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**THE PERENNIAL PROBLEMS OF DEMOCRATIC
PROMOTION IN SOUTHEAST ASIA**

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ABSTRACT

This article examines the challenges of promoting human rights in Southeast Asia. It focuses on the limited effectiveness of the regional human rights regime, which is influenced by ASEAN leaders' strong emphasis on state sovereignty and the uneven adoption of democratic governance among member states. The study aims to identify the factors that hinder the promotion of human rights within ASEAN and to analyze the relationship between the levels of democracy and prioritization of human rights in the region. Using a qualitative research approach, the study analyzes the development of human rights cooperation in ASEAN through the lens of Regime Theory in International Relations. The findings indicate that the promotion of human rights in Southeast Asia is constrained by fragile political commitment among ASEAN leaders and by significant variations in democratic governance across member states. These differences shape national priorities and influence the extent to which human rights norms are internalized within the regional framework. The study concludes that the effectiveness of human rights promotion in ASEAN is closely linked to the level of democratic development among member states. The findings highlight important implications for regional policy-making and underscore the need to address the tension between sovereignty norms and human rights commitments in order to strengthen the institutionalization of the regional human rights regime.

Keywords: ASEAN, democracy, human rights violation, sovereignty.

INTRODUCTION

This study examines the challenges and progress of human rights promotion within the Association of Southeast Asian Nations (ASEAN) from the establishment of the Asean Intergovernmental Commission on Human Rights (AICHR) to 2023. It explores the complexities of ASEAN human rights regime and acknowledges the resistance of certain member states to its implementation due to their differing ideological orientations. The study also considers how variations in the internalization of democratic discourse among ASEAN countries to shape their perspectives on the adoption of the human rights regime. In particular, the differing levels of democracy across these states significantly influence the extent to which the regime is successfully internalized.

The ASEAN human rights regime began to take shape toward the end of the Cold War, particularly following the World Conference on Human Rights in Vienna in 1993 (Numnak & Romandy, 2009, p. 3). During this conference, ASEAN leaders initiated discussions on establishing a regional human rights mechanism tailored to the needs of ASEAN member states. However, this initiative faced several challenges. One significant obstacle was the admission of four new member states—Vietnam, Laos, Cambodia, and Myanmar—which held differing political views on human rights. Furthermore, the Asian financial crisis of 1997 forced many ASEAN countries to prioritize economic recovery over human rights concerns. (Jones & Marsden, 2010; Numnak & Romandy, 2009).

Human rights violations continue to occur in several ASEAN member states. For instance, serious abuses have been reported in Myanmar, where the government has committed violations against the Rohingya minority as well as against its own citizens. The Myanmar authorities have treated the Rohingya as an illegal ethnic group in Rakhine State, and the resulting repression has forced many to flee the country (Walker, 2022, p. 32). Thailand has also faced persistent challenges related to military intervention in politics (Farrelly, 2013). In the past, Indonesia has likewise experienced significant human rights violations, including the Tanjung Priok incident in 1984 (Sipress, 2003), abuses preceding and during the secession of East Timor, as well as violations in West Papua and Aceh (Tan, 2011, p. 81).

Due to persistent human rights violations in its member states, ASEAN has sought to develop mechanisms to promote and protect human rights in the region. ASEAN has issued several declarations and established institutions aimed at addressing human rights issues. One of the earliest initiatives was the Vientiane Action Program (VAP), launched on November 29, 2004, which reflected the commitment of ASEAN leaders to advancing human rights within the region. The VAP has had a positive impact on the development of human rights norms in ASEAN (Davies, 2013b). In addition to the VAP, several other important declarations have been adopted to strengthen the regional human rights framework. These include the Jakarta Declaration on the Elimination of Violence against Women in the ASEAN Region (2004), the ASEAN Declaration Against Trafficking in Persons (2004), the Declaration on the Establishment of the ASEAN Charter (2005), and the ASEAN Human Rights Declaration (2012) (Numnak & Romandy, 2009; Petcharamesree, 2013). Furthermore, the adoption of the ASEAN Charter in 2007 led to the establishment of institutions dedicated to promoting and protecting human rights (Duxbury & Tan, 2019). The primary body responsible for promoting human rights within ASEAN is the ASEAN Intergovernmental Commission on Human Rights (AICHR). Other institutions that focus on human rights issues include the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) and the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) (Pisanò, 2016).

The diversity of political systems among ASEAN member states poses a significant challenge to the effectiveness of the region's human rights regime. For example, Indonesia and the Philippines operate under democratic multiparty systems, whereas Laos and Vietnam maintain one-party political systems, and Myanmar has been governed by a repressive military junta (Madu, 2016; Numnak & Romandy, 2009). This variation in governance structures leads to differing perspectives on human rights, which complicates the development of a unified and widely accepted framework for human rights protection within the region. In addition, ASEAN's diplomatic culture—often referred to as the 'ASEAN Way'—further constrains the enforcement of the human rights regime. This approach emphasizes principles of non-intervention and respect for state sovereignty, which limit ASEAN's ability to intervene in the domestic affairs of its member states (Simon, 2008).

LITERATURE REVIEW

The promotion of human rights within ASEAN faces significant challenges due to the diversity of political systems and governance models among its member states. Recent scholarly works have explored these challenges and highlighted the complex dynamics shaping human rights protection in the region. In particular, researchers have examined how variations in political institutions, domestic governance structures, and regional norms influence the development and implementation of human rights mechanisms within ASEAN.

Poole (2019) addresses the question of why and how political elites—representatives of ASEAN member states—construct specific rhetoric concerning democracy and human rights within a regional institutional framework. His study examines this rhetoric in relation to the objectives of ASEAN regionalism and the domestic political contexts of individual member states. Through this analysis, Poole seeks to understand the motivations underlying the formation of such rhetoric and its implications for political practices and human rights protection in Southeast Asia. According to Poole, although ASEAN member states formally agree on democracy and human rights as key regional principles, the internalization of these norms remains incomplete across the region.

