

Human Rights, ASEAN and Constructivism: Revisiting the "Asian Values" Discourse

Herman Joseph S. Kraft*

The Asian financial crisis and its subsequent political ramification have been considered to be the final word on what has been referred to as the "Asian values" debate on human rights. In Southeast Asia, the aftermath of the crisis itself saw clear changes in attitudes towards human rights expressed by the Indonesian government and a strengthening of commitment to human rights by the governments of the Philippines and Thailand. Other than these, however, there has been little in terms of clear policy shifts on human rights across the Southeast Asian region. This is particularly evident in the context of the Association of Southeast Asian Nations (ASEAN)¹ where the principle of non-interference continues to be used as a rationale for the absence of a regional human rights charter. This article posits that the projected end to the "Asian values" discourse is premature. This is not because of any concession of validity to the relativist argument that underlies it but more because of the limited context within which commentators have looked at the debate itself. What is suggested in this article is that the "Asian values" discourse, the ensuing debate on human rights in Southeast Asia that it engendered, and the continuing debate over human rights in Southeast Asia could be understood more clearly in the context of regional identity construction. Two interrelated issues are explored here. First is the "Asian values" debate itself and the problems that emerge from it. Largely framed around a relativist versus universalist formulation, the debate oversimplifies the issues concerning the politics of human rights in the region and ignores the nuances in approaches to human rights within ASEAN itself. This oversimplified perspective leads to the questionable conclusion regarding the end of the debate in the wake of the crisis. Following from this is the second point of this article which concerns the utility of a constructivist approach in looking at the "Asian values"

*The author acknowledges the comments of two anonymous reviewers but assumes full responsibility for the final manuscript.

discourse. A constructivist frame presents a better understanding of the continuing debate over human rights in Southeast Asia even as the critics of the "Asian values" discourse proclaim its unlamented end.

The discourse itself represents an attempt by political elites in Southeast Asia (and elsewhere in the Asia Pacific) to engage the industrialized countries of the West (primarily the members of the Organization for Economic Cooperation and Development) in a debate over the nature of human rights.² There are several specific points of contention which define this debate, but the most important ones revolve around: 1) the question of cultural relativism against universalism; 2) individual rights as opposed to communitarianism, and its related issue of rights versus duties and obligations; and 3) the primacy of economic development over civil and political rights (Hernandez, 1995: 3).³ The argument proceeds from the premise that international pressure on human rights comes predominantly from the industrialized West. Hence, the norms they cite are framed from within a Western liberal philosophy grounded on a conception of natural law, and the idea of inalienable rights to life, liberty and estate (Hernandez, 1995: 4). A particular point of contention is the claim that these norms have universal application and that governments are responsible for their implementation. In addition, the international character of human rights make states accountable to the international community for their enforcement.

Asian governments led principally by prominent officials and scholars from Singapore and Malaysia have challenged these claims by arguing that human rights are shaped by each society's historical experiences, and unique cultural development. At the Asia Intergovernmental Meeting held in Bangkok on March 29 to April 2, 1993 just prior to the Second World Conference on Human Rights held in Vienna, representatives of Asian governments came out with a declaration which affirmed the universality of human rights but stressed that these "must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious

