

報告番号	※	第	号
------	---	---	---

主 論 文 の 要 旨

論文題目

Emergence and Advancement of Human Rights Concern in ASEAN

ASEANにおける人権関心の芽生えと進展

氏 名

SISOUK Boualaphiane

シソウク ボウアラフィアン

論 文 内 容 の 要 旨

Human rights are a significant issue which all pay attention to, whether at the international or regional level. ASEAN is also considered as a regional group which pays much attention to human rights protection in this present time. However, in the past, Southeast Asia used to be recognized as a region without human rights system. ASEAN is relatively young, with an even shorter history affirmative to human rights protection compared with other regions. Many scholars claim that human rights in ASEAN do not exist until the establishment of ASEAN Charter in 2008. There is another group that identify the term of human rights in 1993 after having the Vienna Declaration and Programme of Action. However, this dissertation argues that the concern of

human rights in ASEAN emerged earlier than 1993 and demonstrates the advancement of human rights concern in ASEAN.

The emergence of human rights concern in ASEAN is considering human rights as a tool for peace and stability. Human rights as a tool for peace and stability is identified in the case of Cambodia problem and this part claims that an origin of human rights is found in the process of Cambodia problem resolution by ASEAN and other countries cooperation. Human rights concern first appeared in the draft resolution of the UNGA in 1979 through ASEAN cooperation with other countries as an initial stage of human rights in ASEAN related to the Cambodia problem and as an original conception of human rights in ASEAN. Without the drafting process of the GA resolution, ASEAN might not have integrated human rights into its concerns.

In addition, the Joint Statement of ASEAN and European Community on the Political Issue in 1980, which is the second stage of human rights appearing in ASEAN through the Cambodia problem, developed from the initial stage. This stage was the most significant, since it was the stage where human rights were recognized in ASEAN's document, which meant that the intention of ASEAN with regard to human rights was stronger than at the initial stage.

In the Paris Peace Conference in 1989 and the Paris Peace Agreement in 1991, ASEAN reached the third stage of human rights concerns because of the Cambodia problem. This stage was also important since ASEAN also signed the Paris Peace Agreement which the Agreement on

the Political Settlement of the Cambodia Conflict states that “the other Signatories to this Agreement undertake to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia as embodied in the relevant international instruments and the relevant resolutions of the United Nations General Assembly, in order, in particular, to prevent the recurrence of human rights abuses.” This asserts that ASEAN accepted the terms and conditions of the agreements on human rights. Therefore, it can be concluded that the Cambodia problem was an origin of the concept of human rights in ASEAN which there are three distinct stages of development of ASEAN’s concern for human rights. The Cambodia problem is not only an origin of the concept of ASEAN human rights but also bring friendship and cooperation to ASEAN after having PPA.

The advancement of human rights concern in ASEAN firstly started from the United Nations cooperation. The first single document of ASEAN that provide human right concern was the Joint Communiqué of the Twenty-Fifth ASEAN Ministerial Meeting in 1992 which absorbing human rights concern from PPA. The author emphasizes that the World Conference on Human Rights had some impact to development of ASEAN human rights concern. In addition, the World Conference on Human Rights in 1993 is one of the main reasons for the support human rights protection in ASEAN since human rights in ASEAN emerged from the Cambodia problem and the cooperation between ASEAN members and other countries. The regional conferences created a declaration for

each region which Asia region got the Bangkok Declaration. This declaration has drafted by ASEAN members and other Asia countries after having the Second Workshop on Human Rights for Asia-Pacific region. As the result, the 26th Joint Communiqué was issued by AMM after the World Conference on Human Rights and followed by the Kuala Lumpur Declaration on Human Rights.

Secondly, the advancement of human rights concern developed in ASEAN-EU cooperation which came as the form of Join Declaration. ASEAN has been long cooperation with the European Community or European Union the cooperation between ASEAN-EC was the emergence of ASEAN human rights and also developed human rights concern in ASEAN. It could be observed that ASEAN-EU documents/declarations usually include human rights protection and promotion in their plan. For example, the ASAN-EU Declaration in 1994 states that “The Ministers emphasized their common commitment the promotion of and respect for human rights and fundamental freedoms on the basis of the Charter of the United Nations, the Universal Declaration of Human Rights, and the Vienna Declaration and Programme of Action. They expressed their strong support for the successful implementation of the Vienna Declaration and Programme of Action”. The ASEAN-EU cooperation was running well until 1997 when the dialogue had been cancelled and prolonged for three year due to the admission of Myanmar to ASEN. However, this was a catalyst for human rights protection not only in Myanmar but for whole ASEAN. Both

ASEAN and the EU had adjusted their position and been more comprehensive for human rights issue.

