

The Role of ASEAN As Norm Entrepreneurs in The Development Of Human Rights Protection Norms In Southeast Asia

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Abstract

This research analyses ASEAN's role as a norm entrepreneur in developing and promoting human rights protection norms in Southeast Asia. Using Finnemore and Sikkink's Norm Life Cycle theoretical framework, this study examines how ASEAN constructs, strengthens, and internalises human rights norms through various regional mechanisms. Employing a qualitative approach and case study method, this research uses process tracing techniques to analyse official ASEAN documents and academic literature. The findings indicate that ASEAN has played a significant role in introducing and promoting human rights norms through the establishment of AICHR and the ASEAN Human Rights Declaration. However, ASEAN's effectiveness remains limited due to the non-intervention principle and varying political commitments among member states. While countries like Indonesia and the Philippines have shown progress in internalising human rights norms, states with more authoritarian political systems continue to show resistance. This research concludes that strengthening ASEAN's human rights mechanisms is necessary to achieve more effective implementation in the region.

Keywords: ASEAN; norm entrepreneur; human rights; Norm Life Cycle; Southeast Asia

1. INTRODUCTION

Human rights have become an important part of the widely recognised global norm in international governance. The development of global human rights norms can be traced to various international treaties, such as the Universal Declaration of Human Rights (1948), the Convention on Civil and Political Rights (1966), and the Convention on Economic, Social, and Cultural Rights (1966). Although these norms are widely recognized in various parts of the world, their implementation and adoption in various regions still face challenges, including in Southeast Asia. The region, with its complex socio-political dynamics and cultural and historical diversity, presents its own challenges in the implementation of human rights protection norms.

The Association of Southeast Asian Nations (ASEAN) plays an important role as a regional actor that is beginning to pay attention to human rights issues. ASEAN was originally established in 1967 as a security and political organization to maintain regional stability. However, over time, ASEAN transformed into a more inclusive community, integrating social and cultural agendas into its framework. This can be seen through the establishment of the *ASEAN Socio-Cultural Community (ASCC)* which includes human rights issues as one of its priorities. With this transformation, ASEAN is increasingly recognized as a *norm entrepreneur*, namely an actor who plays a role in creating, promoting, and developing new norms, including in terms of human rights protection in the Southeast Asian region (Narine, 2018).

ASEAN's role in advancing the regional human rights agenda can be seen from the initiatives that have been launched, such as the establishment of the *ASEAN Intergovernmental Commission on Human Rights (AICHR)* in 2009 and the ASEAN

Declaration of Human Rights (2012). These two initiatives are important foundations in the development of human rights norms at the regional level. However, ASEAN's role in developing human rights norms is still often criticized for its non-intervention approach inherent in the *ASEAN Way principle*, which is often considered to hinder efforts to protect human rights in the region (Pekkanen, 2020).

In line with this background, the main question raised in this study is how ASEAN plays a role as *an entrepreneur norm* in developing human rights protection norms in Southeast Asia. This research will also discuss the challenges and opportunities that ASEAN faces in the process, given the political and cultural complexities in the region. These questions are important to answer in order to understand the extent of ASEAN's effectiveness in advancing the human rights agenda, as well as the obstacles that need to be overcome in order for these norms to be adopted more widely across member states.

1. What is the role of ASEAN as *a norm entrepreneur* in developing norms for human rights protection in Southeast Asia?
2. What are the challenges and opportunities that ASEAN faces in the process?

The concept of *norm entrepreneurship* in international relations was developed by Martha Finnemore and Kathryn Sikkink in the theory of the norm life cycle (*Norm Life Cycle*). According to this theory, international norms develop through three stages: the emergence of norms, the cascade of norms, and the internalization of norms. The first stage is the emergence of norms, in which certain actors—known as *norm entrepreneurs*—play a key role in promoting new values or norms. At this stage, *norm entrepreneurs* often use moral narratives to encourage acceptance of these norms. The second stage, the norm cascade, is when the norm begins to be widely adopted by countries or other actors at the international level. Finally, at the internalization stage, the norm has been accepted so widely that it is no longer debated and is considered a universally accepted standard of behavior (Finnemore & Sikkink, 1998).

