
MOVING BEYOND ASEAN HUMAN RIGHTS DECLARATION (AHRD): ADDRESSING ASEAN'S COMMITMENT TO PROTECTING HUMAN RIGHTS

Southeast Asia is a dynamic region. It contains multitudes, whether that be in the form of the myriad of political systems adopted by each state or the unique historical, cultural and political experience. Members of the region came together in 1967 through the Bangkok Declaration to establish the Association of Southeast Asian Nations (ASEAN) (ASEAN, 1967). Through that, member states agree to cooperate in promoting peace and stability, strengthen economic growth and promote cultural exchanges. From here on out too, ASEAN's relationship with human rights has been tumultuous.

Langlois (2021) details how member states have always been at the forefront of the rejection of human rights, whether by denying there were violations of it to indifference on the subject. However, the recent shift towards embracing an international approach on human rights sees ASEAN initiate a regional framework. One way these efforts manifests itself is through the establishment of the ASEAN Human Rights Declaration (AHRD) in 2012. However, the critical question we must ask is one of its effectiveness and how much authority it has to improve the state of human rights in Southeast Asia. The provisions of civil and political rights within the AHRD reveals a "commitment" by ASEAN member states to respect civil liberties and foster a healthy democratic environment. I use the word commitment in quotes because this commitment remains a pipe dream. In reality, Southeast Asia has failed to foster an environment where democratic values are seen as an integral component of society.

Between 2020 to 2022, Thailand erupted in mass protests calling for a free and fair election, refurbishing the constitution, and reforming the country's monarchy (Strangio, 2020). In Myanmar, members of the National League for Democracy (NLD) were arrested following a coup by the Tatmadaw (Goldman, 2022). Malaysia charged a student activist for protesting the rising cost of living (Faisal, 2022) and published a draft on rules that seek to further limit the democratic space of students (Tan 2022). The regression of civil and political rights in Southeast Asia firstly indicates that AHRD is merely lip service. Second, it reveals a deep rooted problem that has been a part of most member states: the aftereffects of colonialism. In the search for identity and nation-building post-independence, most states resorted towards an authoritative approach. This promoted economic growth and development but did not sow the seeds for democratic values. Most member states merely take upon democratic frameworks, but remain resistant towards democratic values. Third, the AHRD is not legally binding. It's merely a framework signed by member states and the region crosses its fingers for it to be adopted as norms.

However, the lack of a strong regional judicial institution, bare minimum commitment of member states and the inability of ASEAN to position itself in the face of civil and political liberties violations suggests a weakness within ASEAN itself rather than AHRD. One of the many things cited as the reason ASEAN stop short of taking any serious actions against violators is the non-interference policy. Coupling this policy with a non-binding framework in regulating human rights results in a regional body that has no authority to reprimand or intervene when transgressions are committed.

Improving AHRD alone would miss the big picture. A reconsideration of the non-interference policy and strengthening the ASEAN Charter to influence the Constitution of member states is required. Lee (2021) mentioned the policy is a byproduct of the Cold War and the historical context on which ASEAN was established. However, a critical lens is needed in assessing how ASEAN can become more firm and relevant in addressing the issues of civil and political liberties. In order to act proactively against the eroding quality of these rights, it must be given the full reins to take action against transgressors. A set of articles in a document isn't sufficient to address these pressing matters, and a policy that limits the actions a regional body can take doesn't improve the situation. The ASEAN Charter too, needs to be lobbied and negotiated so its democratic values become a part of the Constitution of member states. ASEAN requires stronger regionalism and a deep commitment to the protection of civil and political rights that goes beyond articles in a document.

(Total: 700 Words)

References:

- Association of Southeast Asian Nation. (1967, August 8). *The ASEAN Declaration (Bangkok Declaration)*. <https://agreement.asean.org/media/download/20140117154159.pdf>.
- Association of Southeast Asian Nation. (2012, November 19). *ASEAN Human Rights Declaration*. <https://asean.org/asean-human-rights-declaration/>.
- FAISAL Asyraf. (2022, August 18). *2 Politicians, Activist Charged Over Protests Against Price Hikes*. Free Malaysia Today. <https://www.freemalaysiatoday.com/category/nation/2022/08/18/2-politicians-activist-charged-over-protests-against-price-hikes/>.
- Goldman, Russell. (2022, April 27). *Myanmar's Coup, Explained*. The New York Times. <https://www.nytimes.com/article/myanmar-news-protests-coup.html>.
- Langlois, Anthony J. (2021, April 5). *Human Rights in Southeast Asia: ASEAN's Rights Regime After Its First Decade*. Taylor & Francis Online. <https://www.tandfonline.com/doi/full/10.1080/14754835.2020.1843144>.
- Lee, Alex. (2021, November 25). *Interfering Non-Interference: ASEAN and the Myanmar Crisis*. Brown Political Review. <https://brownpoliticalreview.org/2021/11/interfering-with-non-interference-asean-and-the-myanmar-crisis/>.
- Strangio, Sebastian. (2020, October 2019). *Defying State of Emergency, Thailand Student Protests Roll Onward*. The Diplomat. <https://thediplomat.com/2020/10/defying-state-of-emergency-thailand-student-protests-roll-onward/>.
- TAN, Hong Kai. (2022, August 26). *Mahasiswa Bantah Garis Panduan Sekat Aktiviti Politik di Kampus*. MalaysiaKini. <https://www.malaysiakini.com/news/633458>.