backgrounds" (ASEAN Human Rights Mechanism: 38). Prime Minister Mahathir Mohamad of Malaysia had said that what are claimed to be universal values are in fact of "Western" origin (Mohamad, 1996). Along a similar vein, Singapore's representative to the United Nations, Kishore Mahbubani, has noted that "it is necessary for a developing society to first succeed in economic development before it can attain the social and political freedoms found in the developed societies" (Mahbubani, 1998: 73). His thoughts on human rights form a significant part of what has been referred to as the "Singapore School" alongside the ideas of Senior Minister Lee Kuan Yew, Foreign Affairs Permanent Secretary Bilahari Kausikan, Ambassador to the United States Chan Heng Chee, and Professor Tommy Koh of the Institute of Policy Studies. While their ideas at best constitutes a loose framework, they find a common thread in arguing the need for Asian societies to give greater priority to economic development and growth over political and civil rights, and consider the community's needs, rights, and security to be paramount (Chew, 1994: 934-935). They have pointed out that the entitlements of individuals are defined by the specific laws of their society and therefore vary from one to the next. In this context, the "Asian values" discourse asserts that since human rights norms are based on Western liberal democratic values, they are an imposition that are contrary to indigenous (Asian) values and, more importantly, seen as inimical to the international competitiveness of Asian economies. Furthermore, the multi-ethnic societies of many Asian states are too fragile and require special social and political arrangements which liberal democratic principles consider to be unacceptable. Harsh laws limiting free speech in Malaysia and Singapore, for instance, are justified along these lines. Asian societies must give greater priority to economic development and growth over political and civil rights because considerations for *the community's* needs, rights, and security are of paramount importance. Bilahari Kausikan of Singapore's Ministry of Foreign Affairs even made the rather odd claim that the *popular clamor* in East and Southeast Asia is for "good government: effective, efficient, and honest administration able to provide security and basic needs with good opportunities for an improved standard of living" (Kausikan, 1992: 38).

The "Asian values" discourse also challenged the emphasis given by Western societies to individual rights to the detriment of social unity and stability with its potential consequence for economic growth and development. At the Vienna Conference on Human Rights held on June 14, 1993, Foreign Minister Ali Alatas of Indonesia, while affirming the universality of human rights, said that his country and the rest of the developing world "do not and cannot hold to an individualistic approach towards human rights for we cannot disregard the interests of our societies and nations" (Alatas, 1993). Among political elites in the region, the premium given to individual rights accounts for what they believe to be the moral decay of Western societies. Prime Minister Mahathir Mohamad of Malaysia pointed out that developing societies cannot afford to be complacent, and a balance between individual rights and social responsibility must be made to prevent anarchy and sustain economic development (*New Straits Times*, 1995: 10).

Arguably, the "Asian values" discourse has forced human rights advocates to reflect on the question of what the universality of human rights means. Its legitimacy, however, lay not in the validity of the claims it made (which left much to be desired both philosophically and empirically), but rather on two factors. The first was the economic success of those countries whose political leaders were advocates of the discourse. Economic prosperity gave a material basis, no matter how fragile the causal relationship, to the claims they made regarding the need to sacrifice human rights for economic growth. The second factor, and perhaps more importantly from the perspective of international politics, was the tacit support given to the discourse by ASEAN. Acknowledged as the most successful regional organization of developing states, ASEAN had gained considerable influence in international affairs since its inception in 1967. Despite the political diversity of its members, the absence of any discussion on human rights issues (especially those that concerned the countries within the association) in effect implied acceptance of the claims made by the advocates of the "Asian values" discourse. Emphasis on the principle of non-interference ensured that human rights issues in the region would not be made an ASEAN concern.⁴

This challenge to the universality of human rights came to the fore at the ASEAN Ministerial Meeting in 1997. Prime Minister Mahathir proposed that a review of the Universal Declaration of Human Rights should be carried out since it did not take into consideration the needs of poor countries. What surprised most of the dialogue partners of ASEAN was the support that was expressed by other ASEAN members for this proposal (Euro-Burmanet, 1997). This challenge, however, was lost in the midst of the disarray created by the Asian financial crisis.

The Asian financial crash saw the collapse of stock markets, real estate prices, and currencies across Southeast Asia. The impressive economic growth rates registered by the region's "tiger economies" which lasted for more than a decade ended with only Singapore recording a positive GDP growth rate in 1998.⁵ While the beginning of the crisis can be traced back to the attack of foreign currency speculators on the Thai *baht* between May and July 1997, its cause is due to the confluence of domestic and international factors. These included the deregulation of Southeast Asian economies in the early 1990s, the concentration of foreign investment in unproductive sectors (such as real estate) and oversupplied industrial sectors, and extensive foreign borrowing, and structural economic issues, particularly a poorly regulated banking sector. These combined with a relationship between government and business that did not allow for effective oversight by outside parties (Haggard, 2000: 217-242). Jeffrey Sachs argued that the impact of crony capitalism, corruption and poor banking regulations on the crisis tended to be overestimated by analysts. He noted that these problems were already present long before the advent of the crisis and had not prevented the growth of the East Asian economies in the previous decades. It is undeniable though that these factors eventually contributed to the vulnerability of the East Asian economies to the vagaries of the international financial market (Narine, 2000: 4-8; Haggard, 2000: 138).

