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## After Three Years of the AICHR: What is next?

### **I. Background: Ineffective Human Rights Regional Mechanism in Southeast Asia**

The establishment of the AICHR (ASEAN Intergovernmental Commission on Human Rights) can be seen as a new stage of Human Rights development in Southeast Asia. An initiative of the AICHR establishment was formally come from the World Conference on Human Rights in Vienna, Austria in 1993. The conference was resulted several programs of action related the implementation agendas on human rights. The Vienna Declaration and Program of Action have mentioned an urgency of regional human rights mechanism. Article 37 of the declaration said that `regional arrangements play a fundamental role in promoting and protecting human rights; they should reinforce universal human rights standards, as contained in international human rights instruments, and their protection`. Expressly, the declaration has endorsed the establishment of special body on human rights in region level. After long discussions, ASEAN has established the AICHR on October 2009 as an implementation of regional arrangements of human rights.

Normative guidance of the AICHR has referred to its Term of Reference (TOR). In order to implement human rights in the region, the AICHR has had several legal mandates and functions. According to article 4 of TOR, the AICHR has been mandated to (1) develop strategies for the promotion and protection of human rights and fundamental freedom to complement the building of human rights; (2) to develop an ASEAN Human Rights Declaration with a view to establishing a framework for human rights cooperation through various ASEAN conventions and other instruments dealing with human rights; (3) to enhance public awareness of human rights among the peoples of ASEAN through education, research, and dissemination of information; (4) to promote capacity building for the effective implementation of international human rights treaty obligations undertaken by ASEAN Member States; (5) to encourage ASEAN Member States to consider acceding to and ratifying international human rights instrument; (6) to promote the full implementation of international human rights treaty obligations undertaken by ASEAN Member States; (7) to provide advisory services and technical assistance on human rights matters to ASEAN sectored bodies upon request; (8) to engage in dialogue and consultation with other ASEAN bodies and entities associated with ASEAN, including civil society organizations and other stakeholders, as provided for in Chapter V of the ASEAN Charter; (9) to consult, as may be appropriate, with other national, regional

and international institutions and entities concerned with the promotion and protection of human rights; (10) to obtain information from ASEAN Member States on the promotion and protection of human rights; (11) to develop common approaches and positions on human rights matters of interest to ASEAN; (12) to prepare studies on thematic issues of human rights in ASEAN; (13) to submit an annual report on its activities, or other reports if deemed necessary, to the ASEAN Foreign Ministers Meeting; (14) to perform any other tasks as may be assigned to it by the ASEAN Foreign Ministers Meeting<sup>1</sup>

## **II. The AICHR Journey**

In its first three years, the AICHR has achieved many outcomes, as well as, faced several obstacles. Main purpose of this paper is to analyze and understand why AICHR, in its first three years, has not been showed his significances, especially related to civil politics issue. Dynamism of the establishment of AICHR, as well as its three years experiences will specifically discuss. Then, this paper tries to propose several points to respond the situation of ineffective the AICHR.

### **II.1 (First) Three years of the AICHR**

The discussion related to the regionalization of human rights mechanism in Southeast Asia region was began since early 1993. Hsien-Li was mentioned that, during the 26<sup>th</sup> ASEAN ministerial meeting (in 1993), the ASEAN foreign ministers declared that the regional grouping should `consider the establishment of an appropriate regional mechanism on human rights` to support the Vienna World Declaration on Human Rights concluded that same year (Hsien-Li, 2011: 151)<sup>2</sup>. After the 26<sup>th</sup> AMM, discussion to create a regional human rights mechanism had continued. In 1998, the AMM was more detail in mentioned an options form of ASEAN human rights mechanism. The discussion, which had continued until 2009, was tried to break down the concept of human rights regionalization into an applicable human rights mechanism. During the dialogue period (from 1998 – 2009), many issues about basic form of human rights mechanism – functions, mandates, term of reference, name, etc. - had discussed in the AMM.

After its three years, the AICHR has been tried to caring out his mandates and function based on the TOR. In order to understand the AICHR track record, two tables below will summarize activities of the AICHR. The first table is a record of the AICHR programs and the second table is a record of the AICHR statement or press releases.

