



SUMMARY REPORT

2ND AICHR CONSULTATION ON THE HUMAN RIGHT TO DEVELOPMENT TO ENHANCE THE ASEAN COMMUNITY: REALISING ARTICLE 35 OF THE ASEAN HUMAN RIGHTS DECLARATION 2012

28 April 2025
Kuala Lumpur, Malaysia

Introduction

1. The Association of Southeast Asian Nations ('ASEAN') Human Rights Declaration ('AHRD') 2012 outlines ASEAN's human rights framework and sets the region's standard for the promotion and protection of human rights. The Declaration affirms civil, political, economic, social, and cultural rights, while also recognising collective rights such as the right to development, the right to peace, and the right to a safe, clean and sustainable environment. Noting the political, economic and cultural diversity of ASEAN Member States, the AHRD became a guiding compass for ASEAN in its effort to build a rules-based regional community founded on shared values of human rights, democracy and the rule of law.

2. The right to development, as recognised under Article 35 of the AHRD, is one of the value-added rights that reflect ASEAN's regional priorities and context, and it reads as follows:

"The right to development is an inalienable human right by virtue of which every human person and the peoples of ASEAN are entitled to participate in, contribute to, enjoy and benefit equitably and sustainably from economic, social, cultural and political development. The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. While development facilitates and is necessary for the enjoyment of all human rights, the lack of development may not be invoked to justify the violations of internationally recognised human rights."

3. The inclusion of the right to development in the AHRD indicates ASEAN's collective commitment to recognising, promoting and protecting this right. In line with the United Nations ('UN') Declaration on the Right to Development (1986), the right places people at the centre of development, ensures their free, active and meaningful participation, promotes non-discrimination and equitable distribution of the benefits of development, and respects self-determination and sovereignty over natural resources, while advancing civil, political, economic, social and cultural rights.

4. The ASEAN Intergovernmental Commission on Human Rights ('AICHR') first explored this right in depth in 2019, when it convened the "AICHR Consultation on the Right to Development to Enhance the ASEAN Community" in Jakarta, Indonesia. The meeting explored the origins of the right to development and took stock of ASEAN's progress in realising this right. Representatives of AICHR, ASEAN sectoral bodies, civil society organisations ('CSOs'), academics and experts participated in the event. Several recommendations that emerged from it included mainstreaming human rights across the three pillars of the ASEAN Community and AICHR collaborating with civil society and the private sector on realising the right to development. It was also highlighted that people should meaningfully participate in matters that will affect them as they should be at the centre of development initiatives and participate in, contribute to, and equitably benefit.

5. While the right to development is often linked to economic growth and sustainable development, it represents a comprehensive process aimed at continuously improving the well-being of people while ensuring their free and meaningful participation in development. However, despite ASEAN's significant economic progress, many individuals remain marginalised and continue to face exploitation due to irresponsible or unethical development practices. Their voices are often overlooked, and development initiatives can sometimes exacerbate inequalities among different social groups in the region. As ASEAN continues to grow as the world's fifth-largest market with the third-largest labour force, and is projected to become the fourth-largest economy globally by 2030, there is an increasing need to ensure that development initiatives protect the rights of vulnerable and at-risk segments of society.

6. Against this backdrop, AICHR, led by Malaysia, convened the "2nd AICHR Consultation on the Human Right to Development to Enhance the ASEAN Community: Realising Article 35 of the ASEAN Human Rights Declaration 2012" in Kuala Lumpur, Malaysia. It builds on the outcomes of the 2019 Jakarta consultation and aims to deepen ASEAN's deliberations on adopting a common regional approach to realising the right to development, while exploring its interlinkages with the right to peace.

7. The Consultation brought together more than 60 participants, including AICHR Representatives, Alternate Representatives and Assistants, representatives of Timor-Leste, ASEAN Sectoral Bodies and entities, national human rights institutions ('NHRIs'), CSOs, and international and regional experts, and was jointly supported by ASEAN through its AICHR Fund and Australia, through the Australian Human Rights Commission ('AHRC') and Australian AID ('AusAID').

Opening Session

8. In his welcoming remarks, **Dato' Mohd Suhaimi Jaafar**, the Undersecretary for Special Functions at the Ministry of Foreign Affairs of Malaysia, congratulated AICHR for organising this follow-up consultation, noting that it is a timely initiative that reflects Malaysia's guiding ASEAN theme of "Inclusivity and Sustainability". He commended AICHR for leading the development of a proposed *ASEAN Declaration on Promoting the Right to*

Development and Peace towards Realising Inclusive and Sustainable Development, which is expected to be adopted by the ASEAN Leaders in 2025, and highlighted that the consultation provides an opportunity for stakeholders to contribute inputs to the draft. He further shared that ASEAN is finalising the ASEAN Community Vision 2045, a long-term strategic document that charts the direction of ASEAN for the next two decades, and that the issues to be discussed during the consultation are closely aligned with the regional vision.

9. He reiterated that AICHR plays a significant role in supporting the realisation of the ASEAN Community Vision 2045 by addressing both existing and emerging human rights challenges, promoting justice and peace, and supporting the realisation of an inclusive and sustainable region for the peoples of ASEAN. He emphasised that the Government of Malaysia remains committed to ensuring that no one is left behind as ASEAN progresses towards realising the Community Vision. This requires ASEAN Member States to collectively address development gaps, including expanding access to technology, reducing inequality, managing geopolitical and geo-economic challenges, and ensuring that development efforts are ASEAN-led, ASEAN-owned and implemented through a whole-of-ASEAN approach.