The principles of non-intervention and the respect for state sovereignty remain significant obstacles to the promotion of human rights in ASEAN. Rasul (2022) examines the tension between the ASEAN's long-standing principle of non-interference in domestic affairs and increasing calls for greater democratization and adherence to human rights norms. Similarly, Hanara (2019) identifies comparable challenges in advancing human rights within ASEAN, noting that member states' strong commitment to sovereignty and non-intervention often constrains regional efforts to promote these norms. Hanara (2019) further highlights the varying capacities of ASEAN governments to uphold human rights, with significant differences in their ability to implement and enforce relevant standards.

The varying levels of democracy among ASEAN member states further complicate the implementation of a cohesive regional human rights regime. Democracy and human rights are closely interconnected, as both emphasize accountability, individual freedom, integrity, fair and equal representation, inclusion and participation, and the peaceful resolution of conflict (Landman, 2018). Countries that effectively practice democratic governance are generally more likely to respect and protect human rights. However, many ASEAN member states continue to exhibit relatively low levels of democratic development (Kurlantzick, 2022). As a result, the region displays a broad spectrum of political systems, ranging from established democracies to semi-democratic, semi-authoritarian, and authoritarian regimes. This diversity affects the internalization and promotion of human rights norms across ASEAN, as states with

weaker democratic institutions often face greater challenges in upholding and implementing human rights standards. Democratic transitions have occurred in countries such as the Philippines, Indonesia, and Thailand, where authoritarian regimes have given way to more democratic systems. In contrast, Cambodia, Malaysia, and Singapore have often been characterized as examples of Asian illiberal democracies. Furthermore, some ASEAN member states, such as Vietnam and Laos, remain governed by single-party communist regimes (Neher & Marlay, 2018).

This study also examines the Asean Intergovernmental Commission on Human Rights (AICHR) as an institution established under ASEAN's human rights regime. However, AICHR lacks clear procedures and mechanisms for addressing specific human rights cases. Kyrhizova (2023) analyzes ASEAN's efforts to promote and safeguard human rights across Southeast Asia, highlighting the practical challenges faced by the organization. Although ASEAN is formally committed to upholding human rights, as reflected in its charter, it continues to encounter significant obstacles in effectively addressing human rights violations. The establishment of AICHR and the adoption of the ASEAN Declaration of Human Rights represent significant milestones in institutionalizing ASEAN's human rights framework. Nevertheless, several limitations persist. One key constraint is the principle of non-interference in the internal affairs of member states, which constrains ASEAN's ability to respond to human rights abuses within the region. Compared with regional mechanisms in Europe, ASEAN lacks judicial institutions capable of addressing human rights violations. AICHR also does not possess the authority to issue binding decisions or conduct independent investigative visits. Furthermore, ASEAN's consensus-based decision-making process allows any member state to block criticisms of its human rights record, raising concerns about the effectiveness and independence of AICHR. Consequently, while ASEAN has made progress in acknowledging the importance of human rights, substantial practice challenges remain in ensuring their protection and promotion across the region.

Recent research further highlights that the diversity of political systems among ASEAN member states poses a major obstacle to the development of a cohesive human rights regime. Scholars argue that differing levels of democracy across the region complicate the internationalization and implementation of human rights norms. Although democracy and human rights are closely interconnected—since democratic governance generally promotes greater respect for human rights—the political landscape of ASEAN spans a wide spectrum, ranging from established democracies to authoritarian regimes. This diversity influences the promotion of human rights norms, as states with weaker democratic institutions often face greater challenges in upholding and implementing human rights standards. Democratic transitions in some ASEAN countries contrast with the persistence of illiberal democratic characteristics in others, alongside the presence of single-party communist regimes in certain member states. Understanding these variations in democratic governance is therefore essential for addressing the complexities of human rights promotion in the ASEAN region.

The research examines the varying levels of democracy among ASEAN member states and explores prevailing perspectives on state sovereignty within the region. It underscores how these two factors interact and create challenges for the promotion of human rights in ASEAN. By analyzing the spectrum of democratic practices across member states, the study seeks to demonstrate how different governance models influence the extent to which human rights norms are adopted and implemented. Furthermore, the study investigates the role of state sovereignty in shaping approaches to human rights promotion, particularly in relation to ASEAN's long-standing principle of non-interference in the domestic affairs of member states. Through this dual focus, the research aims to provide a nuanced understanding of the complexities surrounding human rights discourse and implementation in ASEAN. It also emphasizes the need for approaches that take into account the region's diverse political systems and governance structures.

THEORETICAL FRAMEWORK

To examine the challenges ASEAN faces in promoting human rights, this study employs regime theory. Regime theory conceptualizes international regimes as frameworks through which norms and expectations shape the behavior of states. According to Krasner (1983), a regime can be defined as "a set of principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations." In this sense, international regimes consist of principles, norms, rules, and decision-making procedures that guide state behavior in specific issue areas. They function as intervening variables that connect underlying causal factors with political outcomes. Scholars hold differing views regarding the significance of regimes. Conventional structural perspectives consider regimes to be largely ineffectual, while modified structural perspectives argue that regimes can be influential under certain conditions. Proponents of the latter view suggest that the development and effectiveness of regimes are shaped by factors such as self-interest, political power, norms and principles, customs, and knowledge (Atkins, 2019).

Applying regime theory to the promotion of human rights within ASEAN involves examining the principles, norms, rules, and decision-making procedures that shape the expectations of ASEAN member states in this issue area. This framework helps explain the dynamics and challenges involved in internalizing human rights norms within a region characterized by diverse political systems and governance models. In the context of ASEAN, the human rights regime seeks to reconcile different national interests and political systems in order to develop a shared framework for human rights protection. From a conventional structural perspective, the effectiveness of this regime may appear limited due to ASEAN's strong emphasis on non-intervention and state sovereignty. However, modified structural perspectives suggest that the regime can still play a meaningful role under certain conditions, particularly when supported by mutual self-interest, political commitment, established norms, shared customs, and collective knowledge.

