

## COPING WITH HUMAN RIGHTS CHALLENGE: A PERSPECTIVE FROM ASEAN

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### Abstract

*Since its inception, ASEAN has constantly faced criticism from western countries and international human rights organizations. This paper particularly focuses on ASEAN human rights and non-interference policy. ASEAN has established two new commissions: Intergovernmental Human Rights Commission and Protection of Women and Children. This study focuses on the current state of human rights in ASEAN and addresses the following key questions: how ASEAN deals with human rights problems? Why ASEAN response to human rights has been considered as insufficient to handle/tackle human rights problems effectively? Hence, a qualitative approach was applied to this study using secondary sources of data. This study is based on thorough literature review and critical analysis of ASEAN human rights situation, by reviewing the relevant studies on human rights challenges in ASEAN, and its strategies in tackling this challenge. This study concludes that although the problem of human rights is recognized as per national, regional and international laws, but the challenge to implement them in letter and spirit require more concrete step at regional level on behalf of ASEAN, however, Non-intervention policy is a serious challenge to collective decision making on ASEAN human rights. Therefore, ASEAN needs to setup a mechanism where the member states can find common ground to handle human rights challenge.*

**Keywords:** ASEAN, Human Rights, Coping, National and International Laws, Decentralized and Community.

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## **Introduction**

The issue of human rights in ASEAN has remained the focus international criticism since decades in western media. This paper focuses on four points: First, the current state of Human Rights in ASEAN; second, Human Rights challenges; third, institutional mechanism-ASEAN response to Human Rights, and fourth, problems in implementation (Non-intervention policy). This study suggests that a mechanism should be developed in which ASEAN could intervene if there is an issue of human rights violations. The compliance and implementation of human rights laws should be made in true spirit so that the ASEAN member states could get maximum advantage.

In this paper, the researcher further looks at the current state of human rights in ASEAN and address the following key questions: how ASEAN deals with human rights problems? Why ASEAN response to human rights has been considered as insufficient to handle/tackle human rights problems effectively? This article is divided into five sections: first offers insights into Human Rights, second looks at the various challenges for which human rights issue has lingered on for many decades. Third section highlights about institutional mechanism to tackle human rights issues within ASEAN. Fourth section further explains the non-interventionist policy of ASEAN and why non-interventionism is considered as a big challenge in addressing human rights violations, while the last section presents a conclusion.

## **Literature Review**

Human Rights are often assumed to be axiomatic and should be granted to all human beings on earth. Human Rights violations are regarded as contrary to human morality and civilized culture. However, the concept of Human Rights and how it is perceived might be different and dependent on where a certain observer is standing.

The literature that focuses on human rights is in abundance. However, these studies have been done from various perspectives, for instance, norms, and values of ASEAN, (Narine, 2012), human rights smooth sailing or conflicting situation (Ginbar, 2010), commitment to human rights (Mohamad, 2002), how human rights have been institutionalized in ASEAN (Tan, 2011), and debates over human rights and its values in ASEAN (Mauzy, 1997). Similarly, various scholars have looked at the human rights in ASEAN from many theoretical lenses, for example, Constructivism (Kraft, 2001), rational choice (Davies, 2013), idealism (Tomuschat, 2014), non-interference (Arendshorst, 2009), and security (Acharya, 2009).

Moreover, ASEAN embraced human rights in 2012. This charter was seen from different angles. For instance, from its genesis, states adopted different positions on the charter. Some termed it achievement but some others deemed it unnecessary or a failed direction of ASEAN, but this study in its argument suggests that it was an ‘incompletely theorized agreement’ and an attempt to understand the same phenomenon from different lenses. In addition, this study gravitates around regional identity. This research finds that given the diverse nature of the region, attitudes on human rights and democracy can be seen as an effort in the right direction.

However, Gilson (2018) argues that although the ASEAN members are working hand in hand to resolve the problems across the borders, such as; land grabbing and environmental degradation. Apart from these problems, Member countries are working to enhance economic cooperation and resolve security issues within the region. He further says that even though the realization is there about regional and international issues but ASEAN as a regional organization is faced with many structural challenges, which is the main hindrance to resolve these issues.