10. **H.E. Edmund Bon Tai Soon**, the AICHR Chair of 2025 and Representative of Malaysia to AICHR, in his opening remarks, noted that the AHRD reflects AICHR's common position on the right to development and right to peace under Articles 35, 36, 37 and 38. He recalled that the right to development (Articles 35-37), the right to peace (Article 38) and the right to a safe, clean and sustainable environment (Article 28(f)) have often been described as the three "add-value" rights that distinguish the AHRD from the Universal Declaration of Human Rights ('UDHR') 1948. These rights reflect ASEAN's regional context and priorities, while underscoring the interdependence between peace, development, and environmental sustainability in promoting and protecting human rights.

11. He further shared that AICHR was developing and finalising two declarations, both of which are expected to be adopted by the ASEAN Leaders within the same year. These declarations correspond to the "add-value" rights contained in the AHRD. The first declaration he referred to is the *ASEAN Declaration on the Right to a Safe, Clean, Healthy and Sustainable Environment*, which was a two-year work in progress and initially led by the former Representative of Thailand to AICHR, Professor Amara Pongsapich. The second is the *ASEAN Declaration on Promoting the Right to Development and Peace towards Realising Inclusive and Sustainable Development*, which seeks to link the right to development and the right to peace with inclusive and sustainable growth. He noted that the consultation serves as one of the platforms to solicit inputs from stakeholders to strengthen the draft Declaration on the rights to development and peace. It is also hoped that the adoption of both declarations will be followed by the development of regional action plans to support their implementation.

12. Reflecting further on the right to development and peace, the AICHR Chair and Representative of Malaysia to AICHR observed that there are two broad schools of thought on the interpretation of the right to development. On the one hand, some States emphasise the link between development rights and state sovereignty, particularly in resisting external pressures,

such as aid conditionality. On the other hand, another perspective supports the recognition of development as a right while firmly anchoring it within universal human rights standards, viewing the right to development as a form of empowerment.

13. He recalled the first regional consultation on the right to development that was organised by AICHR in 2019 in Jakarta, Indonesia, which explored the origins of the right, examined its various dimensions, and reviewed ASEAN's progress in advancing the right to development. The consultation generated several recommendations, including the need to strengthen monitoring and reporting on the implementation of the right to development; address emerging threats such as inequality and cross-border challenges, enhance data collection across ASEAN to inform policymaking; establish platforms for grievances; and engage with the private sector, including the ASEAN Business Advisory Council ('ABAC'), to mainstream human rights considerations within business practices.

14. Speaking more broadly about development, the AICHR Chair and Representative of Malaysia to AICHR emphasised that development has always been a central theme in ASEAN, and that its significance becomes even more profound when linked to the pursuit of peace. He explained that the peace ASEAN seeks to achieve should not be understood merely as negative peace, defined by the absence of conflict, but also as positive peace, which involves building the conditions necessary for justice, equality, and lasting harmony. Positive peace requires addressing the root causes of conflict, ensuring inclusive and sustainable development, protecting human rights, and fostering societies where individuals can thrive with dignity and security.

15. While ASEAN today stands as the world's fifth-largest market with the third-largest labour force, he noted that economic strength alone should not be regarded as an end in itself. Rather, the true measure of ASEAN's success lies in its ability to improve the lives of its people by ensuring access to basic human rights and necessities, creating equal opportunities, and promoting development that is inclusive and sustainable in both process and outcomes. He also noted that as ASEAN continues to navigate a complex and evolving security landscape, including geopolitical and geoeconomic tensions, internal conflicts, territorial disputes, transnational organised crime, climate change, and, more recently, the devastating earthquake that struck Myanmar and Thailand, these developments pose continuing challenges to the protection and enjoyment of human rights across the region.

16. In concluding his remarks, the AICHR Chair and Representative of Malaysia to AICHR emphasised that development must remain people-centred. To fully realise the right to development, ASEAN must adopt a comprehensive approach that advances well-being and ensures free, meaningful, and inclusive participation of individuals and communities. He noted that this approach aligns closely with Malaysia's ASEAN theme of "Inclusivity and Sustainability." He concluded by expressing appreciation to the AICHR Malaysia organising team and the Ministry of Foreign Affairs of Malaysia. His remarks appear as **Annex A**.

17. Delivering her opening remarks on behalf of AHRC, **Joanna Mansfield** congratulated AICHR for bringing together a diverse group of experts, speakers, and participants to provide

inputs to the proposed ASEAN declaration on the right to development and peace. She welcomed the continued constructive engagement and strengthened partnership between ASEAN and Australia, particularly between AICHR and the AHRC. She reaffirmed AHRC's commitment to supporting AICHR's efforts to promote and advance human rights in the region. She noted that the consultation provides a valuable opportunity to contribute to ASEAN's development agenda while reinforcing the link between development and peace. She also highlighted the importance of ensuring that development initiatives contribute to long-term peace and stability, while ensuring that the benefits of development reach all individuals, particularly vulnerable and marginalised communities. She concluded by once again commending AICHR for its leadership in advancing the regional dialogue on the right to development and peace.

Keynote Speech

18. **Professor Dr. Surya Deva**, UN Special Rapporteur ('UNSR') on the Right to Development, began his keynote speech by congratulating AICHR for organising the consultation on the right to development and peace. He noted that the consultation presents an important opportunity for ASEAN and AICHR to demonstrate leadership in promoting and advancing the right to development in the region. In his remarks, Professor Deva observed that despite significant global and regional efforts to address development challenges and crises, inequality continues to persist, and many of the targets under the Sustainable Development Goals ('SDGs') remain unmet. He also noted that conflicts, whether direct or indirect, can significantly affect development outcomes and undermine the ability of individuals and communities to enjoy the right to development. In this regard, he highlighted that the consultation is timely, as it brings together the two closely related rights of development and peace, which are essential in advancing the broader human rights agenda.

