Kraft on Renshaw, 'Human Rights and Participatory Politics in Southeast Asia'

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The issue of human rights in Southeast Asia has been an entire intellectual industry since Southeast Asian political leaders first challenged the idea of universal human rights with the idea of “Asian values.” Aside from the debate over the legitimacy of cultural relativism as a critique of liberal interpretations of human rights, the discussion about human rights in Southeast Asia has covered a number of topics ranging from specific country issues (such the Dili massacre and struggle for self-determination of East Timor, and political repression in Myanmar) to the question of how human rights norms can be propagated in the region. The latter includes debates that try to explore structure (the prevalence of existing regional norms such as broad adherence at the official level to the principle of non-interference) and agency (the role played by civil society at both the national and regional levels, and, more importantly, the role of the Association of Southeast Asian Nations). While the issues addressed by scholars in these different areas of discussion are interrelated, they tend to focus on one or two as the core component of their research. Catherine Renshaw’s book covers these same issue areas but takes off from a different starting point.

Renshaw asks a question which largely puts all of the discussion points covered by the literature together: is the behavior of states in the region towards human rights more likely to be influenced or affected by global- or regional-level engagement? In Human Rights and Participatory Politics in Southeast Asia, she argues that regional and global influences operate differently to effect change in the human rights behavior of states. This depends not just on agency but also on the prevalent political norms within a region. Global human rights norms have a better chance of being accommodated within a region if states within that region endorse those norms, whereas the opposite is true if there is intractable opposition within the region because of political or religious factors, or when the presence of a hegemonic power “distorts the socialization process” (p. 14). Essentially she is arguing that where liberal political values have traction within a region, those groups promoting human rights norms have a stronger chance of seeing these norms adopted nationally. Where these values do not have any support within the region, groups promoting human rights are better off appealing to global norms and mechanisms. At the same time, she notes that responses to specific norms are different across governments and countries, and therefore not simply dictated by political conditions. Differences in how states in Southeast Asia respond to human rights and specific human rights norms can be attributed to the “relative legitimacy of global and regional norms and the
institutions that promote them” (p. 14).

The book begins with the establishment of the Charter of the Association of Southeast Asian Nations (ASEAN), which was adopted in 2007. At the time, it was unclear as to the extent this would open up a new era for human rights in the region. The book argues that there was reason to be optimistic about those prospects. The book is divided into two parts. The first part covers the discussion on the domestic political situation of the different Southeast Asian states and how this affected progress at the regional level of the adoption of human rights norms. In this context, Renshaw points out that the democratic deficit in different Southeast Asian countries, particularly among the CLMV countries (Cambodia, Laos, Myanmar, and Vietnam), made it difficult to establish a robust regional human rights mechanism with oversight authority. It might appear to be a truism that human rights norms are easier to campaign for in countries and regions that are more liberal and democratic. However, Renshaw goes further by arguing that even where the regional conditions might provide an opening for human rights norms to be accommodated within regional structures, the absence of democratic traditions at the state level provides obstacles for what Martha Finnemore and Kathryn Sikkink refer to as a process of “norm cascade” taking place in the region.[1] The limited accommodation human rights norms have received in Southeast Asia owes precisely to these democratic deficits. Even as there are obstacles at the level of the region due to the ASEAN Way, and the ASEAN obsession with “non-interference,” Renshaw correctly attributes these regional issues to differences in political structures and the lack of traction that democratic values and institutions have in a number of states in ASEAN. This could be seen in how ASEAN had to settle for a relatively weak ASEAN Inter-governmental Human Rights Commission (AICHR), and an ASEAN Human Rights Declaration that offered less than what was contained in the UN Declaration on Human Rights.