ASEAN has witnessed a transformation not only in democracy but governance too. Since the inception of ASEAN charter in 2007, it has

remarkably stipulated governance, the supremacy of law and respect for human rights. In the Post-Cold War era, it has further strengthened interaction among its member states in social, cultural, security and political arenas. However, the Constructivists argue that ASEAN community has evolved through diplomacy and policy of accommodation. Among its important values that binds member states to respect and intact their core values have been 'factor of Non-Interference among member states' (Gomez & Ramcharan, 2014).

Similarly, the study by Manea (2015) argues about how ASEAN reacted in the Post Asian Financial crisis in 1997. In the backdrop of these financial crises, a greater effort was put on to regional integration. At the same time, Southeast Asia was undergoing a complex web of socio-political, economic and democratization process. Of late, the new generation of leadership in ASEAN community is facing new challenges at national and international levels. There have been more demands for inclusive decision-making and re-energize and re-inject a new spirit of more economic liberalism besides political dimensions that could include factors like, human rights, democracy, and civil society. Her study suggests that in the process of transformation, there is an urgent need of including 'human rights in the normative core of ASEAN' so that its capacity could be developed and shape through human rights in ASEAN regional architecture (Manea, 2015).

Since the establishment, ASEAN has made commendable progress in many areas, but still there are some areas, where she needs progress, such as, right to protect, non-interventionist approach, fundamental human rights, which are seen as main obstacles in the institutional enhancement of ASEAN and its practical approach towards human rights. ASEAN is still a young organization and it will need time to evolve as a fully functional regional grouping. Where regional issues can be addressed through consensus and collective decision making, (Petcharamesree, 2016). This study is to conduct investigation on current state of ASEAN human rights and challenges faced by

ASEAN in the form of Non-interference approach of regional grouping.

### **Methodological Assumptions**

This research article adopted qualitative approach, which was based on two types of resources, 1) ASEAN Human rights records through their data pool and 2) Secondary resources, i.e., Journal articles, books and magazines etc. was referred for further elaboration, explanation and analysis.

### **An Insight into Human Rights**

In this section, we shall first attempt to define the concept of Human Rights and briefly look at the historical development. In the second, we shall look at the universalism vs. cultural relativism debate, which takes on particular relevance in the Southeast Asian context.

According to Amnesty International, human rights are 'basic rights' and freedoms that all people are entitled to regardless of nationality, sex, national or ethnic origin, race, religion, language, or another status (Clark, 2010). Moreover, in our contemporary understanding, they are intended to protect individuals from abuse of power by the governments (Freeman, 2002; Freeman, 2017).

Human rights are typically divided into different categories, the most famous (and least contested) being those rights contained in the first column of the Universal Declaration of Human Rights (UDHR), like the right to life and liberty, to equality before the law and a fair trial. He further says that sticking to the division in the Universal Declaration, in the second column we find more disputed rights, such as the right to own property and to seek asylum, while the third column contains the so-called political rights, like freedom of speech and assembly. The fourth column is that of the newest - and most contested - rights, such as the right to work and to social security, (Glendon, 2004).

Scholars are divided over the historical origins of the concept of human rights. According to some, human rights concept introduced recently, in 1948, with the drafting of the Universal Declaration of Human Rights. A more common view, however, is that our contemporary understanding of human rights has a much longer history. While some scholars believe that human rights were implicit in ancient cultures, especially, in Greece and Rome. Others argue that their development is considerably more recent, citing the Magna Charta 1215 (John the king of England signed a charter of right on 15<sup>th</sup> June, 1215 at Runnymede near Windsor called Magna Carta), the Renaissance or the Enlightenment as the point in time when the history of modern human rights began (Johnson, 2015). It is beyond doubt that the Enlightenment was indeed a very fruitful period in the history of human rights and that the Glorious, the French and the American Revolution, with the drafting of important legal documents such as the *Déclaration des Droits de l'Homme et du Citoyen* de 1789 are to be considered important steps.

Even more relevant for our understanding of human rights today is, however, the Universal Declaration of Human Rights, adapted by the UN General Assembly in 1948. A nonbinding document, the UDHR was drafted in response to the atrocities of World War II, based on the idea that there are some values, which are common to all humans across the globe (Kunz, 1949).

What is important for our discourse is the universality that is implicit in the understanding of human rights ever since 1948. Universal validity is indeed one of the founding principles of our contemporary understanding of human rights, an interpretation that has, however, faced a lot of criticism, especially in Asia. Cultural relativists argue, in fact, that the universal application of human rights, without taking culture into account, diminishes cultural identity, paradoxically being a human rights violation in itself (Reichert, 2006). Another frequently used argument by cultural relativists is that human rights are a Western concept, and their enforcement through the UDHR a form of

cultural and moral imperialism.