Thirdly, the advancement of human rights concern in ASEAN continues development by ASEAN intra-cooperation. This cooperation means the cooperation between ASEAN member countries with other countries in Southeast Asia territory namely, Cambodia, Laos, Myanmar and Vietnam (CLMV). The cooperation reaches the enlargement of ASEAN memberships started by the accession of Vietnam then Laos, Myanmar and Cambodia. The accession of these States to ASEAN was unique but tightening relationship between ASEAN and non-member States. After Vietnam acceded to ASEAN in 1995, Laos, Myanmar and Cambodia almost became ASEAN members at the same time but unfortunately some circumstance happened during the final step of acceptance them to the membership of ASEAN which led some criticism of one country and postpone of another country. The reason that ASEAN member States decided to delay this membership indefinitely and take human rights into consideration when reviewing this decision. This could be proved that ASEAN had concern on human rights. In addition, it might also say that human rights protection must be one of the conditions for admission to ASEAN.

This dissertation further identifies the advancement of human rights in ASEAN by analyzing the important documents of ASEAN on human rights after the World Conference on Human Rights. Human rights have been more identified in ASEAN documents and connected as

a process for ASEAN Vision 2020. ASEAN action plans are the link of human rights in ASEAN documents and actions. The first ASEAN action plan was the Hanoi Action Plan which issued in 1997 and later replaced by the Vientiane Action Programme in 2004 in order to follow a long vision of ASEAN 2020 which both action plans provide some development concerned about human rights. Following by the ASEAN Charter regards as the most important legal document of ASEAN. The ASEAN Charter was adopted in 2007 and entered into force in 2008. This Charter acknowledges the significance of human rights promotion and protection. It also creates important human rights body in Article 14 with the term of reference.

The Charter forms ASEAN Community Council to make a long-term vision of ASEAN became reality. ASEAN Political Security Community Blueprint and ASEAN Socio-Cultural Community Blueprint were adopted at 14th ASEAN Summit on 1 March 2009 in Thailand. These two blueprints are important since both include ASEAN's actions for human rights promotion and protection. In addition, ASEAN Human Rights Body as ASEAN Intergovernmental Commission on Human Rights (AICHR) was created as the main organ to promote and protect human rights in ASEAN. AICHR comes up with term of reference which determines the work of AICHR and the role of AICHR. Beside AICHR, ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) is also another human rights body for promotion and protection human rights but particularly focuses on women and children rights. ACWC is under ASEAN

Socio-Cultural Community Blueprint but AICHR is under ASEAN Political Security Community Blueprint. In addition, the ASEAN Human Rights Declaration (AHRD) is a result of AICHR work. AHRD is an ASEAN new instrument following ASEAN Charter and the Human Rights Body. AHRD enshrines in particular the respect for and promotion and protection of human rights and fundamental freedom in ASEAN for ASEAN peoples. It is the important effort of ASEAN in promoting human rights in Southeast Asia.

The advancement of human rights in ASEAN could be emphasis by the ASEAN-EU policy dialogue on human rights as results from the agreement of ASEAN and EU Ministers at the 20th ASEAN-EU Ministerial Meeting held in Brussels on 23 July 2014. ASEAN-EU policy dialogue on human rights was a fruitful cooperation between two regions. This cooperation is the most important part of the advancement of human rights concern in ASEAN since ASEAN absorbs and learns how to protect and promote human rights from their real practice. Therefore, it could be concluded that ASEAN human rights emerge from the solution of Cambodia problem and consider Cambodia problem is an origin of the human rights concern in ASEAN and the cooperation among ASEAN and intra and external are the link to the advancement of human rights in ASEAN. Without cooperation may cause human rights violation and it is not possible to advance human rights when there is no cooperation among ASEAN members and other countries and international organizations like the UN and the EU.