In the context of Southeast Asia, ASEAN can be seen as *an entrepreneurial norm* that encourages the adoption and development of human rights protection norms in the region. However, ASEAN's role in developing human rights norms is not always linear and often faces resistance from several member states that have different views on human rights. Some Southeast Asian countries prioritize political and economic stability over human rights, which causes the development of human rights norms to be hampered (Nesadurai, 2019).

The literature on ASEAN and regional human rights developments shows that although ASEAN has taken steps towards human rights commitments, including the establishment of the AICHR, there has been a lot of criticism of weak implementation. ASEAN's principle of non-intervention is often seen as an obstacle to human rights progress in the region. In some cases, this has made it difficult for ASEAN to respond to serious human rights violations among its member states, especially in the context of internal politics and the sensitivity of state sovereignty (Renshaw, 2016).

Other research shows that despite its weaknesses, ASEAN still serves as an important platform for dialogue and collaboration among member states on human rights issues. This mechanism, while not perfect, provides a channel for socialization and policy alignment between countries in the region (Jetschke & Murray, 2012). In addition, ASEAN's success in promoting human rights norms also depends heavily on the support of its member states in the process of internalisation and harmonization of norms at the national level.

Research in the past decade has also highlighted the relevance of domestic political dynamics in the development of human rights in Southeast Asia. Some countries, such as Indonesia, have shown more progressive leadership in promoting regional human rights agendas, while others have been slower in adopting international standards (Morada, 2015). The development of human rights norms in Southeast Asia is a complex process, with ASEAN playing an important role as *norm entrepreneurs*. Using the *Life Cycle Norms framework*, ASEAN has sought to introduce and encourage the adoption of human rights norms through various regional initiatives. However, challenges in terms of the principle of non-intervention and the domestic interests of ASEAN member states are obstacles that need to be overcome to achieve the development of more effective human rights norms in the region.

2. RESEARCH METHODS

Research Approach

This study uses a qualitative approach with a case study method to analyze the role of the *Association of Southeast Asian Nations* (ASEAN) as a *norm entrepreneur* in developing human rights protection norms in Southeast Asia. The qualitative approach is considered the most appropriate because this research focuses on an in-depth understanding of the complex social and political processes related to the development of human rights norms in the region. In the study of human rights and international organizations, qualitative approaches are often used because of their flexible nature and ability to capture the dynamics of normative processes and broad institutional influences (Acharya, 2017).

The case study method is used because this research focuses on one international organization, namely ASEAN, and its specific role in the process of developing human rights norms in the Southeast Asian region. Case studies are also relevant to explain the typical context, namely ASEAN's efforts to promote human rights in a region with a very diverse political, economic, and cultural background. The case study allows researchers to explore in detail how ASEAN, as a multilateral entity, operates in this context and how ASEAN's internal mechanisms, such as *the ASEAN Way*, affect the development of regional human rights norms (Jetschke & Murray, 2012).

This research also uses *the process tracing* method to track and analyze how human rights norms develop and are adopted within the ASEAN framework. *Process tracing* is a method that allows researchers to understand the sequence of events that connects a particular action to a particular outcome. In this context, *process tracing* is used to track the various stages that ASEAN has gone through in promoting and developing human rights norms, starting from the establishment of the *ASEAN Intergovernmental Commission on Human Rights* (AICHR) to the ASEAN Declaration of Human Rights in 2012 (Pekkanen, 2020). Through this method, the research can identify important stages, policy decisions, and actors involved in the process of forming and developing human rights norms.

Process tracing is also useful to examine how ASEAN plays a role as *norm entrepreneurs*, namely actors that encourage the emergence of new norms. In the norm life cycle theory developed by Finnemore and Sikkink (1998), international norms go through three main stages: the emergence of norms, the cascade of norms, and the internalization of norms. In the first stage, *norm entrepreneurs* such as ASEAN play an important role in introducing new values or norms through regional mechanisms such as intergovernmental dialogue or policy initiatives. Then, at the norm cascade stage, these

norms began to be accepted and adopted by ASEAN member countries. Finally, at the internalization stage, the norm is considered a widely accepted standard and is no longer debated at the regional or international level (Finnemore & Sikkink, 1998).