Norms refer to expected patterns of behavior associated with particular identities and roles (Finnemore & Sikkink, 1998). In contrast to regional organizations such as the EU, which rely more heavily on formal legal rules, ASEAN has traditionally prioritized norms over binding regulations. This preference reflects a deliberate choice by its founding members to maintain a flexible and consensus-based regional framework (Kahler, 2000). However, Davies (2013a) highlights a discrepancy between ASEAN's stated commitment to human rights and its actual practices. This gap suggests that human rights norms are sometimes invoked for political purposes rather than grounded in genuine normative commitment. Within this theoretical framework, human rights are conceptualized as norms that ASEAN member states are expected to internalize. Nevertheless, the evidence suggests that the internalization and implementation of these norms remain uneven across the region.

The development and effectiveness of the ASEAN human rights regime are shaped by several factors. One important factor is the variation in levels of democracy among member states. Countries with more democratic systems may be more inclined to respect and implement human rights norms, whereas less democratic states may encounter greater challenges in doing so. In addition, factors such as self-interest, political power, and established norms and customs play crucial roles in shaping the effectiveness of the regime. Applying regime theory therefore allows for an examination of how these factors either facilitate or constrain the internalization of human rights norms within ASEAN. This analysis is essential for understanding the complexities and potential pathways for strengthening human rights protection in Southeast Asia. This article examines the persistent challenges facing the promotion of human rights within ASEAN. First, it analyzes the diversity of political systems and levels of

democracy among member states, which leads to differing perspectives on human rights. Given the close relationship between democracy and human rights, these variations complicate efforts to establish a unified regional framework. Second, the study considers the limited commitment of some member states to democratic governance and human rights norms. Third, it highlights the continued emphasis on state sovereignty within ASEAN, which constrains the development of a more robust regional human rights regime.

METHODOLOGY

This study adopts a qualitative research approach to examine the evolving landscape of human rights frameworks within ASEAN and the challenges associated with their promotion. Qualitative methods are particularly useful for analyzing complex political phenomena that cannot be fully captured through numerical or statistical analysis. Instead, they emphasize a deeper understanding of contextual factors, institutional dynamics, and political processes (Wesley, 2014). The study primarily relies on secondary sources for data collection, including academic journals, books, policy reports, media publications, and relevant official documents related to human rights development in ASEAN. These sources provide insights into both the progress and ongoing challenges of the region's human rights regime. The collected materials are carefully reviewed and interpreted to identify patterns, themes and underlying dynamics shaping the trajectory of human rights governance within the ASEAN. This analytical process enables the researchers to synthesize the findings and draw conclusions regarding the challenges of promoting and internalizing human rights norms in the region (Cresswell & Cresswell, 2018).

DISCUSSION

Human Rights Issues in ASEAN

Concern for human rights within ASEAN member states began to gain greater attention in the late 1980s, particularly following the end of the Cold War, when human rights issues became increasingly prominent in Southeast Asia (Hara, 2019). In the post-Cold War era, developed countries began providing foreign aid packages aimed at encouraging civil liberties and democratic reforms. During the same period, the United Nations Security Council also played an important role in promoting democracy and human rights, contributing to the development of international humanitarian law and international criminal justice (Tan, 2011). This growing global emphasis on human rights influenced many developing countries, including those in Southeast Asia. However, these states often interpreted and applied human rights principles in ways that reflected their own cultural values, political priorities and social contexts.

Before the development of intergovernmental cooperation at the regional level, several Southeast Asian countries—including Indonesia, the Philippines, Thailand, Malaysia, and Singapore—had already taken steps to promote human rights through the establishment of national human rights institutions. At the national level, Indonesia established the National Human Rights Commission (Komnas HAM) in June 1993 to investigate and advocate against human rights violations. Prior to the establishment of Komnas HAM, Indonesia experienced several major human rights tragedies, including the shootings of civilians in Lampung (1989), Dili (1991), Haur Koneng (1993), and Nipah (1993). Earlier incidents also included the Tanjung Priok tragedy in 1984, which reportedly involved the shooting of Muslim demonstrators by armed forces (Honna, 2005, p. 90). Similarly, the Philippines established a Commission on Human

Rights of the Philippines (CHRP), which is mandated to investigate cases of human rights violations, provide protection for victims, and promote human rights through research, public education, and informational campaigns (Palmer, 2019; Tan, 2011, p. 95). Thailand also established the National Human Rights Commission of Thailand (NHRC) in 1999 as part of broader democratic reforms. The commission aims to promote and protect human rights through the strengthening of the rule of law, the development of state policies, and the implementation of public education initiatives. (Tan, 2011, pp. 106-107).

Although several ASEAN member states have established institutions to promote and protect human rights, and awareness of human rights issues has increased in the region, violations have nevertheless continued to occur. One notable example is the Vietnam invasion of Cambodia in late 1978 (Doyle, 2014). ASEAN viewed this invasion as a violation of key regional norms, including the principles of non-intervention and the avoidance of the use of force in relations between states (Acharya, 2009; Seah, 2023). At the same time, Cambodia itself was experiencing severe human rights violations under the Khmer Rouge regime. Between 1975 to the end of 1978, the country endured widespread atrocities and violations of basic human rights, often described as genocide (Duffy, 1994). During this period, thousands of people were executed in sites commonly referred to as “the killing fields,” while many others died from hunger, disease and forced labour (Andelman, 1977). After assuming power in April 1975, the Pol Pot-led Khmer Rouge regime targeted religious and ethnic minorities, including ethnic Chinese, Vietnamese, Lao, Thai, Cham, and other communities, subjecting many to systematic persecution and massacres (Carney, 1997).