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<sup>1</sup> Term of Reference of the AICHR

<sup>2</sup> Hsien-Li, Tan. 2011. *The ASEAN Intergovernmental Commission on Human Rights: Institutionalizing Human Rights in Southeast Asia*. Cambridge University Press. New York.. P. 151

**Table 1**  
**The AICHR programs<sup>3</sup>**

No	Program	Time and Venue	Output	Type of Program
1	Regional Seminar on the ASEAN Human Rights Declaration	2 - 3 December 2011/ Bali, Indonesia	The seminar proposed 8 recommendations for the AICHR. In general, the recommendation was mentioned urgency of the ASEAN Human Rights Declaration (AHRD), civil society contribution to AICHR, improvement the ASEAN human rights mechanism.	Seminar
2	Regional Workshop on the Right to Peace	-	-	Workshop
3	the ASEAN Intergovernmental Commission on Human Rights (AICHR) Regional Website and Booklet	-	-	Publication
4	Joint Workshop on Corporate Social Responsibility	28 – 29 November 2012 / Singapore	Provide a conceptual understanding about business and human rights, and CSR issues.	Workshop
5	Regional Workshop and Consultation on Business and Human Rights in ASEAN	11-12 December 2012/ Singapore	Provide an understanding the human rights and gender implications of business activities in the context of Corporate Social Responsibility (CSR), in order to prepare the discussion of thematic issue of AICHR	Workshop
6	Regional Training Program on Promoting Access to Justice and Human Rights	3-6 December 2012/ Bangkok, Thailand	Provide an understanding on the concept of access to justice for marginalized group in order to the implementation of human rights by using administration of justice in ASEAN member states.	Training
7	AICHR Advanced Training Program on Human Rights: Training of the Trainers	13-18 December 2012/ Bangkok, Thailand	Strengthen knowledge and skill of human rights trainers, advocates and practitioners for advancing human rights in the Region.	Training
8	Public Forum with and Reception in honor of the	Thailand	Disseminate information and raise public awareness on the	Seminar

<sup>3</sup> This table was summarized from the activities information on the official websites of the AICHR at [www.aichr.org](http://www.aichr.org)

	Representatives of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR)		AICHR since 2009	
9	Intensive Learning Workshop on Women's Human Rights for the Regional and National Secretariats to ASEAN Human Rights' Bodies	18-21 March 2013/ Bali, Indonesia	Provided a platform for discussion and update on the latest developments in the international normative frameworks on gender equality and women's human rights	Seminar
10	ASEAN Youth Debates on Human Rights	4-5 April 2013/ Makati City, Philippines	Raise greater awareness about human rights among youth	Workshop

On its first three years, the AICHR was leastwise committed ten formal activities. From late 2011 until early 2013, the AICHR had organized three seminars, four workshops, two trainings, and one publication. In general, the entire AICHR event mostly had talked about the development of human rights in Southeast Asia region, as well as, framed the AICHR contribution in the region. In addition, in its first three years, the AICHR was issued a number of press releases related to its official activities as well as its official response to the human rights situation in region. The table below will summarize the AICHR public statements since its establishment.

**Table 2**  
**The AICHR Press Statement<sup>4</sup>**

No	Issue of Press Statement	Time Issued
1	Press Statement by the Chair of the AICHR	1 April 2010
2	Press Release of the Third meeting of the AICHR	24 September 2010
3	Press Release of the Fourth meeting of the AICHR	10 February 2011
4	Press Release of the Sixth Meeting of the AICHR	28 June 2011
5	Press Release of the Special Meeting of the AICHR	24 August 2011
6	Press Release of the Seventh Meeting of the AICHR	28 November 2011
7	Press Release of the First Meeting of AICHR on the ASEAN Human Rights Declaration Siem Reap, Cambodia	8 January 2012
8	Press Release of the Second Meeting of AICHR on the ASEAN Human Rights Declaration	17 February 2012
9	Press Release of the Eighth Meeting of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the Third Meeting of AICHR on the ASEAN Human Rights Declaration (AHRD)	9 March 2012
10	Press Release of the Fourth Meeting of the ASEAN Intergovernmental Commission on Human Rights (AICHR) on the ASEAN Human Rights Declaration (AHRD)	9 April 2012
11	Press Release of the Fifth ASEAN Intergovernmental	25 April 2012

