

# WebMemo



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## Indonesia Holds Up ASEAN Charter Ratification for Burmese People

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Half a dozen countries have approved the new Association of Southeast Asian Nations (ASEAN) charter, and two others are getting closer to ratifying it. To its credit, only Indonesia stands in its way.

Legislators in one of the world's newest democracies are holding out not for political or personal gain, but to fight for the rights of the people of one of their neighbors. Their most pressing concern is also ASEAN's most embarrassing problem: Burma.

**Sticking Up for Human Rights in Burma.** Last month, members of Indonesia's House Foreign Affairs, Defense and Intelligence Committee sat down with Foreign Minister Hassan Wirajuda to discuss the upcoming ASEAN Foreign Ministers meetings in Singapore. Led by committee chairman Theo Sambuaga and chair of the Burma caucus Djoko Susilo, the legislators had a firm message: Without concrete progress on the Human Rights Commission promised in the new ASEAN charter, the House (DPR) cannot proceed with the charter's ratification.

The DPR is not insisting on democracy in Burma tomorrow. What they want is a strong, independent human rights commission with not only the power to monitor rights violations but the ability to initiate and carry out investigations. The DPR wants an institution equipped to ensure justice in Burma, and elsewhere, long term.

Perhaps the ASEAN heads of government didn't anticipate Indonesia's reaction when they signed the new charter last November. Ratification, naturally,

went smoothly in Brunei, Cambodia, Laos, Malaysia, Singapore, and Vietnam. Not surprisingly, the region's strongest, if sometimes raucous, democracies—Thailand, the Philippines, and Indonesia—have given ratification a harder look. (Ironically, given what must be a far from deliberative process, Burma has also not ratified.)

**Prospects for Ratification Are Brightening.** Thailand hosts this year's annual ASEAN summit December 15–18. As the plan is to formally adopt the charter with appropriate fanfare at the summit, December serves as the deadline for ratification. Traditionally, the ASEAN chair cares most about the success of the organization during its year at the helm. For this reason, it's difficult to imagine Thailand not ratifying in time.

In the Philippines, President Arroyo has consistently tied the fate of the charter to democratization in Burma and release of activist Aung San Suu Kyi. At the same time, however, she has put responsibility for ratification on the Senate. She has also created an interagency task force to secure the charter's passage. And if this isn't confusing enough, some in the Senate maintain that it need only concur for the charter to have *domestic* impact; the president her-

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self can do everything necessary to meet the Philippine commitments to ASEAN.

In short, there are enough moving parts in the Philippines that ratification without progress on the Burma question is certainly conceivable.

**Final Hurdle to Ratification.** This leaves Indonesia and its DPR. The DPR is the strongest legislature in the region. Not only does it confirm ambassadors to its diplomatic posts abroad, but its advice and consent is required for foreign ambassadors posted to Indonesia. The DPR has rejected two ambassadors *from* Burma. And having refused its consent to send an Indonesian ambassador to Burma for well over a year, the DPR is pointedly telling the Foreign Ministry that a newly approved and installed ambassador is appropriate, but that now is not the time to send him.

Essentially, the DPR is seeking to downgrade Indonesia's relations with a fellow member of ASEAN over an issue of human rights. It means business. ASEAN should take its threat to hold up charter ratification very seriously.

Ratification of the charter and the human rights commission are inextricably linked. The foreign ministers meeting in Singapore are to begin the process of drawing up terms of reference for the commission. The intention is to approve them in time for the December adoption of the charter. For the countries that care the most about human rights, the sequencing is crit-

ical. As soon as they ratify the agreement, they lose all their leverage to shape the commission.

**Heed the Legislature.** Indonesia sits at the tipping point of the debate. One can only hope that Minister Wirajuda heeds the warnings of his legislature. Even if ASEAN rejects his proposal, he gains. He builds Indonesia's capital and lives to fight another day. If, in the end, the charter fails by a tally of nine to one, with Burma opposed because of its discomfort with the human rights commission, that alone should crystallize ASEAN's approach to its miscreant member. And if Indonesia gets its way and all 10 members ratify, Minister Wirajuda secures a historic achievement.

On balance, the ASEAN charter is a good thing. It will provide greater coherence to an organization that has been far better at aspiration than implementation. But the situation in Burma is more than a pebble in its shoe. Without a way to address the problem there, the organization stands in glaring contradiction to its charter's stated intention to "promote and protect human rights and fundamental freedoms."

In the long run, ASEAN will be indebted to Indonesia—and its determined DPR—for forcing it to make the difficult decisions on what has become a defining challenge.

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