

ASEAN Human Rights Declaration (AHRD): An Agreement to Disagree

The participation of ASEAN in human rights culminated when the ASEAN Human Rights Declaration was introduced in 2012. The Declaration is fascinating in three ways: it has surprising institutional origins, it was agreed upon by states with very different domestic positions on the role of human rights, and it contains commitments that are far ahead of some members while also being dangerously regressive. The AHRD is intended to act as a benchmark for ASEAN in identifying and resolving a wide range of issues relating to democracy, human rights, and fundamental freedoms. It is anticipated that it will help regional organizations, national governments, and members of civil society respond to numerous, connected social, economic, and political concerns. The acceptance of such a proclamation suggests that significant strides have been achieved in the ASEAN region toward the achievement of human rights. However, in its tenth year of establishment, I question the compatibility of the 'ASEAN Way' with the human rights project and argue that the association's state political disparities should be addressed first. I assert that the realization of human rights in ASEAN has made little breakthrough and that efforts to further their advancement within the group will be ineffective if a non-interference stance is upheld and the political incompatibility of human rights with authoritarian regimes is disregarded.

The three main frameworks that are currently being used to analyze the Declaration are unable to offer convincing insights into each of the three dimensions. I assume that member states have quite different perspectives on the Declaration and agree to it for very different reasons. Furthermore, I claim that the Declaration neither articulates nor marks an early point in the formation of a shared regional identity relating to respect for human rights. Instead, it is believed that the current plurality of regional viewpoints on human rights and democracy is valid and will persist.

In connection, the advancement of human rights within the borders of Myanmar/Burma, an ASEAN member state near the bottom of the development scale, has not been very successful. The UN Human Rights Council's (UNHRC) decision on the state of human rights in Myanmar (UNHRC 2013) notes some modest improvements in political freedoms, commitments to open media reform, and the continued release of political prisoners as signs of progress in human rights. However, a flood of worries about ongoing violence, prejudice, uprooting, and economic exploitation of racial and religious minorities makes these achievements irrelevant.

I believe that the root cause of this stagnation is more complex than the AHRD's "cultural relativism," insufficient descriptions, and restrictions on human rights. The lack of essential coercive or intervention measures that ensure states implement and abide by their human rights responsibilities may be the underlying cause of ASEAN's lack of significant progress toward the achievement of human rights. A lack of uniformity in state political structures exacerbates this, making it challenging to effectively implement such a large-scale ASEAN project across all member nations.

Discussions about ASEAN regionalism have utilized the Declaration to support the validity of their own choices. Realist study insinuates that the Declaration demonstrates both the member nations' disregard for human rights issues and their preeminence of conventional state-security concerns. Contrarily, constructivism sees the Declaration as a significant document for the development of a common regional identity and a crucial step in the socialization of human rights throughout the region.

Finally, scholars who take a "culturalist" stance concur that the Declaration is merely the latest example of mimetic adoption, in which ASEAN elites mimicked the structure of other regional institutions to gain legitimacy, and that the adoption of human rights standards is solely motivated by strategic considerations.

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References

Davies, M. (2014). An Agreement to Disagree: The ASEAN Human Rights Declaration and the Absence of Regional Identity in Southeast Asia. *Journal of Current Southeast Asian Affairs*, 33(3), 107–129. <https://doi.org/10.1177/186810341403300305>