<sup>4</sup> This table was summarized from the activities information on official websites of the AICHR at [www.aichr.org](http://www.aichr.org)

	Commission on Human Rights ASEAN Secretariat	
12	Fifth Meeting of AICHR on the ASEAN Human Rights Declaration (AHRD)	6 May 2012
13	Press Release of the Sixth Meeting of the ASEAN	3 June 2012
14	The Seventh Meeting of the ASEAN Intergovernmental Commission on Human Rights (AICHR)	22 June 2012
15	Special Meeting of the ASEAN Intergovernmental Commission on Human Rights (AICHR)	24 August 2012
16	The Second Regional Consultation of the ASEAN Intergovernmental Commission on Human Rights (AICHR)	12 September 2012
17	The Tenth Meeting of the ASEAN Intergovernmental Commission on Human Rights	21 September 2012
18	Press Release of the Round Table Discussion and the First Coordination Meeting of the AICHR Thematic Study on Migration and Human Rights	11 November 2012
19	Press Release of the 11th Meeting of the ASEAN Intergovernmental Commission on Human Rights (AICHR)	2 February 2013
20	Press Release of the Special Meeting of the ASEAN Intergovernmental Commission on Human Rights (AICHR) 2013	10 March 2013

Since its establishment, the AICHR was issued no less than twenty of official press releases. In general, the issued press releases mostly contained the information of events which was organized by the AICHR. The two tables above describes that in its first three years, focus of the AICHR is creating a fundamental base of organizations. Further, the AICHR was started to carry out its promotion mandates. According to the data on the table, several seminars and workshops that organized by the AICHR can be clarified as an AICHR promotion effort on human rights. Nevertheless, the main critic for AICHR in its first three years is its lack of respond to the contemporary issue of human rights in region.

Common commentary conveyed that the AICHR activities not really focus on promotion and protection of civic politic rights issue. The AICHR seems not courageous enough in dealing with many (civil-politic) human rights violation which conducted by ASEAN states government. The AICHR also had not been showed its response – absence - to a number of contemporary human rights dynamism in Southeast Asian such as violence against Bersih 3.0 activists by police officers in Malaysia on April 2012<sup>5</sup>,

<sup>5</sup> The Bersih 3.0, in Malay called *Duduk Bantah*. This activism was organized by the Coalition for Clean and Fair Election and supported by *Pakatan Rakyat* Group – one of political opponent political group in Malaysia. The Bersih 3.0 rally was held on 28 April 2012. It was estimated that 50.000 Malaysian people was joint to the rally. However, the police was repressed to the protestors. Moreover, 512 protestors were arrested due to his involvement in the rally.

violence against Rohingya people in Myanmar on June 2012<sup>6</sup>, and disappearance of Lao Human Right Activist, Mr. Sombath Somphone on December 2012<sup>7</sup>. As a human rights body in region, we obviously expect that the AICHR gave serious respond to deal the cases.

Those evidences express that the AICHR not really unimpeded with his task to promote and protect human rights people. Moreover, we obviously expect that the AICHR contributes to endorse democratic consolidation in Southeast Asia. According to Mely Antonio, many Southeast Asian countries now try to pass democratic transition or consolidation stage. Anotonio was pointed out that we have already seen the dramatic political transition of authoritarian regimes to emerging democracies. These transitions, for instance, was occurred in Indonesia, Thailand, Malaysia, Singapore, etc. The AICHR task in taking care of human rights implementation in the region should be an instrument to support the democratic consolidation agenda. Nevertheless, the AICHR seems ineffective to directly involve in dealing contemporary human rights violation in Southeast region. The Solidarity for Asian Peoples' Advocacy Task Force on ASEAN and Human Rights (SAPA TF-AHR) was stated that ASEAN's human rights body has yet to implement responsibilities outlined in its own Terms of Reference (TOR) and the ASEAN Charter. Further, SAPA TF-AHR was also mentioned that AICHR has lack of procedure, as well as, lack of work plan.