It was, however, the social consequences of the financial crisis that impelled political change (Embong, 1999:9). Retrenchment,

increased unemployment, deterioration in the quality of life, social unrest, ethnic tension, a contagion of pessimism and a crisis of confidence in the ability of the state to deliver social goods sparked political crises in a number of countries in the region which saw its most dramatic effect in the collapse of the Suharto regime in Indonesia. The political regime under Suharto had managed an Indonesian economy that pushed the country into the ranks of the second-tier of new industrializing economies in Asia. The government's economic reform policies resulted in strong economic growth performance in the last two decades. GDP has risen an average of 6.4 percent between 1973-1985, 6.9 percent between 1985-1990, and 7.9 percent between 1990-1996. A focus on growth and equity had resulted in higher incomes, reduced poverty and improved health and welfare for Indonesians (Wadhanan, 1998: 135-139). Its posturing as the champion of indigenous values and culture (and its anti-western, anti-imperialist tone) also added to its popular appeal. Generally, these claims have made the heavy-handed treatment of political dissent, and official rebuffs of outcries from the international human rights community, tolerable to most of their citizenry. These situation showed the problem with the liberal argument that framed the issue of human rights in Southeast Asia in terms of the implications of economic growth and industrialization. This argument posited that the "Asian values" discourse will eventually give way to a more liberal perspective once a strong middle class emerges from the economic prosperity of the region. This middle class will provide the ideological challenge to the authoritarian norms championed by that discourse. Despite sustained growth rates, however, there was no change in the approach taken by most Southeast Asian states towards human rights. While a middle class began to emerge in these countries, they were for the most part willing to support the authoritarian political frame of the "Asian values" discourse. Without the anodyne of economic prosperity, however, the legitimacy of authoritarian political structures dissolved in the face of the challenge posed by a frustrated and angry citizenry.

It was this loss of legitimacy of authoritarian structures that brought discredit to the "Asian values" discourse on human rights. By and large, the crisis had cut off the material base, i.e. economic

success, which had legitimized the claims the discourse had made. Political luminaries such as President Kim Dae Jung of South Korea, the former President of the Philippines, Fidel Ramos, and the former Governor of Hongkong, Christopher Patten, have been among the critics who have pointed out that the economic crisis exposed as false the discourse's key premise which justified repressive acts by the state in the name of economic development (*Irish Times*, 1998: 61; *Australian Financial Review*, 1998: 9; *Business Times*, 1998: 3). Conversely, the crisis diminished the political capital of its advocates.⁶ There have been some cautious backpedaling on the part of its champions. While rejecting the notion that the financial crisis had proven his previous statements on human rights wrong, Lee Kuan Yew denied that he had ever used the term "Asian values" pointing out that "there are actually many kinds of Asian values" (*Strait Times*, 1999: 6). Mahathir, though remaining defiant about his defense of "Asian values," has also had to accept that certain "Asian values" will have to be unlearned or eradicated (Mohamad, 1999: 76).