This interpretation was very popular during the 1990s, especially in Southeast Asia, with Dr. Mahathir and Lee Kuan Yew being the protagonists of the so-called 'Asian values' debate. Their main argument was that human rights, being a Western concept, are not applicable to the Asian context, where other values – such as respect for authority and the community – prevail over the rights and liberties of individuals (Sen, 1997).

These views were, however, very much criticized, one of the fiercest opponents being Nobel Prize laureate Amartya Sen. He convincingly argued that it is academically questionable to speak of Asian values (both per se and in opposition to Western values), as well as to claim that human rights are a concept that only belongs to Western tradition (Sen, 1997). Cultural relativism has also been criticized for being a dangerous tool that can be used to justify human rights violations by those who hold power, who can simply invoke culture as an excuse (Reichert, 2006).

### **Human Rights Challenges in Southeast Asia**

The status of HR in ASEAN is such that several of the member countries have dubious human rights records, e.g. women have low status, because they have been considered as inferior, besides there is a strong cultural belief that men are more superior to women in some of the Southeast Asian societies. There is an urgent need of changing the mind-set towards women. In context to this, there is an earnest need to create awareness through different platforms and legalizing the rights of women (Hien, 2016).

There is primarily the problem of the structural weakness of the existing Human Rights bodies. The fact remains that Southeast Asia faces diverse human rights challenges. We know it is not easy to tackle the recorded problems. The UNCHR has clearly stipulated in its charter that discrimination and violence of any kind relating to

human rights and fundamental freedoms and protection of racial, national, religious and linguistic minorities. It also emphasized that the rules and regulation need to be incorporated or introduced so that the worst human rights violating situation could be prevented and reduced.

This is due to the lack of legal enforcement for institutions like the UNHCR in forcing sovereign states to abide by the UDHR. Thus, it might be necessary for the Commission to examine the basic structure of the respective countries for better and effective operations.

Our reference here is, the Terms of Reference (TOR) the ASEAN adopted for the new ASEAN Intergovernmental Commission on Human Rights (Tan, 2011). Some Human Rights issues that exist in the ASEAN region are:

### *Human trafficking*

There are many cases of human trafficking in Lao PDR and across its borders, often with the complicity of border guards. Often Lao men, women and girls, and children are trafficked for sexual and labor exploitation to Thailand. Often there are reports that men are trafficked into forced labor in factories and the fishing industries, while women are forced into marriages or prostitution. According to the World Vision Laos, many parents do not know where their children are, and most of the children who return home suffer terrible experiences, and a high percentage reports that they have been locked up and/or raped (Schloenhardt, 2017). Those problems come from lack of human rights-based legislation on human trafficking and on the exploitation of women and children.

At the same time, the current legislation may not reflect the international standards, although in this example the Lao Government has dealt with many difficult problems and has set up action plans to resolve the problems through resolutions, regional agreements, workshops on anti-trafficking and so on. Now, one can

only hope that the Lao Government will increase the efforts to prosecute and convict people who profit from or are involved in trafficking. However, the same issue also exists in another region like, the Sub-Mekong. The people of this region prefer to migrate to other wealthier states, for instance, in Thailand. In the context of Laos and Cambodia, more than half of the population under age of 30, thinking of migrating to fill unskilled jobs. They are also the ones most vulnerable to trafficking (Emmers, Greener-Barcham, & Thomas, 2006).

### *Lack of protection mechanism for minorities*

Southeast Asia is one of the most ethnically diverse regions in the world. Yet mechanisms are not in place to promote and protect the rights of minorities and indigenous peoples. Within ASEAN there is, for example, the case of Thailand that faces human rights issues concerning her ethnic minorities. There are many ethnic hill tribes in Thailand, many of whom have lived in the country for a long time and still have not received the Thai citizenship. This is because they are labeled as outsiders, which makes it much more difficult for them to get the citizenship or to get proper identification, which in turn is necessary to apply successfully for work. Only an estimated 20 percent or one out of five million tribal people have received formal citizenship (Morton, 2016). One big problem the hill tribes face is that they are being accused by the government of trafficking in drugs and destroying of the forests. Their human rights are often at risk because of the way government officials treat them (Laungaramsri, 2003).