## **II.2 Ineffective of the AICHR**

Due to absence of response, as well as, an effort to dealing contemporary human rights issue in Southeast Asia region, we try to bravely claim that the AICHR has been ineffective in its first three years. There has not been any meaningful effort that showed by the AICHR to push the ASEAN member states if human right violation occurred in their territory, as well as, any political statement of the AICHR to respond situation. As we mentioned before, there are two crucial factors that relatively influence ineffective of the AICHR, those are poor mandates of the AICHR and the ideas of human rights that not wholly compatible with `Asian norms`.

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<sup>6</sup> The Rohingya crisis in Myanmar is about 125.000 displace people in Rakhine State, Myanmar. Many of them got discriminated from majority groups of Myanmar. Further, in June 2012, violence was escalated against Rohingya people.

<sup>7</sup> Sombath Somphone is a democracy and human rights activists in Lao. He was founded Lao People Democratic and Participatory Development Training Center (PADETC). Both of institutions he founded worked for community development and democracy principle education. Sombath Somphone was disappeared on the evening 15 December 2012. The CCTV was captured arrested process of Sombath Somphone in the front of local police office. However, the police have denial to response. Until now, there was not a clear information from the Lao Authorities about Sombath Somphone.

### **II.2.1 Poor and vague Mandates of the AICHR**

One of crucial factors which make the AICHR cannot effectively creates the order of regional human rights mechanism in Southeast Asian is its lack of formal mandates. TOR, as a formal reference for the AICHR, has been precisely limited the AICHR effort to mainstreaming human rights in Southeast Asian. Hsin-Li was mentioned that the ToR describes the AICHR as a ‘consultative body’ which suggesting it is to have no independent power (Hsien-Li, 2011: 47)<sup>8</sup>. Due to its lack of power, the AICHR only authorized to convene ‘a promotion activity’. There are any straightforward words in TOR that gave the AICHR mandates to respond the human rights violation, for instance, there is any authority for the AICHR to receive public complaint or investigate the suspected human rights violation in Southeast Asian region. As we see on the table I and table II, the reason why the AICHR activities and press statements during its first three years had not really touched ‘sensitive’ human rights issue is simply because of the TOR.

Besides lack of mandates, other matter for the AICHR related to the TOR is its vague mandates. Many of vague as well as unclear words has found in the TOR. Hsin Li was said that its functions are expressed in such imprecise language as ‘develop strategies for the promotion and protection of human rights enhance public awareness of human rights’ and ‘to obtain information from ASEAN Member States on the promotion and protection of human rights’ (Hsin-Li, 2011: 93)<sup>9</sup>. For Hsin Li, the language used in the TOR to describing the AICHR mandates is unclear. To deal these tricky difficulties, the AICHR should create one paper work to interpret and breakdown the TOR. However, again, the AICHR does not have any space enough to ‘tricks’ its vague mandates due to the independency matter (Political influence of Southeast Asian Political Regime). Further, Hsin Lie also was said that the AICHR is designed to rely on ‘peer pressure’ (Hsin-li, 2011: 98)<sup>10</sup>. This matter was mentioned by the Special Assistant to the Secretary-General of ASEAN which said that the AICHR ‘is never intended to be any “independent watchdog”’.

A poor mandate of the AICHR was intended designed by the ASEAN elites during its establishment. Decision to establishment of regional human rights body is based on ‘cost-benefit’ discussion among ASEAN member countries. Hsin Lie was mentioned that whereas effective regional human rights regimes can impose significant ‘sovereignty

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<sup>8</sup> Hsien-Li, Tan. 2011. *The ASEAN Intergovernmental Commission on Human Rights: Institutionalizing Human Rights in Southeast Asia*. Cambridge University Press. New York.. P. 47

<sup>9</sup> Ibid P.93

<sup>10</sup> Ibid P.98

costs' on a state through external scrutiny and monitoring, these institutions offer no obvious material benefits to the states involved (Hsin-Li, 2011: 3)<sup>11</sup>. Meanwhile, Hiro Katsumata was also conveyed skeptically commentary related to the establishment of the AICHR. Katsumata said that the establishment of human rights regional body based on the reason that the ASEAN countries are worried about their international reputations and image, they have begun to discuss human rights and democracy and to criticize member countries' domestic policies (Katsumata, 2004: 245)<sup>12</sup>. ASEAN elites had had not honest thoughtful commitment in mainstreaming human rights in ASEAN region. Therefore, ineffective of the AICHR can be seen as an impact of ASEAN elites who have not serious commitment in human rights.

