



**STATEMENT BY THE
ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN)
2nd Open-Ended Intergovernmental Working Group on the
Review of the Human Rights Council
Geneva, 7 February 2011**

Mr. President,

1. I have the honour and privilege to make this statement on behalf of the member countries of ASEAN which comprises of *Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam*. We would also like to associate ourself with the remarks made by Egypt on behalf of NAM.
2. Let me therefore begin by expressing to you, Mr. President, the appreciation of all the members of ASEAN for your wise leadership of this review process and for guiding us through the first session of the Working Group. Thanks to your patient stewardship, we have completed this first round and are now ready to embark on the second lap of this important review.
3. We also wish to thank the Co-Facilitators from New York for their remarks earlier. The success of this enterprise also owes much to the hard work of the 5 facilitators and coordinator. To them also ASEAN expresses its heartfelt appreciation for their commitment and hard work. We take note of the Compilation of Contributions which has been submitted to us, which will stimulate our thinking. We underscore the understanding that the compilation is not a basis for negotiation and we look forward to your President's text in our next meeting, ~~nevertheless it would serve as reference point to encourage discussion~~
4. Turning now to the substantive issues before us, I should like to remind colleagues on the importance of maintaining the balance of the IB package when we are discussing various proposals or ideas in the review process.
5. Beginning with the issue of **UPR**, ASEAN is flexible with regards to periodicity, and supports proposals which extend the periodicity beyond four years. Indeed, we share the view expressed by many that a slightly longer time-scale would enable states to prepare their next reports more thoroughly, given the growing number of recommendations stemming from the UPR

6. We view it as important that proposed UPR mid-term reporting and the suggestion to provide implementation plans of accepted recommendations should remain strictly voluntary in nature and are not imposed, or formalized within the agenda, as they can add substantial burdens on states. In other words, practice shows that the stipulations contained in the IB package concerning the UPR are effective as they are; therefore little would be gained by changing them.
7. We also wish to see the technical assistance and capacity-building aspects of UPR fully realized, particularly in the areas of economic, social and cultural rights through, among others, operationalization of the two trust funds – which are of particular value to LDCs and small island states.
8. Moving on to the issue of **Special Procedures**, ASEAN is of the view that the funding of these mandates should always be rigorously transparent. This is an important prerequisite in ensuring that all categories of human rights are given the same importance and attention. Therefore we would like to suggest that funding come from the regular budget so that it can be evenly distributed among the mandate holders addressing various human rights issues, thus avoiding lopsided allocations and shortfalls.
9. Perhaps at this point, we should highlight again – as this is such an important principle -- that special procedures should be accountable and adhere closely to their respective mandates given by Council, while conforming at all times to the code of conduct which is clearly stipulated in resolution 5/2.

Mr. President,

10. To continue with the **Advisory Committee**, ASEAN believes that the Committee is an important reference mechanism of the Council; hence, it should remain a think tank that contributes to the enrichment and improvement of the work of the Council.
11. The Council should make full use of the Committee by specifying the tasks clearly in their resolutions. We should also like to reiterate the principle here that the Committee should work on the basis of the mandates it receives from the Council, and take into account national and regional circumstances and capacities in their work.
12. With regard to the **Complaint Procedures**, ASEAN feels that the confidentiality of this mechanism should be maintained. We are also of the view that the Working Group on Communications and the Working Group on Situations should continue to operate as stipulated in the IB package; however, in doing so they should retain their distinct identities. It is also important to mention that the correct procedure remains to be observed and that the intergovernmental nature of this procedure is respected. The beauty of the current mechanism is that it encourages countries to continue to be engaged and not shy away.

13. On the issue of **Agenda**, let me say briefly that ASEAN would prefer to retain the agenda as it stands now, as specified in the IB package contained in HRC resolution 5/1.
14. Regarding **Methods of Work and Rules of Procedure**, ASEAN supports the holding of a single annual panel, composed among others of representatives from the relevant UN agencies. ASEAN also wants to underscore the need to strengthen transparency, notably by holding extensive consultations before resolutions and decisions are adopted by the HRC, preferably with as much consultation with the country concerned as possible. Such principles of transparency and inclusiveness should be the underlying principles governing all the decisions and actions of the Council.
15. On the issue of technical assistance, we noted the importance of providing assistance to developing countries in the promotion and protection of human rights, be it in strengthening their institutional capacity or in implementing many of the recommendations emanated from the UPR. While it is important for States to do their utmost to uphold human rights standards, the issue has always been not of unwillingness but limited capacity and resources. In this regard, we propose that resources be earmarked for technical assistance so as to have assured financing for capacity building.
16. Finally, on the proposed establishment of an Office of the President, ASEAN can support this idea provided that the role of the Office and its staff is kept organizational and procedural in nature.
17. **In conclusion**, Mr. President, ASEAN looks forward to playing its part in this 2nd Open Ended Working Group on the Review as it did in the first. We hope that our deliberations will continue to be productive and constructive, and we call on all sides to remain engaged and flexible in this important process. What we're doing now is for the greater good of the HRC and for the furtherance of the promotion and protection of human rights in a positive spirit of trust and transparency. We have no doubt that we can count on the Presidency's wisdom to guide us to a good conclusion of this process on the basis of consensus here in Geneva.

Thank you.

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