Premised as it was on the sudden economic downturn, the claim on the end of the debate over human rights in the region has curiously led to little change in the approach of ASEAN towards human rights. Officials from Indonesia and Vietnam have noted that while the foundations of the "Asian values" argument have been rocked, it is still needed as a unifying concept for the multi-ethnic societies of Southeast Asia (Interviews, 1999). The muting of the discourse itself has led to some initiative taken by democratic countries in the region to push for a review of the principles that have been central to the way that ASEAN conducts its business. At the 31st ASEAN Ministers Meeting (AMM) held in Manila on July 23-31, 1998, Thai Foreign Minister Surin Pitsuwan submitted a proposal for a review of the principle of non-interference. He argued that members should be allowed to discuss each other's domestic affairs openly if these have an impact outside their borders. This proposal, which became known as "flexible engagement," was supported by the Philippines. Philippine Foreign Affairs Secretary Domingo Siazon explained that flexible engagement did not mean the institutionalization of intervention in the domestic affairs of other states but was rather a call for "greater flexibility in expressing views

and, if possible, giving advice to each other on policies pursued by each country that could affect ASEAN as a whole (*Deutsche-Presse-Argentur*, 1998).” In the course of the discussion during the meeting the proposal for the adoption of flexible engagement was rejected, again showing the inherent conservatism of ASEAN’s “habit of mind.” Foreign Ministers S. Jayakumar of Singapore and Badawi of Malaysia referred to this decision as the reaffirmation of time-tested principles (*New Straits Times*, 1998: 2).

Also illustrating the continued predominance of this “habit of mind” and its impact on human rights in the region is the issue involving the institution of a regional human rights charter in Southeast Asia. Since 1996, human rights activists have been pushing for the adoption of an ASEAN Regional Human Rights Mechanism. Their initiative, interestingly, proceeds from the Joint Communiqué that came out of the 26th ASEAN Ministerial Meeting. The provision in question stated in part that:

[t]he Foreign Ministers . . . stressed that the violations of basic human rights must be redressed and should not be tolerated under any pretext. They further stressed the importance of strengthening international cooperation on all aspects of human rights and that all governments should uphold human standards and respect human dignity. In this regard and in support of the Vienna Declaration and Programme of Action of 25 June 1993, they agreed that *ASEAN should also consider the establishment of an appropriate regional mechanism on human rights* (italics mine) (Joint Communiqué, 1993: Para 18).

In a series of meetings with ASEAN officials, human rights NGOs and activists involved in this initiative were able to get support for the formation of an informal working group that would explore the prospects of establishing a regional human rights mechanism. Beyond this, however, most of the ASEAN governments have done little in terms of actively supporting the informal working group’s activities. While the ASEAN ministers supported this initiative in principle, they set the condition that national informal committees should be set up first before any support from the ASEAN

governments would be given. While the achievements of the regional informal working group and its national equivalents have been impressive, official doubts about the immediate efficacy of these efforts, as well as lack of more concrete support, have held back progress on this initiative.⁷ In spite of these activities, there has been little movement regarding its approach to human rights within ASEAN. There is still a "code of silence" that pervades the association regarding human rights issues in the region.

This behavior seems to affirm what critics of "Asian values" have argued: it is merely a justification for authoritarian rule and the legitimization of regimes in power in the member-states of ASEAN. Former Thai Prime Minister Chuan Leekpai had declared in an interview that "Asian values" were "self-serving values (*Time*, 1998: 16)." The obvious problem with this argument is the diversity of interests regarding human rights represented by the ASEAN states. Why would the government of a formal liberal democracy like the Philippines support authoritarian norms in the region? Due to the backlash against the excesses of the martial law regime under President Ferdinand Marcos, the Philippine government and the most vocal segments of Philippine society has since 1986 been critical of authoritarian norms. It has nonetheless never come out and openly challenged the institution of these norms in neighboring countries in a formal forum, whether it be ASEAN or anywhere else. These developments only make sense if the discourse on human rights in Southeast Asia and the subsequent debate it generated both within and outside the region are seen in the context of norms that are constitutive of the identity of ASEAN as a whole. The attitudes of the ASEAN governments towards the human rights debate and the issue of democratization in Southeast Asia are reflective of norms that the members of ASEAN claim to adhere to and which have been central to the definition of the Association's identity. It is in this context that a constructivist approach is most helpful.