### 11.2.2 Human Rights versus `ASEAN norms`

Another aspect that influences unsuccessful regionalism agenda on human rights in Southeast Asian, as well as, ineffective of the AICHR is due to the incompatible values between human rights idea and ASEAN way. Risse, Ropp, and Sikkink said that Human rights norms are well institutionalized in international regimes and organizations, and finally, they are contested and compete with other principles ideas (Risse, Ropp, and Sikkink, 1999)<sup>13</sup>. Further, Risse and Sikkink also explained that human rights norms often opposed by domestic norms. Further, they said that international human rights norms challenge state rule over society and national sovereignty, any impact on domestic change would be counter-intuitive<sup>14</sup>. Truthfully, it will difficult enough to define what `ASEAN way` is it, or how many Southeast Asian people know and commit with it. Related to the ASEAN way debates, Mauzy was tried to explain that, in principle, there is no share values among Southeast Asian people. Mauzy said that there is no single pan-Asian view or set of values, there is no uniform ideology, and there is no single cultural system. Clearly, not all Asians share all Asian values (Mauzy, 1997: 215)<sup>15</sup>. Nevertheless, the ASEAN way can be traced in several formal documents of ASEAN, which are created by ASEAN elites. ASEAN charter, for instance, has mentioned several basic principles of ASEAN such as (1) mutual respect for the independence, sovereignty, equality, territorial integrity, and

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<sup>11</sup> Ibid. P.3

<sup>12</sup> Katsumata, Hiro. 2004. *Why is ASEAN Diplomacy Changing? From `non-interference` to open and frank discussion*. Asian Survey, Vol. 44, No. 2 (March/April 2004), pp. 237-254. Published by: University of California Press. Stable URL: <http://www.jstor.org/stable/10.1525/as.2004.44.2.237> . Accessed: 08/04/2013 07:44 P.245

<sup>13</sup> Risse, Thomas; Stephen C, Ropp; and Sikkink, Kathryn. 1999. *The Power of Human Rights*. Cambridge University Press. Australia

<sup>14</sup> Ibid

<sup>15</sup> Diane K. Mauzy. 1997. *The human rights and 'Asian values' debate in Southeast Asia: Trying to clarify the key issues*. The Pacific Review, P.215

national identity of all nations; (2) the right of every state to lead its national existence free from external interference; (3) non-interference in the internal affairs of one another; (4) settlement of differences or disputes by peaceful means; (5) renunciation of the threat or use of force; and (6) effective cooperation among members through consultation and consensus<sup>16</sup>.

Many of the ASEAN states, especially Singapore and Malaysia, have conveyed strong refusal to the idea of human rights and democracy. Mauzy also said that this debate is often viewed in terms of a contest between the West, advocating the values of liberal democracy, and the East, representing the values of conservatism and tradition (Mauzy, 1997: 211)<sup>17</sup>. Anwar Ibrahim commentary can represent the existing conflicting norms between ASEAN norms and human rights norms. Ibrahim said that traditionally in Asia, there was only the concept of duties and responsibilities; the concept of rights was imported from the West (Mauzy, 1997: 215)<sup>18</sup>. Mauzy has summarized the reason why the ASEAN states oppose the idea of human rights. First reason is, the ASEAN states, based on their own assumption, refuse to be a western bullying. Second, the growth of confidence among ASEAN states due to economic successes. Third reason is, based on Mauzy clarification, there is a widespread suspicion that the West has a hidden agenda to maintain hegemony by slowing down Asian prosperity and crippling its competitiveness by 'changing the rules' to invoke a new kind of protectionism with human rights and democracy as the standard-bearers, succeeding the old banners of colonialism and Christianity (*Far Eastern Economic Review* 7 April 1994: 20-21, at Mauzy, 2007: 212)<sup>19</sup>

These conflicting ideas between human rights and ASEAN norms become a serious barrier for the AICHR activities. ASEAN states will use ASEAN charter as a 'bumper' to refuse regional or international intervention related to the human rights problem in their country. Several principles of ASEAN norms, such as 'non-interference of domestic affair', 'mutual respect for the sovereignty of member states', etc., will be used by ASEAN country to refuse the AICHR effort in monitoring implementation of human rights in their country.

