

**Statement delivered at the Ministry of Foreign Affairs, February 19,2010.**

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Excellencies, Ladies and Gentlemen,

I would like to express my sincere thanks to the Ministry of Foreign Affairs for inviting me to address delegations who gather here to discuss one of the most critical issues on the agenda of global, regional and national fora, and that is human rights and fundamental freedoms.

It's a privilege for me to be appointed as the Thai representative to the ASEAN Intergovernmental Commission on Human Rights, the body which was newly established since last October. I would like to take this opportunity to share with you some of my thoughts and hopes for the candidacy/election of Thailand to the UN Human Rights Council..

I would like first to congratulate the Thai Government for its endeavor to run for the seat at the UN Human Rights Council. For few reasons I am supportive to Thailand to take this challenge. You may know that by 2010 the two current members of the Human Rights Council from South East Asia namely Indonesia and the Philippines will retire after the two consecutive terms which make them ineligible for immediate re-election. We need representation from ASEAN. Another reason for my support to the election of Thailand lies on the fact that after having been advocating ASEAN to establish a regional human rights mechanism for almost 15 years, I could affirm that Thailand has been playing a critical role to push for a regional human rights system. Although we may have to admit that no country in ASEAN is free from criticisms for its human rights record but, at least, some countries are known for their strong commitments to human rights, and Thailand is one of them. However, I once said to Excellency Foreign Minister Khun Kasit Piromya that I would be rather uncomfortable to support the Thai government in its campaign for the seat at the Human Rights Council if it does not bring any change to human rights situation in the country. With the election, and this is my third reason to support Thailand to the HRC, I want to see Thailand to sincerely and actively implementing its commitment and pledges.

As I mentioned earlier, Thailand has been instrumental for the successful establishment of the AICHR. But before the birth of AICHR a new form of ASEAN was formulated and that is a rules-based organization. With the adoption of the ASEAN Charter, ASEAN governments have , in a very concrete way, legalized human rights which makes it legitimate not only to discuss human rights issues but also to enforce human rights provisions enshrined in the different international human rights treaties to which ASEAN members are party. ASEAN makes a clear commitment to the promotion and protection of human rights by setting human rights and fundamental freedoms, rule of law and democracy both as purposes and principles in the building of an ASEAN caring and sharing community. Human rights becomes a new value that ASEAN governments are committed to up hold. However, we have to admit that the comfort level to openly discuss about and to enforce

human rights in ASEAN varies from one country to another. In fact, the promotion and protection of human rights in the region could be challenged by the working principles that ASEAN members are applying in their relationships. The working principles include respect for national sovereignty and non interference in internal affairs, consultation and consensus, and cooperation not confrontation. As the Thai representative to AICHR I have been trying to make a point in order to create a kind of some common understanding that 1) human rights is not an internal affairs, but it is the affair of all, and 2) the very basic but important mandate of AICHR is not to protect the rights of the states but human rights of ASEAN peoples. I am not sure if I am successful so far. But I think it is for Thailand to demonstrate its regional commitment to human rights by showing that whatever happens in member states of ASEAN and has impacts on the rights of peoples it is for Thailand to act. Thailand has chance and choices. We will see what Thailand will choose. I would like to see Thailand choosing to hear suffering voices rather than to ignore. I would like to see Thailand choosing to share rather than to gain. I would like to see Thailand to face the challenges rather than to isolate itself and I would like to see Thailand acts on human rights violations rather than to remain silent.

I will be very disappointed if commitment and pledges made are not actively and effectively implemented by the Thai government. I will also feel very painful if Thailand closes its eyes while ASEAN peoples suffer from human rights violations. I really hope that with the sincere sense of genuine vocation for the promotion and protection of human rights at all levels Thailand will be able to bring about some changes to the region.

As for the UN Human Rights Council, since its establishment in 2006, the HRC has been trying to push for some changes at the UN. I did not do any systematic assessment of the achievement of Council but as part of UN system which is composed of different states with different concepts and practices of human rights, I guess the HRC has been facing a lot of challenges as well. I have gone through the list of members of HRC and realize that not all of them are known for their good records in human rights. Nevertheless, I wish that HRC is not a platform for lobbying and negotiations but it is a platform for sharing concerns over human rights situations and comes up with some concrete recommendations for action. I would like to see Thailand playing the role of catalyst in pushing for concrete human rights agenda which is acceptable to all members while making sure that it will render some fruitful results for the promotion and protection of human rights at all levels.

Excellencies, Ladies and Gentlemen,

I would like to conclude by making a few points here;

1. In his statement in support of the election of Thailand to the UN human rights council, Prime Minister Abhisit said "*No country is perfect on human rights. The most important thing in solving human rights problems is that we have to acknowledge their existence and dare to face up to them*". Not to deny and ready to face the reality of human rights problem is one thing but

addressing them is a different question. In order to address the human rights problem the Thai government may need to strengthen the existing national human rights mechanisms. It is also important for the government agencies to raise awareness of the government officials that they have obligations to fulfill in order to make sure that rights of the people will be respected and protected. Having a large number of good laws may not guarantee the effective implementation of human rights.

2. All countries in ASEAN are committed to the democratic values, although it is manifested differently. Democracy is a necessary condition for the promotion and protection of human rights. True democracy can not be developed if the people do not have political space. Political space implies that people will have chance to participate in the decision making process and have their voices heard. There is a need for Thailand and ASEAN to create political space for ASEAN people.

3. Commitment and pledges that we see in print is like clouds which may seem very solid. But clouds will quickly dissipate in the heat. If the commitment and pledges are meant to be a reality the Thai government will have to prove that it truly believes that they can be and strives to make it a reality, otherwise they will be only blank words.\*

4. I just want to emphasize here that membership in Human Rights Council is not only a great honor for Thailand but also a great responsibility that Thailand will have to take and I wish Thailand a successful election and mission.

Thank you very much

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\* Inspired by Max Ediger in "Dialogue with dream",