19. The UNSR further elaborated on several key elements underpinning the right to development and its relationship with peace. He first highlighted the dual dimensions of human rights, namely the individual and collective dimensions, emphasising that both must be recognised and understood to ensure progressive outcomes in promoting and protecting the right to development. He then explained the three core components of the right to development: the right of individuals and communities to participate in, contribute to, and enjoy development. In this context, he stressed the importance of ensuring open, transparent, and inclusive participation in decision-making processes related to development policies and initiatives. He also referred to the four facets of the right to development, namely the economic, social, cultural, and political dimensions, emphasising that development should not be understood solely in terms of economic growth. Rather, development must also encompass broader social progress, cultural inclusion, and political participation. Professor Deva further outlined five overarching principles that underpin the right to development: self-determination, intersectionality, intergenerational equity, fair distribution of benefits, and international cooperation. These principles, he noted, provide an important normative framework for advancing development in a manner that is equitable, inclusive, and sustainable

20. The UNSR also offered several recommendations for addressing the growing challenges to the right to development in the region and for consideration in the drafting of the proposed ASEAN declaration on the right to development and peace. First, he highlighted the importance of developing a common and coherent understanding of the right to development, recognising that the right is holistic and crosscutting in nature. Such understanding could be strengthened at both regional and national levels through training, awareness-raising initiatives, and dialogue with communities. Second, he emphasised that the right to development should not be viewed in isolation from other rights and policy areas, such as security and environmental protection. Instead, ASEAN should adopt a more integrated perspective that recognises the interconnected nature of these issues. Third, he emphasised the importance of building stronger synergies between people, planet, and peace. While people-centred development remains central, environmental protection is equally critical to ensure sustainable development outcomes. Peace, in turn, provides the necessary conditions for societies to develop and prosper in harmony. Fourth, he stressed the importance of ensuring active, free, and meaningful participation of people in development processes. Decision-making processes should be inclusive and balanced, enabling individuals and different segments of society to contribute meaningfully, thereby strengthening public trust and legitimacy. Fifth, he highlighted the continued need to address different manifestations of inequality, noting that although ASEAN has achieved significant progress in poverty reduction, certain segments of society remain marginalised and must be more fully integrated into development agendas.

21. Finally, the UNSR emphasised that the right to development cannot be realised without the engagement of the business sector. Businesses play an important role in creating employment opportunities, facilitating technological transfer, and contributing to economic growth. Governments, therefore, should consider incentivising businesses that demonstrate responsible practices that benefit society, protect the environment, and promote peace. He noted that the business sector can serve as an important partner to governments in advancing the right to development and peace. In closing, Professor Deva commended AICHR for its leadership in raising awareness and advancing the drafting of the declaration on the right to development and peace, and expressed his support for ASEAN's efforts to realise the vision articulated in the draft declaration.

22. Following the keynote speech, participants engaged in a discussion and raised several issues for further consideration. Some participants expressed concerns regarding the potential impacts of artificial intelligence ('AI') and other emerging technologies on human rights. One example raised was the potential loss of employment opportunities resulting from the rapid adoption of AI technologies across various business sectors. In response, the UNSR acknowledged that while AI technologies offer many benefits to society, their ethical and responsible use is essential to ensure that technological developments do not undermine the enjoyment of human rights. Participants also raised the importance of ensuring freedom of expression and adequate space for researchers and academics to contribute to policymaking processes, particularly in matters relating to development policies. Professor Deva underscored the need to build bridges and alliances between policymakers, CSOs, and researchers, and highlighted the importance of fostering cross-party political consensus to address differences.

and advance common objectives. Other participants emphasised the importance of public participation in decision-making processes, particularly for vulnerable and marginalised groups, including migrant workers and refugees. Their voices, participants noted, are equally important if ASEAN is to fully realise the right to development and peace in the region.

Session 1: Key Reflections and Recommendations from the 1st AICHR Consultation on the Realisation of the Right to Development to Enhance the ASEAN Community

23. Session 1 was moderated by **Pa Ponnarada**, Alternate Representative of Cambodia to AICHR. The session aimed to reflect on the key points and recommendations raised during the first consultation on the right to development, which was held on 11-12 November 2019 in Jakarta, Indonesia. The discussion provided an opportunity to revisit the outcomes of the earlier consultation and to consider how those recommendations could inform ASEAN's ongoing efforts to promote and realise the right to development in the region.

24. The first speaker of the session was **H.E. Associate Professor Eugene Tan Kheng Boon**, Representative of Singapore to AICHR. In his presentation, he noted that ASEAN was, in many respects, an outcome of the implicit commitment to the right of development which was characterised by regional peace and security and associated modes of conflict resolution and economic development across AMS. There was a "virtuous loop" whereby peace and security were conducive to development, and development, in turn, strengthened peace and security.

25. The Representative of Singapore then considered what the ASEAN Human Rights Declaration 2012 (AHRD) Articles 35 to 37 had to say about the right to development. First, he underscored the importance of the AHRD recognising the link between the right of individuals and communities to participate in, contribute to, enjoy, and benefit from development, and the broader objectives of economic, social, cultural, and political sustainability. Development should therefore be understood not merely in terms of economic growth, but in holistic terms of its broader societal impact and its ability to improve the well-being of people. Second, he explained that the AHRD emphasised the importance of intergenerational equity in promoting and protecting human rights, including the right to development. Development policies and initiatives must consider the long-term impacts on future generations and ensure that resources and opportunities were managed responsibly and sustainably to safeguard their well-being. Third, he highlighted the AHRD's recognising the importance of responsibility among all stakeholders in advancing the right to development. He elaborated that human rights, including the right to development, were best protected when they were supported by strong economic, social, and cultural foundations. Moreover, he stated that national policies that promoted economic growth, improved living standards, and provided adequate social protection contributed significantly to advancing the right to development in a sustainable manner than any regional mechanism.

