

**JOINT MEDIA STATEMENT BY H.E. ASSOCIATE PROF. DINNA WISNU  
AND H.E. MR. EDMUND BON TAI SOON, REPRESENTATIVES TO THE  
ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS  
(AICHR)**

**Human rights experts\* from the ASEAN Intergovernmental Commission on Human Rights (AICHR) call on urgent action by ASEAN to develop a ‘whole-of-ASEAN approach’ in cooperation with Myanmar to deal more effectively with the human rights and refugee crises emerging from Rakhine State to bring peace and the rule of law, and to promote harmony and reconciliation between the various communities in Myanmar.**

*23 April 2018* – The Indonesian and Malaysian Representatives to the AICHR have called on Leaders of the Association of Southeast Asian Nations (ASEAN) to urgently identify more effective measures and practical steps to fulfil ASEAN’s commitment to bring peace and the rule of law, and to promote harmony and reconciliation between the various communities of different backgrounds, ethnicities and religions in Myanmar. Such action is critical to strengthen human security and stabilise the region.

The call comes after boats ferrying refugees, mostly women and children, originating from Rakhine State were intercepted by several ASEAN Member States on the 3<sup>rd</sup>, 6<sup>th</sup> and 20<sup>th</sup> of April 2018. There were reportedly others who were not

so fortunate to have survived the journey. More boats from Rakhine State are expected to make their way to neighbouring countries in the coming months.

The Representatives noted that the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) have been assisting survivors of human trafficking and smuggling across the region. They have also identified the increasing vulnerabilities of communities in Myanmar given the perceived erosion in the rule of law and the disruption of fundamental social and economic systems. Reports on the planned repatriation of refugees from Bangladesh back to Myanmar have also raised concerns over possible further violence given that there have been no visible effective steps to address the root causes of the crises in Rakhine State.

Ahead of the ASEAN Summit scheduled for 25 to 28 April 2018 in Singapore, and as a follow up to paragraph 9 of the Press Statement by the Chairman of the ASEAN Foreign Ministers' Meeting (AMM)\*\* on 6 February 2018, the Representatives said:

*“We are extremely concerned that in spite of the numerous ASEAN statements and the diplomatic and humanitarian efforts thus far, including initiatives proposed and solutions offered by some AICHR Representatives, the situation on the ground has not tangibly improved. At this point in time, it seems that the crisis of Rakhine State will become a perpetual one - more are being internally displaced, and a new wave of refugees have little choice but to take to the sea in the arduous and dangerous journey for safety. Individually, we continue to receive reports after reports about the worsening situation in Rakhine. While we still believe that ASEAN is best placed to take pro-active measures in order to achieve durable solutions, it appears that we are failing to swiftly and fully utilise the collective resources of our ASEAN Bodies in response to this humanitarian crisis. We have thus opened ourselves to critique that we are not serious in realising our aspirations for a rules-based, people-oriented, people-centred ASEAN Community where all ASEAN peoples enjoy human rights and fundamental freedoms. Clearly this issue can no longer be addressed by one or a few Member States, but ASEAN as a regional group must deal with the*

*stark realities facing us. It must be a ‘whole-of-ASEAN-approach’, and no Member State should be passing the buck.”*

The Representatives commended the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) in doing what it can to help provide relief to those affected. They highlighted that the problem must also be considered from a human rights perspective for a sustainable end to the crisis.

*“A transparent, comprehensive, on-the-ground, needs- and rights-based assessment and risk analysis must now be undertaken to not only provide aid that is comprehensive, but also to ensure effective protection for the affected communities and to provide long-lasting solutions. This would require Myanmar to open up and share information in ASEAN Meetings. Member States through relevant Sectoral Bodies will then be able to propose assistance whether through technical expertise or financial and resource aid. We must be serious if we are to end the crisis, and the problems faced by the affected peoples. To achieve this goal, Myanmar could invite the Representatives of AICHR for a visit to Rakhine. The visit would allow us to obtain a fuller picture of the current situation, and to find better ways in reaching a lasting solution,”* the experts said.

The Representatives further noted that the crisis seems to have generated more international discussions and concern outside of ASEAN compared to within ASEAN. In light of the numerous commitments by all the Member States as contained in the ASEAN Charter, the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD), Member States cannot turn a blind eye to ASEAN’s international human rights obligations.

The experts stressed: *“Article 2 of the ASEAN Human Rights Declaration 2012 (AHRD) states that every person is entitled to the rights and freedoms set forth in the AHRD without distinction of any kind, such as race, gender, age, language,*

*religion, political or other opinion, national or social origin, economic status, birth, disability or other status. The Phnom Penh Statement on the Adoption of the AHRD reiterates ASEAN and its Member States' commitments to the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and other international human rights instruments to which ASEAN Member States are parties as well as to relevant ASEAN declarations pertaining to human rights.*

*"These commitments should be translated into action by ensuring coordination and cooperation of all relevant ASEAN Bodies to positively contribute to ending the crisis. Myanmar should allow ASEAN to play a bigger role like it did in the aftermath of Cyclone Nargis. For example, Myanmar could invite the Senior Officials' Meeting on Health Development (SOMHD) to strategically deploy health officials and facilities from Member States and the international community to support the Government's relief, recovery and reconstruction efforts. Unhindered humanitarian access and assistance could also be facilitated in addition to establishing 'model neighbourhoods' as safe spaces for all who need them.*

*"The AICHR, which has an overarching human rights mandate in the region, and its Representatives, may assist and advise in the next imperative steps to seek out ASEAN's common approach and position on the human rights issues and challenges affecting Myanmar. The AICHR ought to be tasked to lead the initiative, and we urge the ASEAN Leaders to open the necessary channels for this to happen. Since ASEAN officials are meeting in Singapore at the Summit, an urgent meeting of all relevant Sectoral Bodies should be called to discuss concrete steps for action. We stand ready to act."*

The Representatives further noted that internal efforts within the AICHR over the years have been made to raise the issues but unfortunately, no consensus has been achieved. However, it is encouraging that at least there are indications of interest to share information on the situation.

*“We have exhausted the possible avenues presently available within the AICHR. Time is precious. We can no longer sit by idly even for one day while the crisis continues, or we will eventually have to account for the AICHR’s collective silence. As Representatives of the AICHR tasked by the AICHR’s Terms of Reference, we, as individual Representatives, make this joint statement in furtherance of our impartial discharge of our duties to promote and protect human rights in the region. With this, we sincerely hope that the ASEAN Leaders will consider our recommendations, and keep the AICHR informed and aligned on the inside track with plans to handle the crisis in Rakhine,”* the experts concluded.

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\* The experts: **H.E. Associate Prof. Dinna Wisnu, Ph.D** is Indonesia’s Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR) and **H.E. Mr. Edmund Bon Tai Soon** is Malaysia’s Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR). They can be reached at the following email addresses respectively: [dinnawisnu@gmail.com](mailto:dinnawisnu@gmail.com) and [ebon@amerbon.com](mailto:ebon@amerbon.com).

\*\* Press Statement by the Chairman of the ASEAN Foreign Ministers’ Meeting (AMM): <http://asean.org/storage/2018/02/Press-Statement-by-the-Chairman-of-the-ASEAN-Foreign-Ministers-Retreat-clean.pdf>