### III. After its three years, what is next?

There are several points to respond ineffective the AICHR work in its first three years in promoting and protecting human rights in Southeast Asian region. What we

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<sup>16</sup> ASEAN charter

<sup>17</sup> Diane K. Mauzy. 1997. *The human rights and 'Asian values' debate in Southeast Asia: Trying to clarify the key issues*. The Pacific Review, P. 211

<sup>18</sup> Ibid p. 215

<sup>19</sup> Ibid p.212

should consider both of internal aspects and external aspects of the AICHR, these are: strengthen the AICHR, empowering Southeast Asian advocacy network, and initiate new ASEAN norms.

### **III.1 Strengthen the AICHR**

A crucial step to take over the situation of ineffective human rights mechanism in Southeast Asia is by optimizing an existing human rights body. Establishment of the AICHR should be appreciated as a part of human rights development in Southeast Asia region. However, in the other hand, evaluations, critics and insights should also be conveyed to improve the AICHR. Hsin-Li was said that 'an ASEAN human rights mechanism' is a 'worthy idea that should be pursued further' (Hsin-Li, 2011: 89)<sup>20</sup>. The AICHR should start to initiate a discourse to strengthen the AICHR mandates and authority. As a regional human rights body, receiving public complaint as well as investigating a suspected human rights violation should be a minimum mandate for the AICHR. Furthermore, the AICHR also should be prospected to be an effective regional dispute settlement body.

Meanwhile, the AICHR has also elegantly in using the existing TOR. The AICHR should not use 'text book' interpretation in implementing the TOR. Hsin-Li has corrected when suggesting the AICHR has to creatively interpret its own mandate, and push into areas not explicitly listed, such as investigating, reporting and arbitrating individual complaints of human rights abuse (Hsin-Li, 2011: 90)<sup>21</sup>. In order to strengthen the AICHR institution, creating effective work plan should be seriously concerned. According to its work plan, the AICHR only works for one thematic issue in each year. The AICHR has potential resource to disseminate more than one human rights issue per year. Moreover, the thematic issue of the AICHR less concern to the civic political issue of human rights. Dynamism of democracy consolidation in Southeast Asia, precisely, should be seriously captured for the AICHR discussion. The AICHR should also give proportion enough in discussing civil political issue in ASEAN states to promote democracy.

### **III.2 Empowering Regional Advocacy Network in Southeast Asia**

As Amatav pointed out, until now, the engagement of civil society in ASEAN has been minimal (Amatav, 2003: 383)<sup>22</sup>. Whereas, other measure to respond the situation is

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<sup>20</sup> Hsin-Li, Tan. 2011. *The ASEAN Intergovernmental Commission on Human Rights: Institutionalizing Human Rights in Southeast Asia*. Cambridge University Press. New York.. P.89

<sup>21</sup> Ibid 90

<sup>22</sup> Amitav Acharya (2003): *Democratisation and the prospects for participatory regionalism in Southeast Asia*,

by empowering regional advocacy network in Southeast Asian. Several scholars prefer to using `transnational advocacy` terminology than `regional advocacy` to explain collaboration advocacy work across the states. Several others using terminology of `global civil society`. This paper use `regional advocacy network` terminology to define NGO activities in Southeast Asian simply because the scope of network is on region. Clifford Bob defined global civil society as a home for conservative and progressive interest, religious or secular groups, or violent and non-violent actions (Edwards, Michael. 2011: 615)<sup>23</sup>. Price also defined transnational civil society as a set of interactions among an imagined community to shape collective life that are not confined to the territorial and institutional spaces of states<sup>24</sup>.

According to Jordan, there are three reasons to explain the emergence of civil society: first, that representative government at the national level is not a sufficiently effective arrangement to address domestic or cross border social problems; second, that representative governance does not naturally extend to the global arena; and third, those in orders to resolve local problems, people sometimes have to organize globally (Edwards, Michael, 2011: 96)<sup>25</sup>. Jordan had also pointed out about the implication of global civil society. For Jordan, global civil society will bring the accountability of governors to the governed; transparency in public policy deliberations and outcomes; and public participation in policy formation.