26. Looking ahead, the Representative of Singapore stressed the importance of developing a “whole-of-ASEAN” approach to address emerging challenges. Such a regional approach needed to take into account the diverse local contexts and socio-cultural and political dimensions across ASEAN Member States. As such, a pragmatic and not an ideological approach was necessary to the effective realisation of development goals. The Representative of Singapore observed that while human rights and delivering economic goods were not mutually exclusive, the holistic quest for development must focus on the more rigorous test of practical success through tangible and meaningful outcomes. Noting that the right to development was not self-executing, he emphasised that ASEAN must go beyond rhetoric, platitudes, and even declarations and that the centrality of good outcomes was a vital mode in promoting and protecting human rights.

27. **Professor Dr. Amara Pongsapich**, Representative of Thailand to AICHR (2022-2024) and the second speaker of this session, began her remarks by providing an overview of the first consultation on the right to development held in Jakarta in 2019, highlighting its significance in advancing regional dialogue on the subject. She reiterated the importance of adopting a human rights-based approach to development, emphasising that development policies and programmes should be grounded in internationally recognised human rights principles. She also highlighted the differences between the Millennium Development Goals (‘MDGs’) and the SDGs, noting that the SDGs are more explicitly anchored in human rights values and principles. As a result, the right to development is now more clearly recognised as an integral component of the global development agenda. She observed that ASEAN has made significant progress in advancing the SDGs over the past decade (2015–2025). Various ASEAN bodies have been working closely together to address emerging development challenges, and cross-sectoral cooperation across the three ASEAN Community pillars has played an important role in driving progress in the region. She further noted that AICHR has made notable progress in engaging with a wide range of stakeholders and institutions within and beyond the region to raise awareness, build capacity, and promote concrete actions related to human rights and development. While acknowledging these efforts, she stressed that it remains crucial to ensure that no one is left behind in the pursuit of development. Ensuring equality, including gender equality, must remain a priority. In this regard, women, children, migrants, and persons with disabilities should be actively included in regional development initiatives. In concluding her remarks, Professor Amara expressed concern about the potential impacts of growth-driven development models on the enjoyment of human rights. She therefore reiterated the importance of ensuring that ASEAN’s development strategies and collective vision remain firmly grounded in a human rights-based approach to development

Session 2: Challenges and Opportunities in Realising the Right to Economic, Social, Cultural and Political Development in ASEAN

28. Session 2 was moderated by **H.E. Anita Ashvini Wahid**, Representative of Indonesia to AICHR. The session aimed to discuss the challenges and opportunities in realising the right to economic, social, cultural, and political development in the region, and to explore the roles

of various stakeholders in advancing inclusive and sustainable development across ASEAN Member States.

29. The first speaker for the session, **Dr. Vachararutai Boontinand**, Chair and Convener of the ASEAN University Network, Human Rights Education ('AUN-HRE') Network, provided an overview of the ASEAN University Network ('AUN'), which was established in 1999 as a network of 30 universities across ASEAN. She noted that the AUN has since expanded significantly, with nearly 230 universities participating as associate members. She explained that AUN-HRE functions as a specialised sub-network within AUN, with the mandate to promote and strengthen human rights and peace education among universities in the region, while also fostering cooperation with regional stakeholders, including AICHR. Dr. Vachararutai highlighted that AUN-HRE's priorities include capacity-building programmes for lecturers and professors in human rights and peace education at both regional and national levels. In addition, AUN-HRE actively conducts training programmes and develops teaching materials and learning resources on human rights and peace. Through these initiatives, the network contributes to strengthening inter-institutional cooperation and regional collaboration among ASEAN universities. She also noted that AUN-HRE actively engages students and young people in its programmes to raise awareness and promote understanding of human rights issues across the region.

30. She further highlighted that AUN-HRE is currently developing textbooks and educational materials that incorporate local history, human rights, and peace education, in order to complement existing resources that are largely derived from international, European, and United States-based references. This initiative aims to provide learning materials that better reflect regional contexts, histories, and perspectives. She also shared that AUN-HRE has undertaken efforts to translate human rights textbooks and educational resources into local languages, enabling lecturers and teachers across ASEAN Member States to utilise these materials more effectively in their classrooms. Furthermore, AUN-HRE has collaborated with several AICHR Representatives, including those from Thailand, Malaysia, the Philippines, and Indonesia, to explore emerging human rights themes such as persons with disabilities, inclusive education, gender equality, environmental protection, technological developments, violence prevention, and conflict resolution. She concluded her remarks by congratulating AICHR on its openness and continued efforts to engage stakeholders, such as AUN-HRE, in advancing human rights education in the region.

31. The second speaker of this session, **Dr. Anthony Pramualratana**, representing the ASEAN Centre for Sustainable Development Studies and Dialogue ('ACSDDSD'), began by congratulating the Chair of AICHR for organising the consultation and for bringing together stakeholders from across the different ASEAN Community pillars. He emphasised that efforts to promote the right to development must cut across all three pillars of the ASEAN Community, namely the ASEAN Political-Security Community, the ASEAN Economic Community, and the ASEAN Socio-Cultural Community. He highlighted the importance of ASEAN taking ownership of initiatives aimed at achieving the SDGs, particularly SDG 12 on Responsible Consumption and Production. He noted that the concepts and values underpinning responsible

consumption and production may vary across regions, particularly when comparing ASEAN with European contexts. Drawing from his professional experience, he emphasised that ASEAN should avoid simply adopting frameworks developed in other regions without considering local values, traditions, and socioeconomic contexts. Instead, ASEAN should leverage its local knowledge, cultural values, and traditional practices in shaping approaches to responsible consumption and production. He further stressed that achieving this vision requires open and constructive dialogue among governments, researchers, and other stakeholders, to ensure that sustainable development initiatives reflect ASEAN's own regional identity and priorities.

