

Critical Observation of the Role of AICHR in Promoting and Protecting Human Rights in SE Asia

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The main argument:

As far as the promotion and protection of human rights in SE Asia is concerned, fundamental change is mostly needed at **the state level** before we go to do something meaningful at the regional level. After all, in many instances it is **the state or government** which acts as an obstacle to the actual implementation of human rights. On top of that, whatever agreement that is achieved at the international level, in the final analysis its meaningful and effective actualization depends almost entirely on **the political will and capacity of the state.**

Some problematic words

The use of the word **intergovernmental** means that AICHR is just the prolongation of the power of the state and as such it has no independent standing and initiative in promoting and protecting human rights.

- The officials who are in charge of AICHR are called “**Representatives**” and not **commissioners** for a reason because their primary loyalty and commitment is to their respective government and not to any other entity.

In doing its job AICHR cannot free itself from the culture of “**consensus**” rather than “**rule-based law enforcement**”.

The ongoing process of state-making

The problem is that most, if not all, ASEAN member states are still in the process of STATE-MAKING and NATION-BUILDING, creating state institutions that are capable of conducting an effective control over their citizens.

Although some of them (Indonesia and the Philipines) have used democratic approach, the majority still rely on authoritarian approach in ensuring national security.

- Even the semi-democratic states like Malaysia and Singapore still use the Internal Security Act (ISA) which is criticized by many as being repressive and anti-human rights.

How about the progress of democracy and human rights in Myanmar?

Some people claim that the political change in Myanmar is the evidence of ASEAN's "soft" approach in dealing with the issue of democracy and human rights through a consultative way.

However, there is a more credible narrative saying that such change take place because of the awareness of the military elite in Myanmar that the continuation of a military regime won't give the nation a better future.

This is another proof that genuine change can only come from within and not from the outside.

How to measure the performance of a human rights body like AIChR?

The presence of a human rights body at the regional level is one thing, but how it functions to protect and promote human rights in the real sense of the word is another thing.

The most reliable yardstick to measure its success is the extent to which it can effectively prevent the state from violating or repressing the rights of its citizens.

On top of that, human rights body should also be able to channel the aspirations of the civil society groups so that the state may not monopolize the public sphere.

Unless the state is willing to share the accomplishment of public goals including human rights with civil society, there is not much we can expect from human rights body like AICHR.

Some sceptics even say that AICHR may stand as a hindrance for societal forces in more democratic countries like Indonesia to carry out genuine efforts in promoting and protecting human rights.

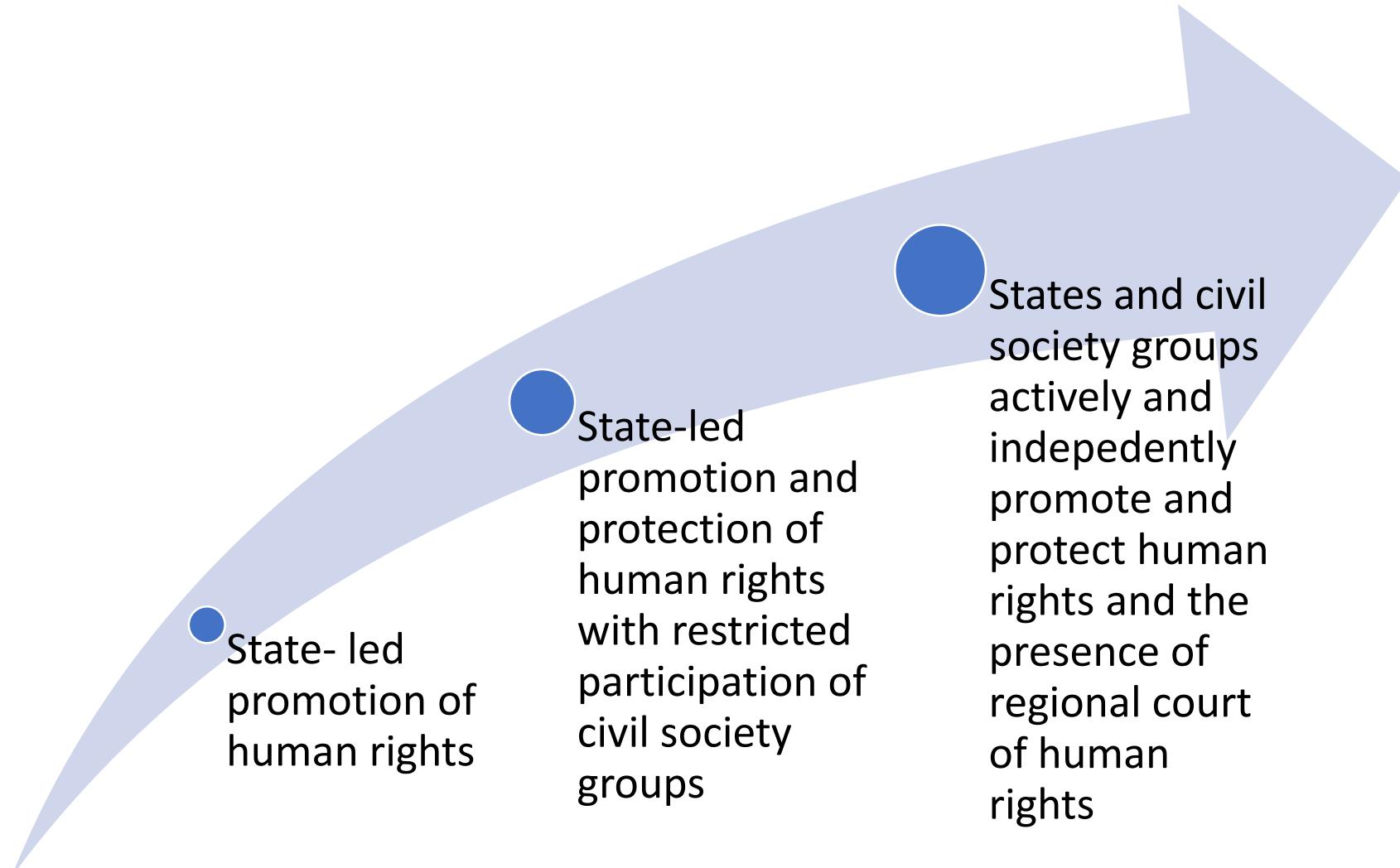
There are indeed a growing number of transnational networks of NGOs in Southeast Asia which are committed to the promotion and protection of human rights.

Jean Grugel (2004) correctly suggests: “Activism, whether transnational or national, requires engagements with states to bring about change, especially when the activism aims to promote eminently political tasks such as deepening democracy and furthering human rights”.

Concluding remarks

- Although AICHR constitutes a growing awareness among ASEAN governments about the importance of human rights as a common goal, it depends on the political will and capacity of each state to accomplish that goal.
- There is not much we can expect from AICHR. Real change should take place at the state level.
- Transnational activism by civil society groups in ASEAN should continue to challenge the domination of the states so that genuine struggle for human rights may not be jeopardized.

Different stages of the growth of a political security community in terms of the protection of human rights



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