### *Lack of Protection for Internally Displaced Persons and Refugees*

Women and children form the majority of refugees in Southeast Asia and are especially vulnerable to violence and exploitation. In refugee camps, they are often being raped and abused by military and immigration personnel, bandit groups, male refugees and rival ethnic groups. They are also forced into prostitution. Although ASEAN has

made formal declarations of support for human rights' education programmes, these intentions need to be translated into national policies, programmes, and projects. No ASEAN country (except Cambodia) has signed the agreement on the status of refugees; in other words, they do not recognize refugees (Klugman, 2009).

In such a difficult situation, the most recent news at the end of 2009 was that the UN Refugee Agency (UNHCR) called on the Thai Government to cease the forced repatriation of Hmong refugees to Laos (Mydans, 2009). The Thai Government, however, has begun to send about 4,700 Lao Hmong refugees living in one camp back to their home country involuntarily (The Hmong fought on the American side during the Vietnam War, and are fearful of retribution by the communist Laotian Government.) In international law, the forced return of refugees is called 'refoulement' and is illegal. It is also required that the Lao Government treats all of the refugees and returnees humanely, guarantees access to the international community for independent monitoring, and allow those who are eligible for resettlement to be resettled without delay.

### ***Institutional Framework: ASEAN Intergovernmental Commission on Human Rights***

The mounting pressure and continued criticism of the state of human rights in ASEAN by United Nations, international human right activist group and non-governmental groups, besides as a signatory to UNHR charter and as a regional organization, it was binding to ensure HR in the region. To avoid such a scenario, the ASEAN Intergovernmental Commission on Human Rights (AICHR) was established on 23 October 2009 during the 15<sup>th</sup> ASEAN Summit or the 42<sup>nd</sup> ASEAN Ministerial Meeting (AMM) in Cha-am Hua Hin, Thailand, to promote regional cooperation and the promotion and protection of Human Rights in ASEAN. The AICHR is an inter-governmental body and an integral part of the ASEAN organization. Yet, it is more a consultative body and is established as part of the

inter-governmental body of ASEAN, (Langlois, 2013). If we look at the Terms of References (TOR) of the AICHR, we find the following important articles in ASEAN TOR:

Purpose of AICHR are:

1. To promote and protect human rights and fundamental freedoms of the peoples of ASEAN;
2. To uphold the right of the peoples of ASEAN to live in peace, dignity and prosperity;
3. To contribute to the realisation of the purposes of ASEAN as set out in the ASEAN Charter in order to promote stability and harmony in the region, friendship and cooperation among ASEAN Member States, as well as the well-being, livelihood, welfare and participation of ASEAN peoples in the ASEAN Community building process;
4. To promote Human Rights within the regional context, bearing in mind national and regional particularities and mutual respect for different historical, cultural and religious backgrounds, and taking into account the balance between rights and responsibilities;
5. To enhance regional cooperation with a view to complementing national and international efforts on the promotion and protection of Human Rights; and
6. To uphold international Human Rights standards as prescribed by the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and international Human Rights instruments to which the ASEAN Member States are parties (Secretariat, 2009).

Reading these articles, several interesting points can be stressed. First, it is important to note that in Article 1.6 the ASEAN explicitly states the Universal Declaration of Human Rights. This is noteworthy

because of the arguments that cultural relativists use in the ASEAN values debate. Even if they are of the opinion that Human Rights must be adjusted to a certain cultural background before being applied, the ASEAN knowingly accepted the UDHR thus making this argument by the cultural relativists somewhat futile. Secondly, the article 1.4 specifically mentions the regional, historical, cultural and religious context with regards to the implementation of human rights. This can be seen as major obstacle in the human right in ASEAN, the terms such as; non-interference (Molthof, 2012), ASEAN way (Tobing, 2018). Academics and scholars see them as an excuse to avoid enforcing human rights in to their respective countries by ASEAN member states.

Moreover, the TOR of the AICHR is using words like 'promote', 'protect', 'uphold', 'enhance' and so forth. These are all showing the wish and vision of how the AICHR should be empowered in the future. However, in reality, a legitimizing framework of how this empowerment can be achieved is still lacking. This is why we can say that the AICHR is merely a consulting and advisory body of the ASEAN and not an institution that can force the ASEAN member states to stop violating Human Rights. It isn't empowered or legitimized to sue or judge any member state for, violation of Human Rights (Collins, 2019). The AICHR thus doesn't really have the means to legally enforce Human Rights over a Southeast Asian country. It can merely try and promote awareness and make Human Rights violations public.