Constructivism has been described more as a method than a theory in itself (Checkel, 1998: 325). A melange of theoretical perspectives ranging from postmodernism to the ideas grounded in more positivist methodologies presented by Alexander Wendt,

Martha Finnemore, and Peter Katzenstein have been associated with this approach (Adler, 1997: 319-363; Hobson, 2000: 145-173). The common ground for all of them is in the sociological insights that posit that human behavior is determined by the dominant social, cultural, and historical norms of the time. Wendt points out that they perceive world politics as being "socially constructed, which involves two basic claims: that the fundamental structures of international politics are social rather than strictly material (a claim that opposes materialism), and that these structures shape actors' identities and interests, rather than just their behavior (a claim that opposes rationalism)" (Wendt, 1992: 398). For purposes of this article, however, "constructivism" will be used to refer to the theoretical perspectives developed by Alexander Wendt and Martha Finnemore.

According to Wendt, the interests articulated by international actors are determined by identities defined by the situation (Wendt, 1992: 398). This situation is assigned a meaning usually on the basis of *institutionally* defined roles which call for certain courses of action. Institutions are defined as "structures" of identities and interests which are often codified in formal rules and norms (Wendt, 1992: 398). The absence or failure of the roles they determine makes defining situations and interests more difficult, and may result in identity confusion. Institutions, rules and norms, however, only have motivational force to the extent of an actor's socialization to and participation in collective knowledge. They are nonetheless "known" to exist "over and above the individuals who happen to embody them at the moment," and confront these individuals with varying degrees of coercive impact. As such, this collective cognition regarding rules and norms constitute identities and are in turn constituted by them. In international relations, the importance of norms lies in how they become a guide for the behavior of international actors and standard against which this behavior is evaluated by others. Inasmuch as such norms are necessarily intersubjectively determined, they are shaped mostly through the interaction of actors in international relations.

Constructivism has been used to investigate the behavioral norms of ASEAN with reference to regional security (Busse, 1999:

39-60). These norms are: 1) respect for the sovereignty and territorial integrity of all nations; 2) non-interference in the internal affairs of one another; 3) settlement of disputes by peaceful means; and 4) renunciation of the threat or use of force. Much of the focus of this approach has been on the commitment to the idea of sovereignty exhibited by these norms and the way that these norms have been instrumental in determining the policies of ASEAN's member-states. They have established a set of procedural norms, collectively referred to as the "ASEAN way," that specify how policy-makers should pursue a given course of action within the context of ASEAN. While a constructivist approach towards the "Asian values" discourse has never been truly undertaken, its tenets and the behavior of ASEAN towards international human rights norms appear to be consistent with the patterns of behavior and procedures established above. This is particularly important with regard to the issue of non-interference.

Non-intervention is fundamentally an expression of sovereign power. As a principle of international relations, it posits that states cannot legitimately intervene in issues that are of "domestic" concern to another state. The ASEAN member-states adopted it as a central norm that would feature greatly in their efforts at nation-building and state-making (Kraft, 2000: 20-21). This has emerged in two different but related levels of concern. Non-intervention is first of all a *moral* guarantee against unwanted superpower involvement in their internal affairs. This was particularly important in the context of the Cold War rivalry between the United States and the Soviet Union, but was also seen and continues to be seen in the broader context of East-West and North-South political relations. It is, however, also a political guarantee of peaceful relations between neighboring states whose sovereign authority was under attack from within their own borders. This had special significance for states with multi-ethnic populations.

As indicated above, non-interference and the other behavioral norms that constitute ASEAN is reflective of the stress on nation-building and state-formation in post-colonial Southeast Asia, which in turn focused attention on domestic threats to the well-being of

the state. Mohammed Ayoob compared this situation to the process of state-making in Europe between the 14th and 19th centuries, albeit concentrated within a much shorter time frame (Ayoob, 1995: 28-32). The historic time period, however, within which the process of state-making in Europe took place had a social context different from that facing the developing states of the post-colonial era.. It was insulated from the political complications created by demands for greater political participation and social justice by the popular masses. Indeed, the consolidation of state power was characterized by violence, coercion and political repression. This comparison paves the way for Ayoob's argument that the use of violence by regimes in power to impose order is not necessarily morally indefensible. If seen in the backdrop of the numerous cases of "failed states," he points out that political repression may be a necessary condition to guarantee the survival of states (Ayoob, 1995: 85-86). The situation in Indonesia since the collapse of the Suharto regime is a very contemporary case illustrating this dilemma.