The human rights violations in Cambodia have drawn not only regional concern within ASEAN but also significant attention from the international community. The country experienced a turbulent period marked by the atrocities of the Khmer Rouge regime and the subsequent Vietnamese invasion by. Given their geographical proximity and shared regional interests, Southeast Asian countries have a critical role in addressing these challenges and supporting mechanisms for conflict resolution and stability. The regional and international focus on Cambodia underscores the urgency of alleviating the suffering of its population and promoting long-term stability and respect for human rights in the region. By 2021, the country had largely shifted away from a multi-party democratic system toward a more centralized single-party authoritarian regime. This shift has been reflected in the intensified suppression of political opposition and the narrowing of civil and political freedoms. Despite widespread international criticism and increasingly strained relations with Western actors such as the United States and the European Union, the ruling party has continued to consolidate its control, including through the co-opting of youth organizations and limited efforts to address corruption. Economic challenges, further exacerbated by the COVID-19 pandemic, have also strengthened Cambodia's reliance on China. Although diplomatic cooperation has occurred in areas such as public health, the leadership under the Prime Minister has largely resisted external pressure for political reform, reinforcing a pattern of authoritarian governance characterized by the restriction of opposition voices and the use of coercive measures to maintain power (Bennett, 2021).

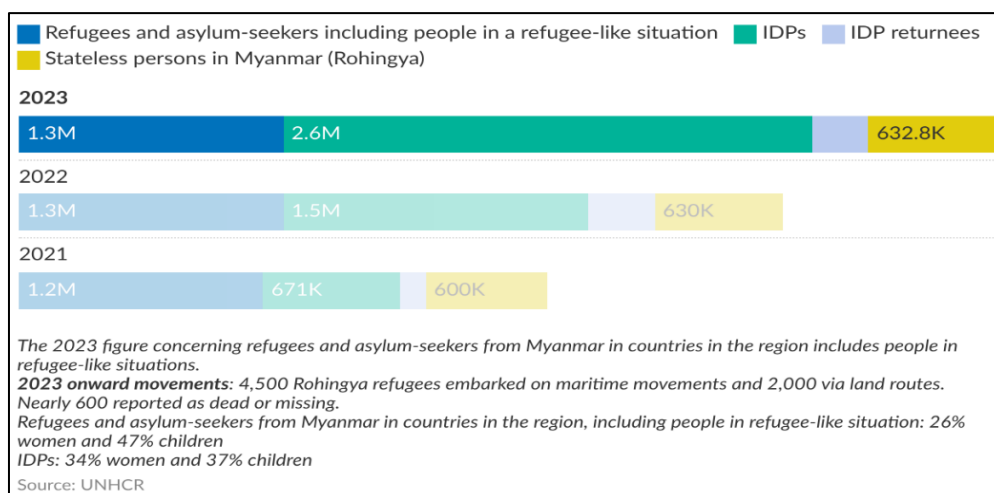
Human rights violations against the Rohingya ethnic group in Myanmar have been a persistent concern for decades. Although the events of 2017 attracted widespread international attention, the persecution of the Rohingya has a much longer history. Earlier humanitarian crises affecting the Rohingya occurred in 1940, 1978, the early 1990s, and 2012, demonstrating that the violence of 2017 was part of a broader and long-standing pattern of discrimination and repression against the community (Freeman, 2017). One of the underlying causes of the Rohingya humanitarian crisis is the issue of citizenship (Kader & Choudhury, 2019, p. 9). The Rohingya, a Muslim ethnic minority primarily residing in Rakhine State,

have long struggled for recognition by the Myanmar state. They have been systematically denied citizenship rights, which has contributed to their marginalization and vulnerability (Khan et al., 2023). Other Muslim minority communities in Myanmar have also faced discrimination and challenges related to citizenship, further intensifying humanitarian concerns within the country. Citizenship is widely regarded as a fundamental human right, as it enables individuals to claim legal protection, choose their nationality, and participate fully in society. However, despite Myanmar gaining independence from the United Kingdom in 1948, the Rohingya were not officially recognized as one of the country’s national ethnic groups. This exclusion deprived the Rohingya of citizenship rights and subjected them to prolonged discrimination and marginalization (Holliday, 2014). This situation was further reinforced by the enactment of the Myanmar Citizenship Act in 1982, which established strict criteria for citizenship but excluded the Rohingya from recognition as citizens of Myanmar. As a result, many Rohingya became effectively stateless and were denied basic rights and protections, further deepening the humanitarian crisis faced by the community (United Nations High Commissioner for Refugees, 2011).

The challenges facing the Rohingya community in Myanmar extend well beyond issues of citizenship. In 2012, the Rohingya experienced widespread persecution, including forced displacement by the Myanmar government and local authorities, which resulted in the displacement of approximately 125,000 individuals. This violence was accompanied by mass arrests, the destruction of mosques, and obstruction of humanitarian aid for Muslim refugees, highlighting the systematic nature of the persecution and the severe humanitarian conditions faced by the community (Human Right Watch, 2013). Over time, these human rights violations escalated dramatically. The crisis reached its peak in 2017, when the Rohingya Muslims were subjected to massacres, widespread sexual violence, and the systematic burning of homes in Northern Rakhine State. As a result, more than 730,000 Rohingya fled to Bangladesh in search of safety, while an estimated 600,000 remain internally displaced within Myanmar, continuing to face persecution and humanitarian challenges (Human Right Watch, 2022). A major obstacle confronting Rohingya refugees who have escaped Myanmar is the pursuit of a secure and permanent sanctuary (Wood, 2024). While some have found temporary refuge in neighboring countries such as Bangladesh, their prospects for long-term resettlement and social integration remain uncertain (Taufiq & Muttaqee, 2023).

