

A New Beginning

It was the 18th of November, 2012 that the Association of South East Asian Nations unanimously adopted the ASEAN Human Rights Declaration, an affirmation of ASEAN to protect and enshrine the human rights of its citizens living within its borders. It has been a decade since its adoption and has thus been given ample time to show its effectiveness. Despite the promise shown by the Declaration, its accomplishments can best be described as mediocre. Certainly, the adoption of the paper itself shows that human rights and its protections are indeed a priority of ASEAN countries; the Declaration is a proof of that. However, given careful consideration is far different compared to fruitful enforcement. Violations, both flagrant and unaddressed, have occurred throughout the decade and those were simply according to the rules and principles set inside the Declaration, not withstanding the fact that certain rights which have been adopted by other political entities simply does not exist in the ASEAN one.

The compliance of the member states towards the Declaration is quite by itself, dubious. Failures to fulfilling the objectives of the document does not extend to one state within ASEAN but extends to all of the Association, from overt examples such as the anti-drug violence that fueled extra-judicial murders that sparked in the Republic of the Philippines in 2016 and onwards; to the violent coup attempt of the Tatmadaw, the Myanmar Military, that overthrew the previous ruling civilian government of Myanmar in 2021.(Myanmar, 2021) Said coup includes numerous violations against Myanmarese civilians including forced arrests, repression of civil rights to protest, sexual violence, and more. Then there includes existing legal frameworks that are incompatible with the Declaration, one such example being Singapore's restrictive speech laws and censorship. This is all not including things which are absent in the Declaration such as rights for the LGBT+ community, right of association, and the right against forced disappearance (HRW, 2012)

From all of these, the Declaration is a limited document that defends very little. Its member states may have signed it but their adherence to the Declaration is questionable. The Declaration itself can be celebrated as a show of ASEAN respect of human rights and dignity however, it highlights a significant lull of ASEAN cohesion as the Declaration is carefully crafted to be as inoffensive to each member state, themselves dealing with a history of human rights violations. A more universal approach would be much more difficult to deal with as its member states maintain governments, beliefs, traditions, and stances that are otherwise incompatible with a universal approach and democratic principles. Brunei Darussalam being an Absolute Monarchy

whose laws outlaw LGBT+ being one such example. Instead of seeing the ASEAN Human Rights Declaration as a victory for respecting the human condition and the dignities associated with it, it should instead be lauded as a picture-perfect paper of compromise that encapsulates also the ASEAN virtues of non-interference and consensus.

Despite the limitations and problems herein, the Declaration still has promise. Certainly, the problems posed allows for a closer dialogue between member states and as the years continue, so too will the opportunities to grow and expand the Declaration to be truly universal, to include what was lacking and improve on what is existing. The struggle for protecting the soul of human dignity is long and arduous. The universal end that is desired will not come simply because it is desired, but because it is slowly worked to by all; from the government, to civil societies and NGO's, and by the ordinary citizens of ASEAN. Soon enough, the changing of the world, the growing desire of democracy and its fruits will work to bring about the promise of the Declaration, to "establish a framework for human rights cooperation in the region and contribute to the ASEAN community building process."

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REFERENCES:

- Southwick, K. G. (2013). Bumpy road to the ASEAN human rights declaration.
- Petcharamesree, S. (2013). The ASEAN Human Rights architecture: Its development and challenges.
- Myanmar (n.d) Retrieved from: <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/myanmar/report-myanmar>
- Singapore (n.d) Retrieved from: <https://www.hrw.org/asia/singapore>
- Right to Freedom of Speech and Expression in Singapore: Myth or Reality? (2018, November 21)
Retrieved from: <https://singaporelegaladvice.com/law-articles/right-to-freedom-of-speech-and-expression-singapore>