It is, however, in the second part of the book that Renshaw makes an important contribution to the discussion on human rights in Southeast Asia. Democratic deficits only explain part of the issue—a significant part, but only a part nonetheless. It is in this section where she identifies a more nuanced approach to human rights among the members of ASEAN, regardless of how this is actually represented in ASEAN. She does this by looking into the specific issues of women’s rights and trafficking in persons. In both cases, the regional instrument is heavily influenced by global instruments. Yet she notes a differentiated approach to both. This should end continuing speculation about the centrality of “Asian values” to the entire discussion of human rights in Southeast Asia and place it more directly in its proper place—domestic and regional politics.

Renshaw’s discussion on women’s rights is particularly strong in the way she nuances specific approaches taken by ASEAN and the ASEAN states on different aspects of the issue. Renshaw shows that the entire discourse on women’s rights in ASEAN strongly inclines towards the specific question of violence against women. This is shown in how strong the support was for a regional mechanism on violence against women in ASEAN with the adoption of the Declaration on the Elimination of Violence Against Women and the Elimination of Violence Against Children (DEVWC) in October 2013. Even as the DEVWC reflects a strong ASEAN position on the issue to the point where it “acknowledges the commitment of the ASEAN states to international instruments such as the United Nations Declaration on the Elimination of Violence Against Women,” she noted, however, that the ASEAN Declaration did not include “the strong and specific definition of violence that we find in ... the UN Declaration” (p. 117). This is illustrative of how even in an area of strong consensus, details are affected by differentiated social norms. Consequently, specific details that would make the regional instrument
more robust are left out in recognition of differentiated appreciation of the norm. This is also reflected in the way that women’s rights tend to be conflated with children’s rights. It makes the issue more consistent with how Southeast Asian societies see women’s rights but diminishes the significance of women’s rights in the context of advancing women’s equality in the region.

The very nuanced approach taken by ASEAN that Renshaw points to in her chapter on women’s rights takes a different tack on the issue of trafficking in persons. Where the UN Declarations were stronger in content and oversight on the matter of women’s rights compared to the ASEAN instruments, she notes that the ASEAN instruments on trafficking in persons were better accommodated domestically by the ASEAN states in terms of how most of the ASEAN states passed specific legislation related to human trafficking. Renshaw argues that this is probably because the regional instruments better reflected a “specifically regional understanding of the problem of trafficking that is particularly well-suited to promoting the internalization of norms about preventing trafficking” (p. 124). In this context, ASEAN was a better purveyor of anti-trafficking norms than the global instrument, that is, the UN Protocol on Human Trafficking.

The chapter on Myanmar emphasizes this dynamic between ASEAN and its member states—that is, the extent to which ASEAN can influence its members into internalizing regional norms. Since its acceptance into ASEAN in 1997, ASEAN has had very little influence on Myanmar’s internal politics. The democratization process in Myanmar, while encouraged by ASEAN, was not something that could be laid at the door of ASEAN, even with adoption of the charter in 2007. Consequently, the way by which Myanmar chose to adopt or ignore human rights in its domestic politics was largely a byproduct of its own domestic political dynamics. Thus, the Rohingya issue and the lack of ASEAN influence over how Myanmar’s government chose to settle it is reflective of the weakness of ASEAN’s institutional forms, the capacity of ASEAN to enforce the norms they represent, and, more importantly, their lack of legitimacy in the eyes of the people and government that had to respond to them.

Renshaw’s book is an important addition to the literature on human rights in Southeast Asia because it looks at specific issues and dynamics between domestic and regional politics, and how these dynamics accommodate (or reject) the way that human rights norms are represented. The arguments about how the difficulty of promoting human rights in ASEAN can be attributed to the latter being a “club of dictators” is challenged not only in the face of the political structures of the member states of ASEAN, but in how the different member states of ASEAN have reacted differently to specific human rights norms regardless of their domestic political systems. This is a book that will be of value to students of ASEAN and contemporary Southeast Asian politics. More importantly, it challenges structural arguments made about institutions in International Relations. Overall, it brings us closer to understanding the complexities involved in trying to make sense of ASEAN.

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Note


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