Figure 1

Year-End Population Figures 2021-2023 (UNHCR, 2023)



In 2023 (Figure 1), Myanmar experienced a surge in violence, leading to civilian casualties and widespread displacement. This escalation, compounded by restricted humanitarian access, deepening poverty, and natural disasters, further worsened conditions for both displaced persons and host communities. These overlapping crises had significant humanitarian and developmental consequences, complicating efforts to provide solutions and undermining the resilience of affected populations. Amid these challenges, the United Nations High Commissioner for Refugees Agency (UNHCR) remained actively engaged, offering support to internally displaced persons (IDPs), refugee returnees, and host communities. UNHCR provided essential assistance including protection, shelter, relief items, and camp management, reaching hundreds of thousands of people across the country. With the continued influx of refugees fleeing Myanmar, UNHCR intensified regional advocacy efforts to promote open borders, access to asylum, and adequate humanitarian aid. At the same time, there was a notable increase in Rohingya refugees undertaking perilous onward movements by land and sea, resulting in casualties. Indonesia emerged as a major destination for Rohingya refugees, prompting a joint appeal by UNHCR and the International Organization for Migration (IOM) to strengthen support and coordination. UNHCR emphasized the importance of a comprehensive regional response to address maritime movements and to advocate for humanitarian access and protection for those seeking refuge in neighboring countries. In total, around 6,500 Rohingya refugees from Bangladesh and Myanmar attempted onward land and sea movements in 2023, with approximately 600 reported dead or missing at sea (UNHCR, 2023).

Addressing Rohingya crisis requires coordinated efforts from the international community to provide adequate humanitarian assistance and develop sustainable solutions for displaced populations. Such efforts are essential to ensure the protection of their fundamental rights and well-being. However, securing countries willing to host Rohingya refugees has proven difficult, underscoring the need for stronger international cooperation and collective responsibility in responding to this prolonged humanitarian crisis. Debates continue regarding the effectiveness of ASEAN's efficacy, in addressing regional human rights challenges. Nevertheless, scholars generally agree on two key characteristics of the organization. First, ASEAN remains strongly committed to a normative framework that emphasizes the principle of non-interference in the domestic affairs of member states. Second, AICHR plays an important role in facilitating dialogue and building consensus among member governments on human rights issues (Feraru, 2023).

Formation of the AICHR

The ASEAN Intergovernmental Commission on Human Rights (AICHR) represents a key institutional outcome of the development of a regional human rights regime in Southeast Asia. Established in 2009, AICHR is the first regional human rights body in ASEAN and was created to promote and protect human rights among member states in accordance with the principles and norms of international human rights law (Gomez & Ramcharan, 2014). The establishment of AICHR reflects ASEAN's efforts to institutionalize human rights within its regional framework. In this context, a human rights regime refers to a system of principles, norms, rules, and decision-making procedures that shape the behavior of states and other actors in the field of human rights. Within ASEAN, AICHR serves as the central institutional mechanism of this regime, aiming to strengthen regional cooperation, provide advisory support, and encourage the implementation of international human rights standards.

ASEAN's commitment to incorporating human rights into its regional agenda can be traced back to the adoption of the ASEAN Vision 2020 (COUNCIL, 2020). Adopted in Kuala Lumpur in December 1997, this document articulated ASEAN's aspiration to build a stable, prosperous and caring regional

community. Although the 1997 financial crisis temporarily shifted ASEAN's focus toward economic recovery, the vision nonetheless incorporated principles related to human rights, including non-discrimination and the promotion of democratic values (Burchill, 2020). While the document primarily emphasized economic cooperation and regional development, it also signaled an emerging recognition of the importance of human rights within the ASEAN framework (ASEAN, 2012). The inclusion of these principles represented an early step toward integrating human rights considerations into ASEAN's broader regional agenda and laid groundwork for subsequent institutional development, including the establishment of AICHR.

Additionally, on November 29, 2004, ASEAN member states adopted the Vientiane Action Program (VAP) (Stacey, 2020). The VAP served as an important framework guiding ASEAN's engagement with human rights issues during that period (Davies, 2013, p. 387). The programme addressed several aspects of human rights promotion, including the development of regional human rights mechanisms, public education on human rights, cooperation and networking among relevant institutions, and the protection of migrant workers. Beyond serving as a policy framework, the VAP also marked an important step in strengthening the commitment of ASEAN leaders to human rights. A notable institutional development followed during the 40th ASEAN Ministerial Meeting in Manila on July 30, 2007, with the establishment of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). The creation of this body reflected ASEAN's evolving efforts to address human rights issues and demonstrated growing recognition of the need to protect vulnerable groups within the region (Numnak & Romandy, 2009:4).

The ASEAN Charter adopted in 2007 marked an important institutional development by transforming ASEAN from a largely informal association into a more rules-based organization. The implementation of the charter introduced several structural changes, including a stronger emphasis on the establishment of a regional human rights body (Tan, 2011, p. 140). Guided by this mandate, ASEAN member states took steps toward creating a formal human rights institution, which ultimately led to the establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR). The creation of AICHR signaled a more serious commitment to the institutionalization of human rights within ASEAN (Wahyuningrum, 2021). Human rights principles have gained increasing prominence in the region through initiatives such as the Vientiane Action Program (VAP) and the ASEAN Charter. The establishment of AICHR therefore represented a significant step toward addressing human rights issues within the regional framework. Nevertheless, the persistence of human rights challenges across ASEAN underscores the need for continued commitment and action from member states. In several countries—including Indonesia, the Philippines, Thailand, Malaysia, and Singapore—public pressure for greater openness, democratic governance, and respect for human rights has also contributed to raising awareness of these issues and encouraging state leaders to respond to societal concerns (Tan, 2011, p. 139).

The AICHR was formally established in 2009 following agreement among ASEAN member states in Thailand (ASEAN, 2009). The declaration adopted at that time endorsed the TOR as the operational foundation of AICHR. This development signaled ASEAN's recognition of the importance of addressing human rights issues at the regional level although significant operational limitations remain. One major limitation is that AICHR lacks the enforcement power found in other regional human rights systems. For example, the Council of Europe utilizes legal instruments through the European Court of Human Rights to adjudicate human rights violations. Unlike the European model, which can issue binding judgments and require compliance from member states, AICHR primarily operates through dialogue, consultation, and consensus. It does not possess the authority to impose legal sanctions or

hold member states formally accountable for human rights violations. Consequently, critics have argued that AICHR remains limited in its ability to effectively address serious human rights issues within the ASEAN region (Tan, 2011, p. 141). Nevertheless, AICHR can also be viewed as an evolving institutional space that remains open to reform and contestation, Its development depends in part on the initiatives of its representatives and their commitment to advancing human rights. To strengthen its effectiveness, AICHR would need to institutionalize more consistent practices aimed at promoting and protecting human rights. These efforts may include grater engagement with external stakeholders, increased transparency in its procedures, and and periodic revisions of its ToR. Such measures could enhance AICHR's capacity to contribute more meaningfully to the promotion and protection of human rights within ASEAN (Collins & Bon Tai Soon, 2022).