32. The final speaker of the session was **Dato' Indrani Thuraisingham**, representing the Federation of Malaysian Consumers Associations. She began her presentation by highlighting the importance of viewing the right to development from a consumer perspective. She noted that consumers cut across all segments of society, including policymakers, business actors, and ordinary citizens, and that their voices and experiences should therefore be taken into account in development policies. She emphasised that the right to development should not remain a conceptual principle reflected only in policy documents, but must be translated into tangible outcomes that benefit communities on the ground. For example, the effective enjoyment of the right to development requires ensuring adequate protection and support for women and girls, who continue to face disparities in several sectors, including employment. She also highlighted that while discussions on sustainable consumption often focus on responsible production by businesses, equal attention should be given to raising awareness among consumers regarding sustainable consumption practices, such as recycling and reducing carbon emissions. In this regard, she emphasised the need for coordinated efforts among government agencies, civil society organisations, businesses, and financial institutions to strengthen initiatives that promote sustainable and inclusive development across ASEAN. She further emphasised that fair and open platforms for dialogue are essential to enable members of the public and consumers to participate directly in decision-making processes. Many public interest issues, including access to water and electricity, energy supply, housing, healthcare, education, and subsidies, require meaningful engagement with consumers. However, she noted that opportunities for such participation remain limited. To fully realise the right to development, decision-making processes must therefore become more inclusive and accessible.

33. In discussing policy reform, she emphasised the importance of providing adequate opportunities and sufficient time for stakeholders to provide feedback to policymakers. Policymakers should avoid engaging stakeholders only at the final stages of policy development and expecting immediate compliance. Instead, consultation processes should take place earlier and more meaningfully. She concluded her remarks by emphasising the importance of reliable data and evidence in guiding policymaking, particularly in key sectors such as education, healthcare, and basic utilities, to ensure that policies respond effectively to the needs of society.

Session 3: Reflecting on the Intersection between Peace, Inclusivity, Sustainability and the Right to Development in ASEAN

34. Session 3 was moderated by **Dinna Prapto Raharja**, Representative of Indonesia to AICHR (2016–2018), who is currently associated with Synergy Policies, a public policy firm based in Jakarta, Indonesia.

35. The first speaker of the session was **H.E. Ambassador Nguyen Trung Thanh**, Representative of Viet Nam to AICHR. In his remarks, he reflected on Viet Nam's historical experience, noting that the country had gone through three wars and had recently commemorated the 50th anniversary of its victory, which marked an important milestone in its history. Drawing from this experience, he underscored the importance of peace and the need to preserve it, emphasising that peace should never be taken for granted. Peace, he noted, is essential for people to live normal and secure lives and serves as a prerequisite for development and economic growth in the region. He further emphasised that if ASEAN is to achieve and sustain peace, it must move beyond rhetoric and adopt concrete actions that contribute to peacebuilding and stability. In closing, he stressed the importance of maintaining a balance between rights-based and outcome-based approaches in ASEAN's collective pursuit of inclusive development and sustained peace.

36. The second speaker, **Rifat S. Fachir** from the ASEAN Institute for Peace and Reconciliation ('ASEAN-IPR'), focused on the intersection between peace and human rights, particularly the importance of fostering a culture of peace in the region. He explained that a culture of peace encompasses a set of values, attitudes, traditions, and modes of behaviour and ways of life that promote peaceful coexistence. This concept consists of two key dimensions: first, respecting and promoting human rights and fundamental freedoms; and second, respecting and promoting the right to development. He further highlighted that there are numerous opportunities for cooperation and collaboration in advancing the culture of peace and human rights, particularly through stronger engagement between AICHR and ASEAN-IPR. He outlined several priority areas pursued by ASEAN-IPR. These include gender mainstreaming in peacebuilding, further exploration of the role of local communities, local wisdom, and traditional knowledge in peacebuilding, and efforts to counter the rise of violent extremism and radicalisation in the region.

37. ASEAN-IPR has also been actively engaged in research and dialogue on the nexus between peace and sustainable development, as well as examining the use and impact of advanced technologies on peace, reconciliation, conflict, and conflict management. In recent years, ASEAN-IPR has organised regional dialogues on climate, peace, and security in collaboration with relevant UN agencies. He concluded by emphasising that peacebuilding requires an integrated approach that simultaneously addresses human rights, peace, and security, and that stronger collaboration between human rights institutions and peacebuilding actors is necessary to ensure that their efforts reinforce one another.

38. The third speaker, **Anita Ahmad**, Chief Executive Officer of Yayasan MySDG (Malaysia), reflected on the intersection between peace, inclusivity, sustainability, and the right to development in ASEAN. She emphasised that peace cannot be sustained without

development, and conversely, development cannot be sustained without peace, as both are mutually reinforcing. This relationship illustrates how the right to development, peace, inclusivity, and sustainability are deeply interconnected. She further noted that economic stability, adaptation, and recovery are important conditions for sustaining peace. At the same time, conflict and insecurity can pose significant barriers to development and peacebuilding efforts. In addition to respecting human rights, including the right to development, she emphasised the importance of empathy, acceptance, and respect for diversity as essential elements in achieving lasting peace and sustainable development.