The danger in this argument is in the way it provides a rationalization for human rights violations across the developing world. Ayoob acknowledged this problem and pointed out that he was not making "an apologia for authoritarian regimes in the Third World that emphasize order at the expense of both justice and political participation" (Ayoob, 1995: 86). Intended or not, however, the argument has precisely this effect. State survival and regime security are only separated by a very fine line (Alagappa, 1994: 26-27).⁸ Even if a moral distinction between acts of state violence with the purpose of preserving the state and those intended to silence political opposition can be made, repression often washes it out. Acts of state violence have always been rationalized in terms of ending a threat to state security. In many developing countries, regimes in power have equated their survival with the security of the state. Coercion and violence were therefore generously administered by regimes seeking to enforce compliance with its rule. The relationship between human rights and state security in this context takes on a zero-sum quality with human rights mostly on the zero end.

The "Asian values" discourse in Southeast Asia reflects the collective interest formulated by the ASEAN states as developing states in the post-colonial era, with the intention of establishing and maintaining stability within a largely multi-ethnic polity. This has been repeatedly articulated through two interrelated sets of arguments. The first is based on the duality of security and development, and the threat that human rights pose to both. The second, and probably the more important, argument pursues a cultural orientation, and argues that human rights are no more than a Western construct intended to maintain the subordinate position of developing countries in the world order. These two sets of arguments are mutually reinforcing and go beyond an attempt to re-cast the human rights debate along lines that argue for the legitimacy of the form of authoritarian rule that characterize many Southeast Asian states. They represent a corollary to a national security rationale. It is in this frame that security and human rights have become the key foci of debate involving developing states. Yezid Sayigh explained that

. . . [f]or reasons of political history, social composition and economic reality, there is a strong link between the various domestic and external contributors to security and insecurity. The result is to complicate immensely the task that faces ruling elites seeking to manage security (at all levels) while striving simultaneously to achieve the goals of development and state-building (Sayigh, 1990: 3).

The state, as the guarantor of economic prosperity and the protector of the nation's culture and identity, must be made secure against domestic political challenges. Deepak Lal struck at the heart of the matter with the observation that the experience of the economic tigers of Asia showed that "*courageous, ruthless and possibly undemocratic governments*" (italics mine) are needed to push the necessary policies for development to take place in Third World countries (Bienefeld, 1988: 14-25). Framed in this fashion, the dynamic between security and development in Southeast Asia gives preference to the state as the object of security, and development as one of the principal means towards that object.

Development, seen predominantly in an economic sense, is nonetheless only possible within the confines of a stable and secure central authority, unchallenged politically and autonomous in its capacity for decision-making. A strong economy and sustained good economic performance (as shown by consistent high growth rates) became the basis for the legitimization of authoritarian rule in a number of Southeast Asian states.

The governments of countries like Indonesia, Malaysia and Singapore have been able to engage their critics on human rights to reflect seriously on the relative importance of "strong states" in providing for the economic welfare of its citizens. Economic development has been invoked in relation to human rights in the context of political stability. Political dissent in and of itself is seen as potentially disruptive economically. The effects are succinctly described by Dewi Fortuna Anwar in reference to the case of Indonesia when she pointed out that:

[p]olitical stability and economic development are perceived to be linked together in an endless chain of cause and effect. Threats to political stability from any source would hinder the smooth process of development by distracting the government's attention and resources from development efforts. Conversely, obstacles put in the way of economic development projects are seen as a direct threat to political stability (Fortuna-Anwar, 1998: 492).