The establishment of AICHR suggests that ASEAN seeks to align itself with broader international human rights norms (Hara, 2019, p. 6). International human rights regimes—such as those embodied in the United Nations Charter and the Universal Declaration of Human Rights (UDHR)—reflect principles that resonate with ASEAN's efforts to develop its own regional human rights regime framework. The creation of AICHR therefore signals ASEAN's intention to internalize aspects of the international human rights regime within its institutional structure. As a regional organization, ASEAN has attempted to advance this process through regular consultations and meetings addressing human rights concerns. These initiatives contributed to the establishment of AICHR as a regional body tasked with promoting cooperation and dialogue on human rights issues. In addition, ASEAN member states endorsed the Vientiane Action Program (VAP) on November 29, 2004, covering the 2005–2010 period, which served as an important framework for ASEAN's engagement with human rights matters. This illustrates ASEAN's growing commitment to incorporating human rights considerations into its institutional agenda and represents an important step toward the gradual formation of a regional human rights regime in Southeast Asia.

State Security vs. Human Security

Since the 1960s, ASEAN has increasingly acknowledged the importance of addressing issues that threaten human security, including poverty, transnational crime, refugees, human trafficking, drugs trafficking, environmental degradation, political instability, and social injustice. ASEAN's aspiration to promote human security is reflected in the concept of a 'people-oriented ASEAN,' which is articulated in the ASEAN Charter (Nishikawa, 2010). Despite this commitment, significant challenges remain in prioritizing human security across ASEAN member states. The prevailing security discourse in the region continues to reflect a realist perspective, emphasizing the balance of power and a self-help system among states (Chunha, 2000; Nishikawa, 2010, p. 31). Within this framework, ASEAN member states tend to prioritize state-centric concerns, such as territorial disputes, interstate tensions, and regional conflicts, which have long characterized relations within the region (Nishikawa, 2010, p. 31). As a result, ASEAN's efforts to advance a human security agenda encounter significant challenges. The persistence of traditional security thinking—centered on state sovereignty and national boundaries—often limits the region's capacity to effectively address human-centered issues such as poverty, human trafficking, and environmental degradation, which directly affect the well-being of individuals and communities.

ASEAN's achievements in establishing the AICHR represents an important step in the development of a regional human rights framework. Nevertheless, both ASEAN member states and AICHR continue to face significant challenges in effectively promoting and practicing human rights. One of the primary obstacles stem from the strong emphasis placed on state sovereignty within ASEAN's institutional

culture. The organization is widely known for its adherence to the principles of non-intervention and consensus, which often constrain efforts to advance a robust human rights regime in the region. The TOR governing AICHR further reinforce this approach by requiring that decisions be made through consultation and consensus among member states (Numnak & Romandy, 2009, p. 16). While this mechanism aims to preserve regional harmony, it can also hinder decisive action on sensitive human rights issues. Because all ASEAN member must agree before a decision is taken, any single country can effectively veto decisions. This dynamic becomes particularly problematic given the diversity of political systems and varying levels of commitment to human rights across the region. For instance, Myanmar has faced extensive international condemnation for its treatment of the Rohingya population, which many observers have characterized as ethnic cleansing (Dussich, 2018). Similarly, Cambodia has been criticized for restrictions on freedom of speech and political oppression (Thlang, 2021). Consequently, ASEAN's consensus requirement can result in policy statements or actions that are considerably weaker than necessary to address severe human rights abuses. When member states prioritize sovereignty or domestic political considerations over human rights concerns, collective initiatives may be stalled or diluted. This not only limits ASEAN's effectiveness in responding to human rights violations but may also affect its credibility in the international community, while leaving vulnerable populations in the region insufficiently protected.

Furthermore, ASEAN member states demonstrate differing standards and interpretations regarding human rights. The management of the regional human rights regime reveals that not all ASEAN members have ratified major international human rights treaties, reflecting varying levels of commitment to global human rights norms. Although ASEAN has established institutional mechanisms such as AICHR, the values these institutions aim to promote do not always enjoy equivalent legitimacy among member states. Scholars have described this dynamic as a form of 'ritualism' in ASEAN's engagement with human rights. Ritualism arises from the organization's longstanding emphasis on state sovereignty and non-intervention, combined with growing normative and strategic pressures to demonstrate commitment to human rights. At the same time, ritualism reflects the diversity of engagement among ASIAN actors. While some policymakers and representatives advocate stronger human rights protection, others remain less committed to advancing these norms. Consequently, ASEAN's relatively rapid transition toward ritualistic engagement illustrates the difficulty of developing a more progressive and unified human rights framework within a region characterized by diverse political systems and moral perspectives. ASEAN's experience therefore reflects broader tensions between human rights and state sovereignty that affect many regional organizations. Rather than viewing ASEAN as an exceptional or abnormal case, it may be more appropriate to evaluate its trajectory within the broader constraints of regional politics. Although ritualism has clear limitations, it also enables certain dialogues, initiatives, and institutional practices to occur that might otherwise be impossible. The challenge, therefore, lies in identifying ways to encourage incremental progress in human rights promotion while acknowledging the political realities that shape ASEAN's decision-making processes (Davies, 2021).

Numnak and Romandy (2009) gathered data on seven major international human rights treaties and examined whether ASEAN member states had ratified them as of 2009. These agreements include prominent instruments such as the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, among others that address different aspects of human rights protection. The findings indicate that ratification levels varied significantly among ASEAN member states. In some cases, states had ratified only a limited number of these agreements; for example, Brunei and Malaysia had ratified only the Convention on the Rights of the Child at that time. These disparities highlight the uneven commitment of ASEAN member states to international human rights standards.