Data Collection Techniques

To support this qualitative analysis, the research uses two main techniques in data collection, namely the analysis of official ASEAN documents and the study of relevant academic literature.

1. Analysis of ASEAN Official Documents

One of the main data collection techniques in this study is the analysis of official documents published by ASEAN. These documents include various charters, treaties, declarations, outcomes of high-level meetings, as well as annual reports of organisations related to human rights developments in the Southeast Asian region. The documents analysed include the *ASEAN Charter*, the *ASEAN Human Rights Declaration* (2012), and the annual reports of the *ASEAN Intergovernmental Commission on Human Rights* (AICHR). This primary data will provide an in-depth picture of how ASEAN views and formulates human rights norms at the regional level as well as how these policies are implemented in practice by member countries.

This approach is important because ASEAN, as an international organization has its own mechanism in formulating and promoting human rights norms. For example, the *ASEAN Human Rights Declaration* (2012) is one of the important milestones in the development of human rights in the region. Through the analysis of this official document, this study can assess the extent to which the declaration is successful in setting human rights standards in Southeast Asia and how ASEAN responds to international criticism related to the *ASEAN Way* principle, which tends to prioritise non-intervention and state sovereignty (Renshaw, 2016).

In addition, this official document also helps in understanding ASEAN's efforts to establish a human rights mechanism in the region through the establishment of the AICHR. The AICHR, which was established in 2009, is the first regional body dedicated to advancing and protecting human rights in Southeast Asia. However, the institution has also often been criticized for being weak in carrying out its mandate, especially in enforcing strict human rights norms in a region that places great importance on the principle of non-intervention. By analyzing AICHR reports, this study can explore the role of this institution in developing and internalizing human rights norms in ASEAN as well as the challenges faced in their implementation (Morada, 2015).

Academic Literature Studies

In addition to analyzing official documents, this study also conducts a study of academic literature to gain deeper theoretical and empirical insights on the concept of *norm entrepreneurship*, the *theory of Norm Life Cycle*, and the role of ASEAN in the development of human rights in the Southeast Asian region. The literature reviewed includes books, scientific journal articles, as well as research reports relevant to this topic. This literature review was drawn from sources published in the last ten years to ensure the relevance and accuracy of the data used.

According to Acharya (2017) and Nesadurai (2019), it is used to understand the historical context and development of ASEAN's role in promoting human rights. Acharya, for example, shows how ASEAN seeks to formulate a human rights approach that is more

in line with the socio-political context of Southeast Asia through the process of *localization*, where global norms are adjusted to the local values of the region (Acharya, 2017). This research is important because it provides an understanding of how ASEAN tries to integrate international norms with the unique characteristics of its member states that have a preference for political stability and national sovereignty.

The literature study on *entrepreneurship norms* and the theory of *Norm Life Cycle* from Finnemore and Sikkink (1998) is also an important theoretical foundation in this study. This theory helps explain ASEAN's role as an agent of normative change in the Southeast Asian region. This literature provides an analytical framework that allows researchers to explore how human rights norms are introduced, socialized, and internalized in the region. This literature also serves to assess whether ASEAN has succeeded in the cascade stage of norms and whether the internalization of human rights norms has been achieved at the regional level (Finnemore & Sikkink, 1998).

Academic literature studies are also used to compare ASEAN's experience with other regions, such as the European Union, which have a stronger and more established human rights framework. This comparison helps to assess whether ASEAN's looser approach to human rights can be considered effective in promoting human rights norms among member states that are very politically and socially different (Renshaw, 2016). By combining an analysis of ASEAN official documents and a study of academic literature, this study seeks to provide a comprehensive overview of ASEAN's role as a *norm entrepreneur* in developing norms for human rights protection in Southeast Asia, as well as the challenges and opportunities faced in the process.