39. The representative from Yayasan MySDG (Malaysia) also highlighted the importance of continuous dialogue with communities, particularly those who are vulnerable, marginalised, or left behind. She emphasised that ASEAN should invest more in empowering these communities, ensuring that their voices are included in development processes. Reflecting on Yayasan MySDG's experience in addressing inequality among vulnerable communities in Malaysia, she emphasised the need for a multi-pronged approach, including identifying and prioritising the most urgent needs while effectively mobilising and managing limited resources. She further stressed that collaboration among stakeholders is essential, as it enables organisations to strategise more effectively and reach targeted communities with the necessary support and services. Community empowerment, through training and capacity-building initiatives, was also highlighted as critical in enabling communities to own, initiate, and sustain development initiatives at the local level.

40. The fourth speaker in this session, **Datuk Shamsuddin Badar** from the Malaysian Employers Federation, highlighted several economic challenges currently faced by the private sector, particularly in relation to increasing tariffs imposed by the United States, which have created a more challenging environment for businesses to maintain operations and production at competitive costs. As a result, some foreign companies operating in Malaysia have relocated their operations to other countries, thereby affecting employment opportunities and economic stability. He further noted that businesses are increasingly required to comply with growing regulatory and sustainability standards, which can impose additional operational costs. In this context, he suggested that ASEAN should consider the need to strike a balance between production costs, increasing sustainability standards, and rising global tariffs, particularly to support small and medium-sized enterprises ('SMEs') that are integrated into global value chains. He emphasised the need for greater support and incentives to help SMEs meet evolving business standards, including soft loans and other financial facilities, as well as incentives for green technologies and digitalisation. In closing, he emphasised that more business-friendly policies and practical measures are needed to enable the private sector to contribute effectively to sustainable and inclusive development in the region.

41. The last speaker in this session, **Dr. Piti Srisangnam**, Executive Director of the ASEAN Foundation, delivered his remarks virtually. He outlined the ASEAN Foundation's three mandates and six key areas of engagement, which aim to contribute to ASEAN's development and community integration. These mandates include strengthening good governance and equality in order to achieve a sustainable and prosperous ASEAN Community.

He explained that the ASEAN Foundation works closely with various sectoral bodies across all three pillars of the ASEAN Community, engaging in areas such as arts and culture, business and community engagement, capacity-building and training, people-to-people networking, collaboration with civil society organisations, and media engagement. He also highlighted the Foundation's advocacy for innovative approaches to addressing regional challenges, including climate change and environmental disasters, while promoting sustainable and inclusive development. In particular, the ASEAN Foundation has been working with local communities and youth to promote innovative solutions to these complex challenges.

42. He emphasised that when communities and youth are meaningfully engaged and empowered, they can play an important role in developing innovative solutions and addressing many of the issues discussed during the consultation. In this regard, he encouraged ASEAN and AICHR to continue strengthening engagement with local communities and young people, and to support them in initiating, implementing, and sustaining innovative actions at the local level.

Session 4: Developing a Common Approach to Human Rights Cooperation and Strategy to Realise the Right to Peace and Right to Development in ASEAN

43. Session 4 was moderated by **H.E. Ambassador U Nyunt Swe**, Representative of Myanmar to AICHR. The session aimed to discuss and explore a common approach to strengthening cooperation among ASEAN stakeholders in realising the right to development and peace in the region.

44. The first speaker in this session was **Rafendi Djamin**, former Representative of Indonesia to AICHR (2009–2012 and 2013–2015), who is currently associated with the Human Rights Resource Centre, a non-profit academic centre headquartered at the University of Indonesia in Jakarta. In his remarks, he reflected on ASEAN's existing culture of collaboration and common approaches, noting that such cooperation has been a defining characteristic of ASEAN since its establishment. He explained that a common ASEAN approach is grounded in shared values and norms collectively agreed upon by ASEAN Leaders and ASEAN Member States. These shared principles provide an important foundation for regional cooperation. He suggested that AICHR should continue leveraging these shared values and norms in its efforts to promote and protect the right to development and peace in the region. He also highlighted several regional challenges that ASEAN continues to face, including the growing movement of migrant workers across the region. He emphasised that migrant workers remain vulnerable to protection gaps and that these challenges require stronger coordination among AICHR and other relevant ASEAN bodies and stakeholders. Addressing these protection gaps, he noted, would contribute significantly to ASEAN's broader efforts to realise the right to development and ensure inclusive growth across the region.

45. The second speaker, **Kiu Jia Yaw**, an advocate for sustainable development in Malaysia, emphasised that while developing a common regional approach to the right to development and peace is important, it is equally critical to build the capacity required to

implement such approaches effectively. He noted that ASEAN and AICHR should continue engaging with relevant institutions and communities in order to strengthen their ability to implement various aspects of the right to development and peace. By strengthening institutional and community capacity, he explained, stakeholders would be better equipped to respond to challenges, build resilience, and initiate their own actions to support development and peace at the local level. He further stressed that capacity-building efforts should not be limited to formal institutions or government agencies, but should also include actors from the private sector and civil society organisations. These non-governmental actors play a crucial role in society and contribute significantly to development outcomes. Therefore, he emphasised the need to create more constructive dialogue platforms and safe spaces where these actors can share their views and contribute to policymaking processes.

46. The final speaker of the session was **Ryce Chanchai**, representing UN Women, who delivered her remarks virtually. She outlined UN Women's ongoing collaboration with several ASEAN bodies, particularly in the areas of women, peace and security, and community empowerment. She highlighted the importance of fostering empathy, collective commitment to ending suffering, and the promotion of a just and compassionate society in addressing the challenges faced by women and girls across the region. She emphasised that meaningful social change requires inclusive policymaking processes that ensure policies reflect the diverse needs and rights of women and girls. In addition to women and girls, she stressed that other vulnerable and marginalised groups must also be prioritised in policymaking processes, including Indigenous Peoples, persons with disabilities, and young people. She further suggested that ASEAN and AICHR should continue creating safe and empowering spaces for dialogue, enabling different groups in society to engage in peer learning, knowledge exchange, and collaborative discussions. Such platforms would help strengthen mutual understanding and contribute to more inclusive and effective policies that advance the right to development and peace in the region.