Another significant obstacle confronting ASEAN in addressing human rights issues is the diplomatic culture commonly referred to as "the ASEAN Way." This approach, as described by Suzuki (2019), emphasizes non-interference in the domestic affairs of member states and encourages the resolution of political issues primarily at the national level. The persistence of this diplomatic culture does not stem solely from the presence of undemocratic regimes within some ASEAN member states; rather, it reflects a broader consensus among members that domestic matters should remain under national jurisdiction rather than be addressed through regional intervention. As a result, ASEAN member states often prefer to manage sensitive political and human rights issues internally rather than relying on regional institutions. Although there have been occasional calls for ASEAN to adopt a more interventionist role, member states generally maintain their commitment to the principle of non-interference, believing that domestic challenges should be handled independently. This mutual understanding reinforces the non-intrusive character of ASEAN's regional governance. The Term of Reference (TOR) guiding AICHR emphasizes several principles that limit the institution's authority, including respect for sovereignty and territorial integrity, non-interference in internal political affairs, and decision-making based on consensus (Numnak & Romandy, 2009, p. 5). Consequently, AICHR operates primarily as a consultative and promotional body rather than an enforcement mechanism. The ToR also reiterates the importance of respecting the independence, sovereignty, equality, territorial integrity, and national identity of all ASEAN member states (Pisanò, 2014, p. 401). While these principles aim to preserve regional stability and mutual respect among states, they also illustrate the persistent tension between protecting state sovereignty and effectively addressing human rights violations within the ASEAN framework.

Despite rhetorical commitments to broader security concerns, ASEAN's security logic continues to emphasize traditional, state-centric approaches. Discussions surrounding sovereignty within ASEAN closely resemble neorealist perspectives on security, which focus on protecting a state's physical integrity from external threats originating beyond its national borders (Morgan, 1997). Such thinking encourages states to maintain strict control over territorial boundaries and sovereignty, thereby limiting their willingness to adopt more flexible approaches to regional cooperation in matters related to security and human rights. However, traditional security concepts have been widely criticized, particularly by scholars associated with Critical Security Studies, who question the central assumption of "whose security" is being prioritized. Within the conventional security framework, military and defense-related issues are often classified as "high politics," while concerns such as hunger, disease, and environmental degradation are categorized as "low politics." Critics argue that traditional perspectives are increasingly inadequate for addressing contemporary security challenges, particularly in the post-Cold War era, where many threats extend beyond interstate conflict and may originate from internal political dynamics or predatory state institutions (Anthony, 2016). In this context, ASEAN could benefit from shifting its security paradigm toward a greater emphasis on human security. By placing individuals rather than states at the center of security considerations, this approach would allow the region to more effectively address transnational and human-centered threats, including environmental degradation, humanitarian crises and ethnic violence. A human security perspective also encourages thinking beyond rigid political boundaries and challenges exclusive notions of national security. Recognizing that states themselves can sometimes threaten the safety and rights of their populations highlights the limitations of relying solely on state-centered security frameworks. Consequently, the protection of human rights requires stronger attention to individual human rights and the rule of law, which serve as essential safeguards against abuses of power and ensure the protection of citizens from internal and external threats (Anthony, 2016; Krause & Williams, 1997).

It is therefore increasingly important for ASEAN to place greater emphasis on human security rather than prioritizing sovereignty and traditional notions of national security. Haq (1994) argued that security should be understood primarily in human terms—emphasizing the protection of individuals rather than territory, development rather than militarization, and the well-being of people in all aspects of life, including their homes, workplaces, communities, and environments (Haq, 1994). To some extent, ASEAN has attempted to incorporate elements of human security into its regional agenda. Since the 1990s, the organization has introduced initiatives that reflect these concerns, including the ASEAN Vision 2020 and the ASEAN Charter, as well as various declarations promoting a more people-oriented regional community. However, the practical implementation of this agenda remains constrained by the diplomatic culture commonly known as the ASEAN Way, which prioritizes state sovereignty and non-interference in the domestic affairs of member states. As a result, institutions such as the AICHR have limited authority to exert pressure on member states or respond decisively to human rights violations.

Level of Democracy vs. Human Rights

An important element emphasized in the opening of the ASEAN Charter in 2007 is the commitment of member states to uphold the principles of democracy, the rule of law, and good governance, as well as respect for and protection of human rights and fundamental freedoms. Through the adoption of the Charter, the ten ASEAN member states collectively agreed to support and promote these principles within the regional framework (Gomez & Ramcharan, 2014, p. 4). In many respects, ASEAN member countries have followed broader global trends in the adoption of democratic practices, particularly through the introduction of electoral mechanisms and efforts toward democratic consolidation. Nevertheless, important questions remain regarding the quality of democracy practiced across the region and whether these democratic processes align with the broader expectations of a well-functioning democratic system. Liberal democracy, for example, is generally associated with political systems that uphold principles such as free and fair elections, the separation and distribution of political power, and the protection of fundamental freedoms including freedom of expression, association, religion, and property rights (Gomez & Ramcharan, 2014, p. 6). The relationship between democracy and human rights is therefore closely interconnected. Assessing the quality of democracy among ASEAN member states remains challenging due to the diversity of political systems within the region. When democratic practices are weak or characterized by irregularities, the protection and implementation of human rights are also likely to be compromised.