However, this lack of empowerment of the AICHR should not be used to argue that the ASEAN is only pretending to enforce Human Rights. If we look at the situation some 2 decades back, there were neither an AICHR nor an ASEAN charter. Compared to then, ASEAN has been moving forward step by step over the last decade. It is already quite an achievement to be able to make the member states agree to the establishment of this AICHR, which in itself can be seen as a very important achievement to empower the ASEAN more and

more on the cost of the sovereignty of the ten member states. The mere fact of it being in place opens possibilities for the future. Michelle Staggs Kelsall (2009) puts it this way that even though mostly the commission role has remained consultative regarding human right but it has potential to initiate discussions involving member states regarding HR problems in ASEAN states (Kelsall, 2009).

Even though the AICHR is still only a sign of good intentions for the future it will possibly help that member states are becoming more aware than before of the importance to take Human Rights into consideration in their domestic actions. The AICHR is an institutionalized platform that can be consulted by civil society groups to publicize violations of Human Rights and thus compelling the ASEAN to reply to it.

Thus, we see the AICHR as a milestone towards a better and more democratic regional cooperation. ASEAN is on the right track and will hopefully be able to empower the AICHR more and more which would also be a sign of an indirectly empowering civil society in the area.

The AICHR is a work in progress. It is established to deal with and promote human rights in ASEAN, but there is no actual power to change. Each Member States as mentioned before has its Human Rights violations, for instance, the violence of children and women, trafficking in persons, lack of protection of labors rights and refugees, etc. ASEAN or AICHR until today can only give Member States recommendations or suggestions. ASEAN being an inter-governmental body has weaknesses, which can be seen in the defensive attitude of dialogue partner, whenever the issue of human rights violation has been discussed. This can be further clear from the perspective of nature and composition of ASEAN (*Villacorta, 2009*).

What Villacorta is actually referring to, is the fact, that ASEAN is - contrary to the European Union - not an intergovernmental organization in which all member states are formally democracies.

She (ASEAN) cannot legally interfere with these domestic Human Rights abuses by the member states. This is due to the existence of the Non-Interference-Principle (NIP) that has been part of the basic idea of ASEAN since its beginning. Whether this NIP is still necessary for the present, is to be discussed elsewhere. The fact is that it is still there, and we see it as the major hindrance, not only as being an obstacle to enforce Human Rights but also for ensuring fundamental freedoms and for democratization.

However, as there are member states of the ASEAN that is ruled by elites in power that are not democratically elected, empowerment of the AICHR by abolishing the NIP and giving the former a legal framework to act upon cannot be in the desire of these ruling elites. This is so because it would weaken their position in their country (Hara, 2019). The ruling elites are mostly clinging to their power by suppression of opposition (Burma, Cambodia), by putting critics in prison (Malaysia, Southern Thailand) or by not granting the right to free and fair elections (Vietnam, Laos). Thus, these groups don't have any incentive concerning their own assumed benefit to abolish the NIP. This, in our opinion, is the major obstacle in transforming ASEAN into a real supranational organization as opposed to the intergovernmental organization it is until today even after the adoption of the ASEAN Charter and the implementation of other bodies like the ASEAN Regional Forum and the mentioned AICHR.

### *Non-intervention principle of ASEAN and human rights violation*

Apart from the human rights charter, the ASEAN also adopted in its policy the principles of sovereign integrity and non-intervention among member states. The evolving political and economic transformation has ultimately brought about changes and potential challenges. One of the gravest issues is the policy of non-intervention. In case of violation of human rights in any member state seems to get a reluctant response due to the policy of non-intervention. Hence, in the post-Cold War era, however, there seems to be a growing pressure

on the ASEAN from the international community to redefine sovereignty and non-intervention policies in order to avoid violence and loss of human life. Looking from the historical prism, the idea of humanitarian intervention has been opposed by ASEAN member states. However, the ASEAN community need to realize that the international community is not oblivious of the precarious situation of human rights in this part of the world. The aftermath of such a reluctant response on the part of ASEAN member states on human rights failed them to pose a united front against US intervention in Iraq (Narine, 2005).