**Table III**  
**Selected Southeast Asian NGOs with a regional focus<sup>26</sup>**

No	Name of regional NGO	Head Office	Main Issue Areas
1	Focus on The Global South	Bangkok	Campaign against neoliberal globalization
2	Asian Forum for Human Rights	Thailand	Promote democracy, human rights and Development (Forum Asia) and a regional response
3	ALTSEAN (Alternative ASEAN)	Bangkok	Human rights and democracy in Burma
4	Asia Pacific Conference in	Sittings varied	Human rights and self-East Timor (APCET) determination in East Timor

Third World Quarterly, 24:2, P.383

<sup>23</sup> Clifford Bob (2005) in Jordan, Lisa; in Edwards, Michael. 2011. *Handbook of Civil Society*. Oxford University Press. P. 615

<sup>24</sup> Price, Richard. 1998. *Transnational Civil Society Targets Land Mines*. The MIT press. P.615.

<sup>25</sup> Jordan, Lisa. on Edwards, Michael. 2011. *Handbook of Civil Society*. Oxford University Press. Oxford. P. 96

<sup>26</sup> The table was cited from Acharya (2003) which is its source from personal Interviews with NGO officials, Bangkok, January 200 and June 2002

5	Third World Network	Penang (Malaysia)	Campaign against neoliberal Globalisation; human rights (social and economic rights)
6	Towards Ecological Recovery and Regional Alliance (TERRA)	Thailand	Environmental Protection Issue
7	Committee for Asian Women	Bangkok	Women's issues, especially labour
8	Via Campesina (South East Asia)	Bangkok	Peasants, farmers Assembly of Poor
9	ASEAN cultural Forum and Development	Thailand	Human Rights
10	Child Workers in Asia (CWA)	Thailand	Children Rights (Especially in Work)
11	End Child Prostitution, Child Pornography trafficking of Children of sexual purpose (ECPAT International)	Thailand	Child protection from pornography
12	Global Alliance Against Traffic in Woman (GGATW)	Thailand	Women Rights (especially trafficking in women)
13	Asian Indigenous Peoples Pact (AIPP)	Thailand	Indigenous People Right
14	Asian Pacific Forum on Women Law and Development	Thailand	Women Rights
15	Asian Coalition for Housing Rights	Thailand	Housing rights
16	Asian Regional Resource Centre for Human Rights Education (ARRC)	Thailand	Human Rights Education
17	Coalition Against Trafficking in Women in Asia Pacific (CATW-Asia Pacific)	Philippines	Women Rights (anti trafficking and prostitution)
18	International Young Christians Students (IYCS)	Philippines	Human Rights Education

The table above had listed the existing selected Southeast Asian advocacy network. In the context of ineffective the AICHR, empowering advocacy network become a necessity, to promote and protect human rights in Southeast Asian. The working of regional advocacy network in Southeast Asian will balance the weakness of the AICHR. Further, Amatav was said that the emergence of civil society in region will bring a participatory regionalism. Risse, Ropp, and Sikkink was proposed a `boomerang pattern` which can essentially applied in describing the role of regional advocacy network in ASEAN. Basically, Risse, Ropp, and Sikkink explained that when channels between the state and its domestic actors are blocked, the boomerang pattern of influence characteristic of transnational networks may occur: domestic NGOs bypass their state and directly search out international allies to try to bring pressure on their states from outside (Risse,

Ropp, and Sikkink, 1999: 12)<sup>27</sup>. In the context of boomerang pattern, Southeast Asian advocacy network has a function to monitor, and sometime, has to push the AICHR.

The number of Southeast Asian advocacy network has not really huge. Moreover, there is any particular advocacy network which have work field in Southeast Asian. Most of existing advocacy network not only focuses in Southeast Asia, but also broadly in Asia. However, their contribution in promoted and protected human rights in Southeast Asian could not be negated. They had worked for many issues of human rights such as migrant, human trafficking, woman and children protection, environment, etc. The voice of Southeast Asian advocacy network related to the human rights violation will be looked-for, especially while absence of the AICHR response.