Workshop Session 5: Draft ASEAN Declaration Promoting Peace, Inclusive Growth, Sustainable Development and the Right to Development (PSDG Declaration) and Plenary (Input and Feedback)

47. This session was moderated by **H.E. Edmund Bon Tai Soon**, AICHR Chair and Representative of Malaysia to AICHR, and **Dr Andika Ab. Wahab** from the Institute of Malaysian & International Studies, Universiti Kebangsaan Malaysia (National University of Malaysia).

48. Participants were divided into three random groups and tasked to hold group discussions and present their key points of the group discussion. Each group was tasked to respond to the following questions:

- a) What does the right to development mean to you?
- b) What should be included in the draft declaration and the regional plan of action?
- c) What can ASEAN do more to protect the right to development?

49. In response, participants shared their views on the meaning of the right to development and proposed measures that ASEAN could take to further promote and protect this right in the region.

50. On the meaning of the right to development and elements that should be reflected in the draft declaration and regional plan of action, participants emphasised that the right to development should be understood as a holistic and people-centred concept, extending beyond economic growth or modernisation. Development should enhance people's well-being while respecting local cultures, traditions, and indigenous knowledge, and contribute to building a fair, inclusive, and equitable society where all individuals have opportunities to grow, contribute, and thrive. Participants highlighted that the right to development should encompass the full range of economic, social, cultural and political rights, and should ensure meaningful and inclusive participation of all members of society at every stage of development decision-making and implementation.

51. Participants further noted that the right to development should include the following elements:

- a) Preservation of local cultures, traditions and indigenous knowledge alongside development initiatives;
- b) Meaningful and inclusive participation of all members of society in decision-making and implementation processes;
- c) Intergenerational equity, ensuring that development safeguards the rights and interests of both present and future generations;
- d) Self-determination and non-discrimination, including equal participation of children and all individuals regardless of race, gender, religion, political views, or social origin;
- e) Access to justice and effective remedies for individuals and communities affected by development initiatives;
- f) Protection of human rights defenders and advocates, ensuring that the right to development is not used to justify human rights violations;
- g) Equitable access to natural resources for the present generation;
- h) Fair economic opportunities, including fair wages, safe working conditions, and the right of workers to form and join unions or associations; and
- i) Investment and financial mechanisms guided by a human rights-based approach, incorporating principles of effectiveness, efficiency, equity, transparency and sustainability.

52. On what ASEAN can do further to protect and advance the right to development, participants proposed the following actions that can be undertaken at both the regional and national levels:

- a) Adoption of core regional principles on development, including considerations related to environment, climate change, and population displacement, to be implemented through national action plans.
- b) Strengthening the protection mandate of AICHR and its role in advancing the right to development.
- c) Ensuring that the rights contained in the AHRD are respected, upheld and effectively implemented.
- d) Integrating environmental sustainability into ASEAN's development framework, recognising that development which harms ecosystems or communities is incompatible with the right to development.
- e) Recognising and prioritising the needs of vulnerable and marginalised groups, including Indigenous Peoples, women, persons with disabilities, youth, rural communities, and human rights defenders.
- f) Ensuring inclusive and participatory development processes, involving communities, businesses, environmental advocates and civil society organisations in planning, decision-making and monitoring development initiatives.
- g) Establishing transparent mechanisms for rights-holders to raise concerns and grievances.
- h) Addressing development gaps between rural and urban areas and ensuring that development benefits are equitably distributed across the region.
- i) Enabling ASEAN Member States to share experiences and good practices in implementing development initiatives through a human rights-based approach.
- j) Strengthening corporate accountability, including developing codes of conduct and accountability mechanisms for businesses involved in development initiatives.

ANNEX A

**OPENING REMARKS DELIVERED BY THE CHAIR OF THE ASEAN
INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR) AND
REPRESENTATIVE OF MALAYSIA TO AICHR,
H.E. EDMUND BON TAI SOON, AT THE 2ND AICHR CONSULTATION ON THE
HUMAN RIGHT TO DEVELOPMENT TO ENHANCE THE ASEAN COMMUNITY:
REALISING ARTICLE 35 OF THE ASEAN HUMAN RIGHTS DECLARATION 2012**

**28 APRIL 2025
KUALA LUMPUR, MALAYSIA**

YBhg Dato' Suhaimi Jaafar, Undersecretary (Special Functions), High-Level Task Force on ASEAN Community's Post-2025 Vision,

Professor Dr Surya Deva, United Nations Special Rapporteur on the Right to Development,

Ms Joanna Mansfield, Team Leader, International Engagement, Australian Human Rights Commission (AHRC),

Excellencies, distinguished participants, ladies and gentlemen.

Salam sejahtera. Good morning and a very warm welcome to all of you.

The ASEAN Human Rights Declaration 2012 (AHRD) has been criticised for falling below international standards in several aspects. Those criticisms can be left for another day. The more important point on this I make today is that throughout the drafting process of the AHRD, there was little dispute that the right to development had to be included in the AHRD. The principle of having the right to development was not contested in itself — ASEAN member states generally agreed it should be recognised. The more difficult question was about how expansive, detailed, and politically sensitive its framing should be. Articles 35, 36 and 37 now reflect the common position of Association of Southeast Asian Nations (ASEAN) on the right.

The early drafts of the AHRD contained the right to development and this was supported by representatives from the Philippines, Indonesia, and Thailand in line with the goal of creating a political document that added value to the universal standards of human rights. The position was reinforced by civil society organisations which also pushed for the inclusion of the right to development in the AHRD.

