

ASEAN Political Security Community: How To Handle Political Security Cases With Democratic And Critical Perspectives With Special Focus On Human Rights

by Prof. Aleksius Jemadu, Ph.D

A key assumption

- According to the constructivists the establishment and function of a regional political-security community assumes an intersubjective understanding or shared norm among the members about the importance of human rights promotion and protection

The current challenges of human rights protection in some Asean member countries

- The current conditions of human rights in SE Asia based on Human Rights Watch report (<https://www.voanews.com/a/human-rights-watch-southeast-asia/3674978.html> titled “Deteriorating Outlook for Human Rights in SE Asia”)
- The problem of Rohingya in Myanmar
- The pragmatism of President Duterte with his extra-judicial execution of the drug criminals despite strong criticisms by human rights groups
- Human rights violations in Cambodia and Thailand
- The repression of human rights activists in Vietnam
- The unresolved problem of past human rights violations in Indonesia. Human rights issue does not seem to be in top priority list of the current government. There is a gap between the expectation of human rights activists and the political will of the government to deal with past human rights violations.



MYANMAR



PHILIPPINES



VIETNAM



INDONESIA



THAILAND



CAMBODIA

IS PROPERTY OF

Early Stage Of The Institutionalization Of Human Rights Promotion And Protection At The Regional Level

- The establishment of ASEAN Declaration of human rights
- The establishment and functioning of AICHR as ASEAN official instrument for the promotion and protection of human rights in this region.
- AICHR is a real step by ASEAN as a regional entity to materialize the idea of a regional political security community? Is there really a community that is promised in the ASEAN Charter?

AICHR and its problematic position (John D. Corciari, 2010)

The use of the word **intergovernmental** means that AICHR is just the extension of the power of the state and as such it has no independent status and role in promoting and protecting human rights

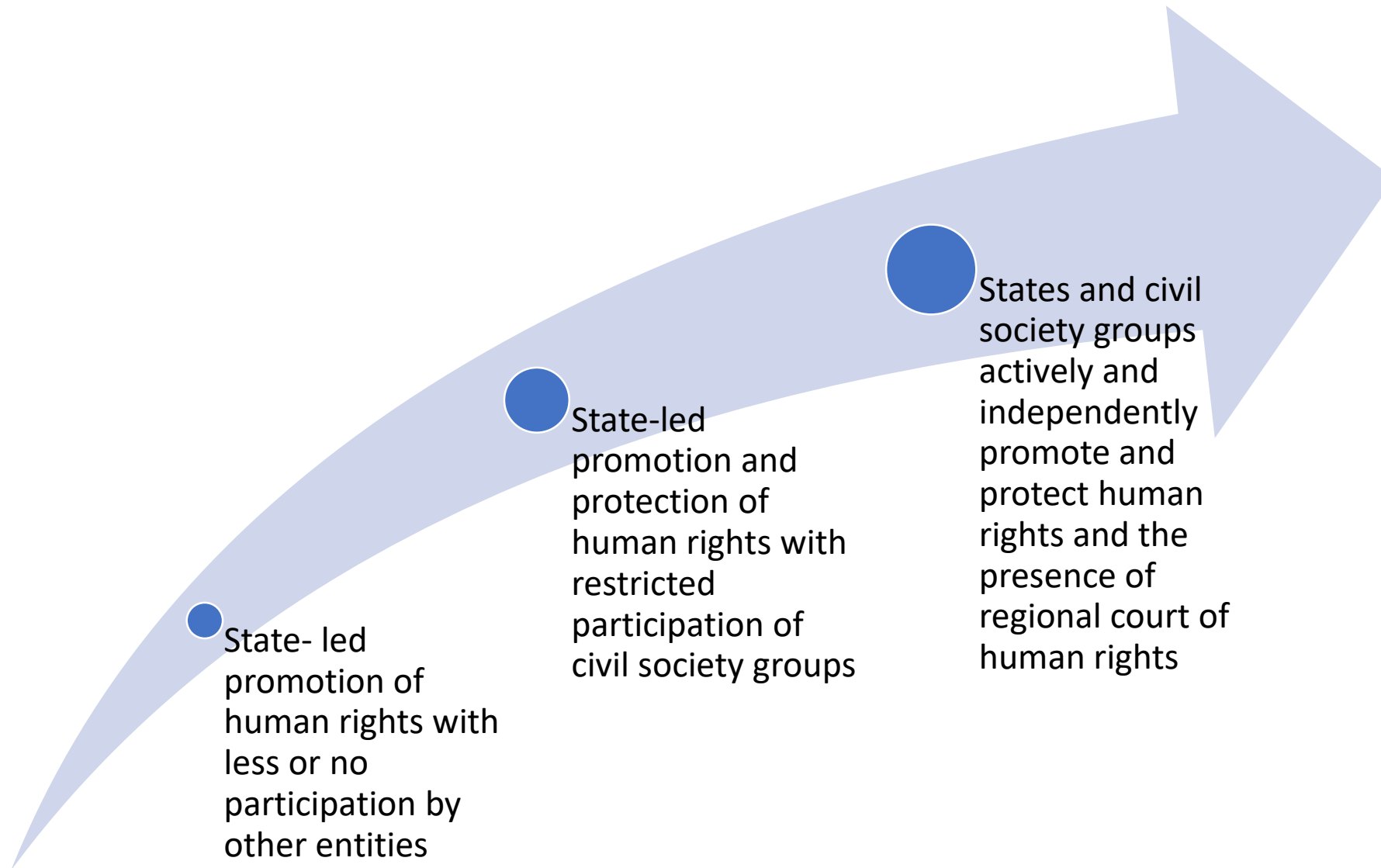
- The officials who are in charge of AICHR are called “**Representatives**” and not **commissioners** for an obvious reason that their primary loyalty and commitment is to their respective government and not to any other entity.
- AICHR is just a consultative body without clear mechanism of enforcing its findings or recommendations and other resources to support the accomplishment of its vision and mission