### III.3 Initiate a new ASEAN norms

Finnemore and Sikkink had defined a norm as a standard of appropriate behavior for actors with a given identity (Finnemore and Sikkink, 2009: 891)<sup>28</sup>. Further, they also said that one logical corollary to the perspective quality norms are that, by definition, there are no bad norms from the vantage point of those who promote the norm<sup>29</sup>. In point of fact, due to its universalism, not all of the human rights norms will compete with ASEAN norms. As a Donely said, human rights are often held to be universal in the sense that most societies and cultures have practiced human rights throughout most of their history. Further, Donely also said that all societies cross-culturally and historically manifest conceptions of human rights (Donely, 2007: 284)<sup>30</sup>. For instance, ASEAN norms, even it was an elite product, had proposed the value of consensus which is in one crucial aspect in (west) democracy: the participatory way to pursue a collective decision.

Nevertheless, as already mentioned at previous discussed, the ASEAN norms has been became an obstacle for the AICHR and human rights regime in Southeast Asian to promote and protect basic human rights of people. Other potential effort to solve this matter is start to initiates new ASEAN norms which be accordance with human rights norms. The AICHR and Southeast Asian Advocacy network should be, according to Finnemore and Sikkink, `norm entrepreneurs`. Both of the AICHR and Southeast Asian advocacy network should conduct a civic transmission. This effort to civilize society was became Edward concern. Edward said that normative aspirations are the most powerful

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<sup>27</sup> Risse, Thomas; Stephen C, Ropp; and Sikkink, Kathryn. 1999. *The Power of Human Rights*. Cambridge University Press. Asutralia p.12

<sup>28</sup> Finnemore, Martha and Sikkink, Kathryn. 2009. *Interntional Norms Dynamic and Political Change*. International Organization, Vol 52, No 4. P. 891

<sup>29</sup> Ibid

<sup>30</sup> Jack, Donnelly. 2007. *The Relative Universality of Human Rights*. Human Rights Quarterly, Volume 29, Number 2, May 2007, pp. 281-306 (Article). The Johns Hopkins University Press. P. 284

source of energy that drives collection action (Edwards, 2011: 96)<sup>31</sup>. A future ASEAN norm should accommodate the value of human rights and democracy. There are several constraints will be faced in order to initiating new norms. First, the internalization of new norms will takes long time. Norm life cycle that explained by Finnemore and Sikkink – from norm emergence stage, norm cascade stage, until internalization stage –has a long route. Other potential constrains is when the norm will face an `interest` or `power`. Amitav has also pointed out that ASEAN itself has shown a strong resistance to post-sovereign regional norms. It shows no explicit commitment to democracy and human rights adopted by European or Latin American regional institutions (Amatav, 2003: 387)<sup>32</sup>.

## VI. Conclusion

Establishment of the AICHR should to be appreciated, and positively responded. It has a form of human rights development in Southeast Asian. Emergence of the human rights institutional body in the region had indicated one aspects of ASEAN commitment on human rights. Nevertheless, in its first three years, the AICHR had seems ineffective because several obstacles: poor mandates of the AICHR and conflicting idea between human rights norms and ASEAN norms. To respond the obstacle, the AICHR should to be strengthened. Further, the AICHR also have to optimize its existing mandates. Empowering Southeast Asian advocacy network will be crucial to balancing the AICHR work in promote and protect human rights. For many cases, Southeast Asian advocacy network also needed to assist, monitor, and investigate human rights violation in region. The last, the AICHR and Southeast Asian advocacy network should initiate new ASEAN norms which accommodates human rights value and democracy.

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<sup>31</sup> Edwards, Michael. 2011. *Handbook of Civil Society*. Oxford University Press. Oxford. P. 96

<sup>32</sup> Amitav Acharya. 2003. Democratisation and the prospects for participatory regionalism in Southeast Asia, *Third World Quarterly*, 24:2, P.387

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### Documents

ASEAN Charter

Term of Reference of the AICHR

Work Plan of the AICHR

### Online Source

[www.aichr.org](http://www.aichr.org)