The right to development, the right to peace in Article 38 and the right to a safe, clean, and sustainable environment in Article 28f have been touted as the three “add-value” rights that distinguish the AHRD from the Universal Declaration of Human Rights 1948. These rights reflect the unique regional context and priorities of ASEAN nations, emphasising the interdependence of peace, development, and environmental sustainability in the promotion and protection of human rights.

Incidentally, some 13 years after the AHRD was adopted, the AICHR in 2025 is pursuing the adoption of two separate declarations related to these three “add-value” rights.

As many of you know, the environmental rights declaration has been an on-going project for two years now. It was led by the former AICHR Thailand representative, Professor Amara Pongsapich who is here today. The proposed declaration is tentatively titled “ASEAN Declaration on the Right to a Safe, Clean, Healthy and Sustainable Environment”.

On the former, Malaysia as the AICHR Chair this year proposed a declaration now tentatively titled “ASEAN Declaration on Promoting the Right to Development and Peace Towards Realising Inclusive and Sustainable Development”. It links both the right to development and the right to peace with inclusive and sustainable growth and development. At the end of today’s consultation, we hope to hear from you on the proposed Declaration.

Both the declarations will give flesh to the bones of Articles 35 to 38 and 28f of the AHRD. The AICHR hopes that both proposed declarations can be finalised this year, and regional plans of action may be negotiated for implementation.

Returning to the AHRD deliberations on the right to development, two distinct schools of thought then emerged. On one side, some countries sought to closely tie development rights to state sovereignty and to resist external pressures, particularly regarding the use of aid conditionalities. On the other, a more balanced perspective was advanced, supporting development as a right while firmly anchoring it within universal human rights standards. They saw the right to development as empowerment.

Although there was clear sensitivity about human rights being used as a means of external interference — which initially led to the inclusion of strong anti-conditionality language — that language was ultimately removed from the final text. In fact, the final line of Article 35 states as follows: “While development facilitates and is necessary for the enjoyment of all human rights, the lack of development may not be invoked to justify the violations of internationally recognised human rights”.

In 2019, AICHR convened the first regional consultation on the right to development from 11 to 12 November in Jakarta, Indonesia. The meeting introduced the different aspects of the right, debated the origins of the right and took stock of ASEAN’s progress in realising the right. There were several different approaches to the right to development presented then: one, the human rights approach, two, the development approach, three, the people approach and four, the State approach.

Key recommendations from the consultation included monitoring and reporting on the implementation of the right to development, addressing emerging threats such as inequality and cross-border issues, gathering data across ASEAN to shape policies, providing a platform for grievances, and working with the private sector and the ASEAN Business Advisory Council (ABAC) to mainstream human rights in business.

The rich discussions at the first consultation patterned the debates AICHR faced during the AHRD negotiations. Malaysia has thus convened this second consultation aiming not only to deepen ASEAN’s understanding of how to operationalise the right to development as a priority, but also to provide a platform for forging a common ASEAN position on the right.

Development has always been a central theme in ASEAN. Its importance becomes even more profound when linked to the pursuit of peace. The peace we seek to achieve is not merely negative peace — the absence of conflict — but also positive peace, which means building the conditions for justice, equality, and lasting harmony. Positive peace requires addressing the root causes of conflict, ensuring inclusive and sustainable development, protecting human rights, and fostering societies where every individual can thrive with dignity and security.

Today, ASEAN stands proudly as the world's fifth-largest market with the third-largest labour force. By 2030, ASEAN is projected to become the fourth-largest economy globally.

Yet, being an economic powerhouse is not an end by itself. The true measure of ASEAN's success lies in how it uplifts lives — by securing basic human rights and necessities, creating equal opportunities, and ensuring that development is inclusive and sustainable in both process and outcome.

At the same time, ASEAN continues to navigate a complex and evolving security landscape — from geopolitical and geo-economic tensions, internal conflicts and territorial disputes to transnational organised crime, climate change, and most recently, the devastating earthquake that struck Myanmar and Thailand. These challenges pose persistent threats to human rights across the region.

While efforts to promote peacebuilding, preventive diplomacy, and community resilience are ongoing, economic disparities and differing political systems within ASEAN continue to pose significant hurdles.

As a result, segments of our society remain vulnerable and marginalised. Their voices are often excluded from decision-making processes on issues that directly impact their lives. Consequently, they are unable to fully participate in, or benefit from, the development and peace processes in our region.

Development must be people-centred. To truly realise the right to development, we must embrace a comprehensive approach — one that continually advances well-being and ensures free, meaningful, and inclusive participation.

Hence, Malaysia's ASEAN theme of "Inclusivity and Sustainability" this year.

To borrow the words of the Malaysian Prime Minister, YAB Dato' Seri Anwar Ibrahim, at the Khazanah Megatrends Forum on 7 October 2024: "Our development pathway must be forward-looking, and our solutions must serve the wellbeing of the rakyat, addressing inequality, and cultivating a mindset of shared responsibility and innovation".

To conclude, I encourage an open, robust and constructive dialogue always held in a spirit of mutual respect and friendship.

On behalf of AICHR Malaysia, I extend my gratitude to each of you for taking the time to join us today, whether in person or virtually. I am also deeply grateful to Australia for its generous support, which has been instrumental in making this initiative a reality.

Finally, I thank the organising team led by Dr. Andika Ab. Wahab, together with Puan Nurul Aliaa Azman, Puan Raja Intan Nor Zareen, Puan Nurkamelia Ghazali, and the support staff from the Ministry of Foreign Affairs of Malaysia.

I look forward to a productive and enriching consultation.