- In doing its job AICHR cannot free itself from the culture of “**consensus**” rather than “**rule-based law enforcement**”.

Main argument/thesis

1. To be effective as a political security community in terms of the promotion and protection of human rights, ASEAN needs a more solid intersubjective or shared understanding at the regional level without which such a noble goal would remain almost entirely contingent upon the political will and initiative of each of the member states with a diversity of political and ideological regimes. Each member state still plays a key role for the actual promotion and protection of human rights of its citizens.
2. Alternative human rights discourses can only be expected to come from civil society networks at the national as well as regional levels. Giving more space for these networks to operate is a must as their contribution will benefit the people of all member states.

Different Stages Of The Growth Of A Political Security Community In Terms Of The Promotion And Protection Of Human Rights



The Ongoing Process Of State-making

The problem is that most, if not all, ASEAN member states are still in the process of STATE-MAKING and NATION-BUILDING, creating state institutions that are capable of conducting an effective control over their citizens.

Although some of them (Indonesia and the Philippines) have used democratic approach, the majority still rely on authoritarian approach in ensuring national security.

- Even the semi-democratic states like Malaysia and Singapore still use the Internal Security Act (ISA) which is criticized by many as being repressive and anti-human rights.

How About The Progress Of Democracy And Human Rights In Myanmar?

Some people claim that the political change in Myanmar is the evidence of ASEAN's "soft" approach in dealing with the issue of democracy and human rights through a consultative way.

However, there is a more credible narrative saying that such change take place because of the awareness of the military elite in Myanmar that the continuation of a military regime won't give the nation a better future.

This is another proof that genuine change can only come from within and not from the outside.

How To Measure The Performance Of A Human Rights Body Like AICHR?

The presence of a human rights body at the regional level is one thing, but how it functions to protect and promote human rights in the real sense of the word is another thing.

A critical evaluation of the terms of reference under which AICHR is supposed to function is needed in order to narrow a widening gap between normative statement of intention and its actualization

The most reliable yardstick to measure its success is the extent to which it can effectively prevent the state from violating or repressing the rights of its citizens.

On top of that, human rights body should also be able to channel the aspirations of the civil society groups so that the state may not monopolize the public sphere.

Unless the state is willing to share the accomplishment of public goals including human rights with civil society, there is not much we can expect from human rights body like AICHR.

Some sceptics even say that AICHR may stand as a hindrance for societal forces in more democratic countries like Indonesia to carry out genuine efforts in promoting and protecting human rights.

There are indeed a growing number of transnational networks of NGOs in Southeast Asia which are committed to the promotion and protection of human rights.

Concluding remarks

- Although AICHR constitutes a growing awareness among ASEAN governments about the importance of human rights as a common goal, it depends on the political will and capacity of each state to accomplish that goal.
- There is not much we can expect from AICHR. Real change should take place at the state level.
- Transnational activism by civil society groups in ASEAN should continue to challenge the domination of the states so that genuine struggle for human rights may not be jeopardized.

Jean Grugel (2004) correctly suggests: “Activism, whether transnational or national, requires engagements with states to bring about change, especially when the activism aims to promote eminently political tasks such as deepening democracy and furthering human rights”.

References:

- Corciari, John D. (2010). “Institutionalizing Human Rights in Southeast Asia”. Paper for the International Conference on *Issues & Trends in Southeast Asia*, Center for Southeast Asian Studies, University of Michigan - October 22, 2010.
- Grugel, Jean (2004). “State Power and Transnational Activism” in Nicola Piper and Anders Uhlin (eds.). *Transnational Ativism in Asia*. London: Routledge.
- Human Rights Watch report (<https://www.voanews.com/a/human-rights-watch-southeast-asia/3674978.html> titled “Deteriorating Outlook for Human Rights in SE Asia”)
- Jemadu, Aleksius (2004). “Transnational Activism and the Pursuit of Democratization in Indonesia: National, Regional and Global Networks” in Nicola Piper and Anders Uhlin (eds.). *Transnational Ativism in Asia*. London: Routledge.