It does not mean that ASEAN leaders have shunned respecting their core values like non-intervention. Often, issues related to human rights have cropped up in political parlance. There is a trek record of human rights abuses in Burma and Cambodia. Such events have invited the attention of ASEAN and outside. These humanitarian crises have called for constructive engagement. However, these crises have gone unheard due to the policy of non-intervention. Publicly, it has been witnessed that ASEAN Way is more focused, whereas, privately, backdoor diplomacy works in order to resolve issues at hand. This dual approach of ASEAN towards humanitarian intervention starkly contrasts Western values which believe in the intervention in humanitarian issues (Ramcharan, 2000).

The international community is not ignorant of whatever is happening inside ASEAN in terms of human rights violations. The state of human right in Burma has raised many questions on ASEAN's smooth functioning and common policy regarding human right. Continued pressure from the United Nations and the international community has forced ASEAN member states to reconsider its policies regarding human rights in the region. The challenge before ASEAN is a non-intervention policy, which restricts member state from interfering in other states problems (Katanyuu, 2006)

With the inclusion of Burma, the civil war in Cambodia, Indonesia's haze problem, and financial crises, the ASEAN community could not deliver over these issues. This growing ineffectiveness of ASEAN community could prevail for the longer term if these recurrent challenges are not addressed properly (Funston, 1998).

Since four decades, there is a growing concern that ASEAN has achieved limited success in influencing the normative environment of Southeast Asia. It has helped shape institutional development in the Asia Pacific, particularly since the 1990s. It remains at the center of Asia Pacific regionalism. However, ASEAN's diverse membership and its need to maintain the fundamental principle of non-intervention limit its ability to reform (Narine, 2008).

Additionally, the study of Katsumata (2003) argues that the principle of non-interference is still upheld as a norm of the ASEAN community. In spite of frequent interactions and political process, the policy of non-intervention and sovereign integrity has been maintained as their priorities for the sake of political stability at home (Katsumata, 2003).

Theorists argue that non-interference is also criticized for retarding (restraining) ASEAN from taking meaningful action over economic crises, problematic members like Myanmar, and transnational security threats. The study of Jones (2010) argues that no matter how serious the situation or violation, these issues have never come under discussion or completely ignored by member states and social forces, keeping in view to the collective good of the region (Jones, 2010).

The study of Katsumata (2004) offers a conventional/rationalist explanation that focuses on how ASEAN has broached up discussions relevant to environment and economic challenges. According to Constructivists, ASEAN change or reforms are part of the global normative shift that includes human rights and democracy (Katsumata, 2004).

## **Conclusion**

The Human Rights issue in ASEAN is very complex. There are ten quite young and quite nationalistic nations that come in many different forms of government. The ASEAN, contrary to the EU, is not a supranational body that can enforce its members to enforce those fundamental freedoms. This is mostly due to the upholding of the non-interference principle within the charter of the ASEAN. The paper started out by clarifying what Human Rights are and how they evolved historically. It then outlined the debate between Universalists and Cultural Relativists connecting it to the ASEAN Values debate. Next, some examples of Human Rights abuse in ASEAN were mentioned before the Institution of the AICHR has been discussed in detail.

It was also shown that the NIP (Non-Intervention) is the major obstacle for successful enforcement of Human Rights in ASEAN nowadays. Whether this NIP will be abolished anytime soon is subject to speculation, yet, if this is to happen, it will in the opinion of the authors need drastic empowerment of civil society in the member states of the ASEAN.

The way towards the protection of Human Rights has been defined and the first steps have been taken. Only if ASEAN, as an institutional framework, becomes more influential in the region to make its member states listen more to its advice and exerting more soft power pressure on to the national governments, while cooperating with the non-state sectors, as national and international NGO's and Civil Society will largely help Human Rights organizations to gradually enforce. Hence, it could enjoin upon national governments to lessen their imposition and undue interference. However, it will take some time and raising awareness of the more than 550 million ASEAN citizens about their own possibilities of empowerment.

In spite of the known pitfalls and loopholes inherent in the approaches and policies of ASEAN community, it has also

capabilities and strength to show and react reasonably at national and international level. Its cooperative partnership, interstate relations, and constructive engagement, dialogue and diplomacy point towards its visible change and aversion from conflict and crises. This paper suggests that in order to cope with the human rights challenges, ASEAN should not compromise its normative values, it needs to revisit some sectors which could enable her to meet out the emerging issues and challenges related to human rights among its member states.

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