ASEAN member states exhibit considerable diversity in their political systems, although these regimes continue to evolve over time. Peou (2014) identified several types of political regimes in Southeast Asia. For instance, Myanmar has historically been characterized as a non-democratic state under military rule, while Brunei operates under an absolute monarchy. Laos and Vietnam maintain one-party communist systems. In contrast, Singapore, Malaysia, and Cambodia are often described as non-liberal democracies characterized by dominant or hegemonic party systems. Meanwhile, countries such as Indonesia, Thailand (prior to May 2014), the Philippines, and Timor-Leste are generally categorized as democracies with a more liberal orientation. Nevertheless, even these states are widely considered to be unconsolidated democracies. In *Politics on Southeast Asia*, Case (2002) characterizes Indonesia as a pseudo-democracy undergoing transition, Singapore as a stable semi-democracy, Malaysia as a semi-democracy with structural tensions, Thailand as a democracy lacking consolidation, and the Philippines as a democracy with relatively low institutional quality. These variations in democratic governance have important implications for the implementation of a regional human rights regime. States with weaker democratic institutions may face greater difficulties upholding and institutionalizing human rights norms, whereas countries with stronger democratic values are generally more supportive of such

frameworks. At the regional level, however, it is difficult to characterize ASEAN as experiencing "democratic backsliding." As Rüländ (2021) observes, ASEAN has historically not functioned as a collective forum for promoting democracy in the first place. Consequently, there was never a clear peak of regional democracy promotion from which substantial backsliding could occur. Instead, shifts within ASEAN's regional governance may be better understood as transitions within a corporatist regional framework rather than straightforward democratic decline. Nevertheless, development differs among Southeast Asia's more democratic states. In Indonesia, democracy has generally not undergone clear backsliding; rather, democratic discourse has often been instrumentalized to enhance the country's soft power and legitimize its regional leadership. This interpretation reflects a "polyvalent" understanding of democracy influenced by organic state theory and corporatist traditions, which has persisted across successive administrations. By contrast, the Philippines has exhibited clearer indications of democratic backsliding, particularly in the transition from the relatively pro-democracy foreign policy orientation of the Aquino administration to a more securitized and illiberal democratic approach under subsequent leadership.

Institutional differences among ASEAN member states contribute to varying levels of commitment to human rights protection. Among ASEAN countries, Indonesia, the Philippines, and Thailand have at times demonstrated stronger engagement with shared human rights values. However, ASEAN as a regional organization lacks strong institutional mechanism capable of consistently driving human right compliance among its members. In addition, member states often adopt different approaches at both the international and regional levels regarding adherence to and interpretation of universal human rights standards (Gomez & Ramcharan, 2014, p. 14). Scholars have long emphasized the close relationship between democracy and human rights. Beetham (1997, p. 355) argues that democracy and human rights are fundamentally interconnected, encompassing civil and political rights as well as economic, social, and cultural rights. Democratic states are therefore expected to uphold and safeguard the rights and well-being of their citizens. In discussions of sovereignty—an issue that frequently complicates human rights promotion within ASEAN—the concept of Responsibility to Protect (R2P) offers an alternative perspective through the notion of 'sovereignty as responsibility.' According to this principle, a sovereign state bears the primary responsibility for protecting its people from severe threats such as civil war, rebellion, repression, or state failure. If a state proves unable or unwilling to fulfill this responsibility, the international community may have a moral obligation to intervene to protect affected populations (Anthony, 2016). The concept of sovereignty as responsibility suggests that when ASEAN member states emphasize the protection of sovereignty, they should simultaneously ensure the effective protection of their citizens' human rights. In practice, however, states themselves may sometimes become perpetrators of human rights violations rather than guarantors of protection. On the other hand, R2P cannot be applied to the humanitarian crisis involving the Rohingya population in Myanmar illustrates the limitations of applying R2P in certain contexts. Because the Rohingya are largely denied citizenship, they are considered stateless and therefore fall outside the jurisdiction of Myanmar's protective obligations typically associated with state sovereignty. As a result, the principle of 'sovereignty as responsibility' becomes difficult to operationalize in this case. This situation highlights a significant gap in the application of international human rights norms (Nishikawa, 2020, p. 10).

The preceding discussion highlights the close relationship between democracy and human rights, as both share a common normative foundation. The effective implementation of a regional human rights regime within ASEAN is more likely when member states maintain strong democratic institutions that respect and protect fundamental human rights. When ASEAN member countries share a common to human rights principles, it becomes easier to strengthen regional institutions and promote collective efforts aimed at upholding a robust human rights regime. However, the current political landscape

within ASEAN presents significant challenges. Not all member states operate under democratic systems, and even among those that do, the level of democratic consolidation varies considerably. These disparities create obstacles for countries with relatively stronger democratic institutions—such as Indonesia and the Philippines—as they strive to encourage more effective regional human rights mechanisms. At the same time, democratic states must navigate a regional environment in which some governments continue to prioritize sovereignty and the principle of non-interference over democratic governance and human rights protection.

CONCLUSION

ASEAN leaders have demonstrated their commitment to promoting human rights in Southeast Asian through the adoption of various regional agreements and initiatives. One of the most significant developments in this regard is the establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR), which represents a major institutional step toward implementing a regional human rights regime. Nevertheless, substantial gaps remain in the realization of human rights protection across ASEAN member states. Differences among member countries in prioritizing human rights constitute a major challenge, particularly as not all ASEAN members operate under democratic systems or fully embrace democratic values. As this study demonstrates, the human rights regime has yet to be fully internalized within ASEAN. Despite efforts to institutionalize human rights mechanisms, the promotion and protection of human rights in the region remain relatively weak.

One key factor contributing to this limitation is ASEAN's distinctive diplomatic culture, often referred to as the ASEAN Way. This approach is characterized by principles such as non-interference, quiet diplomacy, the non-use of force, and decision-making through consensus. While these principles have helped maintain regional stability and cooperation, they also constrain ASEAN's capacity to respond effectively to human rights violations within member states. The norm of non-intervention, in particular, restricts the ability of member states to address sensitive domestic issues affecting other states. Although ASEAN has established institutional mechanisms such as AICHR, these bodies lack the authority to exert meaningful pressure on states responsible for human rights violations. In addition, variations in democratic governance and political systems among ASEAN member countries significantly affect how human rights are prioritized within the region. Given the diversity of political systems within ASEAN, the promotion of human rights is shaped by differing national interests and priorities. Consequently, human rights issues often struggle to gain prominence within regional discussions. To strengthen the effectiveness of the regional human rights regime, ASEAN may need to gradually shift its security perspective away from traditional state-centered framework toward a broader understanding of human security that places greater emphasis on the protection of individuals.

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