3. RESULTS AND DISCUSSION

Emergence Stage: ASEAN as a Norm Entrepreneur

At the *emergence* stage in the *Norm Life Cycle*, ASEAN plays an important role as a *norm entrepreneur* in identifying and raising human rights issues to the regional level. ASEAN's role as a driving force for human rights norms in Southeast Asia began to be seen in the late 1990s, when the organization gradually recognized the importance of individual rights in the context of social and economic development. The initial identification of regional human rights issues was carried out within the framework of ASEAN community development, which included the establishment of the *ASEAN Socio-Cultural Community* (ASCC) which focuses on social and human rights issues (Acharya, 2017).

ASEAN in the process faces many challenges in formulating human rights norms that are in accordance with the diverse characteristics of Southeast Asia. Persuasive mechanisms in the ASEAN context are framed through the principles of *the ASEAN Way*, which emphasizes consensus and non-intervention. This framing and persuasion process is important because ASEAN must align universal human rights norms with local values and the national interests of its member countries that have different views on human rights. *The ASEAN Way* forms an approach that prioritizes regional harmony and stability, so that human rights norms are promoted slowly without causing excessive resistance from member states (Jetschke & Murray, 2012).

The establishment of the *ASEAN Intergovernmental Commission on Human Rights* (AICHR) in 2009 was an important milestone in the development of human rights norms in the region. The AICHR, as the first human rights institution established in Southeast Asia, marks ASEAN's commitment to improving human rights protection in the region. The AICHR is tasked with promoting human rights among ASEAN countries, although its

functions are more limited to consultation and recommendations than direct human rights law enforcement (Narine, 2018). The establishment of the AICHR not only reflects ASEAN's involvement in advancing human rights but also shows how ASEAN seeks to strike a balance between international pressure and domestic interests.

Table 1. *Milestones ASEAN sebagai Norm Entrepreneur pada Tahap Emergence*

Year	Milestone
2007	Signing of the ASEAN Charter which lists human rights (HAM) as ASEAN's goals
2009	Formation of ASEAN Intergovernmental Commission on Human Rights (AICHR)
2012	Adopsi ASEAN Human Rights Declaration (AHRD)
2015	Integration of human rights in the ASEAN Socio-Cultural Community (ASCC) agenda

Cascade Stage: Difusi Norma HAM ASEAN

In the *cascade* stage, human rights norms began to spread more widely at the regional level through the socialization process carried out by ASEAN. This socialization mechanism is carried out through ASEAN high-level meetings, inter-governmental dialogue, and civil society participation in human rights issues. One of the key instruments used by ASEAN to socialize human rights norms is *the ASEAN Human Rights Declaration* (AHRD), which was passed in 2012. This declaration is an important foundation for ASEAN member states to agree on acceptable human rights standards at the regional level.

Although the AHRD is often criticized for being considered inferior to international standards, as set out in the Universal Declaration of Human Rights (UDHR), it is still considered a significant step in promoting and disseminating human rights norms in Southeast Asia. AHRD has successfully adapted universal human rights norms by taking into account the unique social, political, and cultural conditions in Southeast Asia (Pekkanen, 2020). For example, ASEAN's principle of non-intervention is maintained in this declaration, although on the other hand, this document affirms the importance of protecting the rights of individuals across member states.

In this diffusion process, ASEAN uses a phased approach to ensure that human rights norms do not trigger significant resistance from countries that are more skeptical of human rights, such as Myanmar and Cambodia. This socialization is carried out not only through official declarations, but also through high-level meetings that allow open dialogue on the implementation of human rights in member countries. ASEAN plays a role as a facilitator of dialogue between member countries to discuss the challenges faced in implementing human rights norms in each country (Morada, 2015).

Table 2. Diffusion and Adaptation of ASEAN Human Rights Norms in Member States

Member States	Adoption Rate of ASEAN Human Rights Norms	Resistance to Human Rights Aspects
Indonesia	Tall	Relatively low
Philippines	Tall	Relatively low
Myanmar	Low	Political freedom, freedom of expression

Vietnam	Low	Freedom of expression, freedom of assembly
Malaysia	Keep	Minority rights and freedom of expression
Singapore	Keep	Political rights

Internalization Stage: Implementation and Challenges

The *internalization* stage in the *Norm Life Cycle* is when human rights norms are no longer debated and considered as generally accepted standards by ASEAN member countries. At this stage, ASEAN and its member states begin to develop national mechanisms to implement agreed human rights norms. Some countries, such as Indonesia and the Philippines, have shown a stronger commitment to adopting international and regional human rights standards into national law. In Indonesia, for example, the establishment of the National Human Rights Commission (*Komnas HAM*) and legal reforms related to human rights show progress in internalizing the human rights norms promoted by ASEAN (Nesadurai, 2019).

