental Commission on Human Rights (AICHR) is the overarching human rights institution of the ASEAN with the overall responsibility of promoting and protecting human rights in the region. The AICHR was inaugurated last October 23, 2009 in Hua Hin, Bangkok. AICHR is composed of appointed representatives from each of the 10 member states and all have a 3-year term. They may be reappointed for one more term but at any time may also be replaced depending on the discretion of the appointing government.

### What are the Purposes of the AICHR?

- To promote and protect human rights and fundamental freedoms of the peoples of ASEAN
- To uphold the right of the peoples of ASEAN to live in peace, dignity and prosperity
- To promote stability and harmony in the region, friendship and cooperation among ASEAN Member States.



MAP OF ASEAN



### What are the mandates of the AICHR?

Among the key mandates of the AICHR are as follows:

- Develop an ASEAN Human Rights Declaration
- Enhance public awareness on human rights through education, research and dissemination of information
- Promote capacity building for the effective implementation of international human rights treaty obligations of ASEAN member states
- Provide advisory services and technical assistance on human rights matters to ASEAN sectoral bodies upon request
- Prepare studies on thematic issues of human rights in ASEAN
- The AICHR shall keep the public periodically informed of its work and activities through appropriate public information materials produced by the AICHR

### What are the limitations of the AICHR?

- The present mandate and functions of the AICHR is more on the promotion of human rights and is very weak in terms of protecting the rights of peoples of the ASEAN.
- The general non-interference policy of the ASEAN is used subjectively and is limiting the effective functioning of the AICHR.
- There is no explicit reference on indigenous peoples' rights as embodied in the UNDRIP in the scope of work of the AICHR.
- There is still no clear guidelines on the engagement of the AICHR with civil society organizations.

### What is the level of engagement of indigenous peoples with the ASEAN and the AICHR?

- An Indigenous Peoples Task Force for the ASEAN was established in 2009 composed of key indigenous leaders from among the ASEAN member states.
- The function of the IP ASEAN Task Force is mainly to coordinate and mainstream indigenous peoples rights and issues to the wider civil society organizations engaging with the ASEAN and to lobby their respective governments on the promotion and protection of indigenous peoples rights and welfare in the national and regional level, and build the capacity of indigenous leaders to engage with ASEAN.
- The Asia Indigenous Peoples Pact (AIPP) acts as the convener of the task force and has initiated several activities including dialogues and submission of reports and cases to AICHR

### What are the opportunities for indigenous peoples in the AICHR?

- Though the mandate of AICHR is presently limited, indigenous peoples can engage with AICHR both at the national and regional levels to raise the concerns and issues of indigenous peoples relating to their human rights through dialogues, submission of reports, documented cases of human rights violations and policy recommendations among others.
- Make concrete recommendations for the inclusion of the rights of indigenous peoples in the ASEAN Human Rights Declaration, conduct of thematic study on the concept and situation of indigenous peoples in the ASEAN and inclusion of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in the information dissemination, public awareness and development of educational materials on human rights
- Advocate for the formation of a Working Group on indigenous peoples under the AICHR towards the formulation of a specific policy and programme for the recognition, promotion and protection of the rights of indigenous peoples in ASEAN