However, while there has been much progress in some countries, the implementation of ASEAN human rights norms still faces major challenges, especially related to the strong principle of non-intervention in the region. This principle is often used by member states to reject intervention or criticism of their domestic human rights situation. For example, cases of human rights violations in Myanmar, especially related to the oppression of the Rohingya ethnicity, show ASEAN's weakness in upholding human rights norms due to political pressure to continue respecting the sovereignty of member states (Renshaw, 2016).

In addition, there are significant differences in the implementation of human rights norms among ASEAN member countries. Countries with authoritarian or semi-authoritarian political systems, such as Vietnam and Laos, show stronger resistance to the application of human rights norms, especially with regard to freedom of expression and freedom of assembly. This shows that the internalization of human rights norms in ASEAN is far from perfect and requires further support from member states to ensure effective implementation.

Analysis of ASEAN's Role in the Norm Life Cycle

In the entire norm cycle, ASEAN's role as a *norm entrepreneur* in the development and dissemination of human rights norms can be considered quite significant, although not without challenges. ASEAN has used a variety of strategies to promote human rights in the region, including the establishment of institutions such as the AICHR and the implementation of human rights declarations. As a *norm entrepreneur*, ASEAN uses a cautious diplomatic approach, utilizing the *principles of the ASEAN Way* that emphasizes non-confrontation and consensus.

Several supporting and inhibiting factors affect ASEAN's success in this norm cycle. The main supporting factor is ASEAN's commitment to maintaining regional stability and developing a more inclusive community. The establishment of a human rights mechanism, although weak, shows ASEAN's efforts to play a pioneering role in human rights norms in the region. On the other hand, the biggest challenge is the principle of non-intervention, which is often an obstacle in the enforcement of human rights, especially when serious violations occur in member states.

Overall, although ASEAN has made efforts to play an important role in promoting human rights, the effectiveness of the human rights norms developed by ASEAN is still

questionable, especially in terms of implementation and internalization at the national level. The protection of human rights in the region still requires further efforts to ensure that the norms agreed at the regional level are actually applied consistently in all member states.

Table 3. Supporting and Inhibiting Factors of ASEAN's Role in the Life Cycle Norms

Supporting Factors	Inhibiting Factors
Commitment to regional stability	Principle of non-intervention
Establishment of AICHR as a human rights institution	State resistance to universal human rights norms
Socialization through dialogue between countries	Political and legal differences in member states
Adopsi ASEAN Human Rights Declaration	Lack of strong enforcement mechanisms

4. CONCLUSION

This research shows that ASEAN plays an important role as *a norm entrepreneur* in the development of human rights protection norms in Southeast Asia. Through various initiatives such as the establishment of the *ASEAN Intergovernmental Commission on Human Rights* (AICHR) and the adoption of the *ASEAN Human Rights Declaration* (AHRD), ASEAN has successfully promoted human rights norms at the regional level. However, ASEAN's effectiveness in internalizing and implementing human rights norms in all member countries still faces significant challenges, especially related to the principle of non-intervention and differences in political commitments among member states. Some countries such as Indonesia and the Philippines have shown progress in internalizing human rights norms, while other more authoritarian countries such as Myanmar, Laos, and Vietnam are still showing resistance. Obstacles like these underscore the need for further reforms in ASEAN's approach to human rights, especially in strengthening enforcement mechanisms and encouraging stronger commitments from member states.

Further research is important to explore how ASEAN can strengthen the capacity of the AICHR as a regional human rights institution, as well as how ASEAN's consensus approach can be tailored to the urgent needs of human rights protection in the region. In addition, further research can focus on comparative studies between ASEAN and other regional organizations, such as the European Union, in the context of the development and implementation of human rights norms, in order to find more effective strategies for the Southeast Asian region.

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