Clearly, the main point of contention in the human rights debate in Southeast Asia is less about the validity of the specific rights that are found in international human rights instruments as it is about the question of jurisdiction. The gist of the "Asian values" argument is that states have the final say on whether or not they should implement a particular set of rights. In this way, human rights principles are largely subject to the vagaries of state policy. ASEAN's insistence on a fairly extensive interpretation of how the principle of non-interference should apply has led to incongruity in how issues related to human rights are addressed by the ASEAN member-states. Viti Muntarbhorn, a human rights advocate in Thailand, noted that at the time when Vietnamese troops occupied Cambodia,

Indonesia (together with the rest of ASEAN) advocated self-determination for Cambodians in the United Nations. Yet, at that time it would not agree to the implementation of the same right in East Timor. The other side of the coin, however, shows that countries in the region may not be signatories to these international conventions but at the same time may adhere to the spirit of their provisions. A case in point is the 1951 UN Convention on Refugees and its 1967 protocol to which Malaysia, Singapore and Thailand are not signatories. They, however, provide refugees with facilities for education in accordance with the provisions of the international instrument (Muntarbhorn, 1987: 118). Interestingly, despite the strongly-held argument that economic development takes precedence over political rights, only three countries in Southeast Asia have ratified the International Convention on Economic, Social and Cultural Rights.

In all cases, non-intervention buttressed the assertion held by the member-states of ASEAN that human rights issues are of internal concern to the countries involved. Human rights falls outside the jurisdiction of the Association as a collective body. Despite international pressure on ASEAN to act collectively on such issues as self-determination and military repression in East Timor (prior to 1999) and political repression in Burma, its member-states have refused to do so officially. More importantly, the situation illustrates Wendt's point on the recognition of the "coercive fact" of norms. No representative from the individual ASEAN states, regardless of their government's political inclinations, have officially spoken out on these issues for exactly the same reason.

The focus on the claim of a common cultural heritage in Asia leaves a mistaken impression regarding the "Asian Values" argument. Most of those who have asserted the importance of "Asian values," including Lee Kuan Yew and Mahathir, have always affirmed the diversity of Asian cultural norms – albeit they have nonetheless asserted that there are some "values" which seem to be common to Asians. The claim to the existence of a largely common "Asian" world view had always been contested within Southeast Asia itself. The political orientation of the ASEAN member-states show a diversity that invalidates the claim of an "Asian"

constructivist approach, especially one that looks at the significance of the political discourse of "Asian values," explains this discongruence within the ASEAN region in terms of the exclusions that result from the emergence of a dominant discourse. Political discourses are made up of beliefs about the conduct of politics, the boundaries of political discussion, and the kinds of conflicts resolvable through political processes (Jenson, 1987: 65). The "Asian values" discourse itself defined the boundaries of the human rights and democratization debate within the context of norms associated with ASEAN. In this context, these norms are not so much about culture (as the adherents of the discourse claims) as they are about ASEAN, and the discourse itself is about who are "legitimate" participants in the determination of what is and is not ASEAN.

Despite being active in the debate, non-government organizations and civil society groups have largely been marginalized in the way that human rights issues have been addressed within ASEAN. They have been critical of the authoritarian implications of the "Asian values" argument. At the same time, however, a fair representation of these groups have never really accepted the universalist interpretation of human rights presented by the governments of Western Europe, Canada and the United States. As one author noted, the structure of the debate failed to capture the perspective of those who not only condemn violations of human rights in their own countries, but also aspire to construct long-term, coherent visions of human rights and political morality that do justice to their countries' historical backgrounds and mesh with their cultural traditions. Following from this criticism, he argues that a balance must be found between the acceptance of certain universal principle of human rights and the rejection of any full-blown universalizing political morality. The future of Asian countries depends on a strong commitment both to human rights and democracy and to the revitalization of Asian traditional values and cultures (Chan, 1997: 35-48).

The role played by NGOs in the Southeast Asian human rights debates highlights a weakness in Wendt's formulation. Wendt's constructivism is unabashedly state-centric. He pointed out that

"notwithstanding the growing importance of nonstate actors in world politics, states remain jealous of their sovereignty and so may resist collective identification more than other actors (Wendt, 1994: 385)." Finnemore points out, however, states and their interests are

embedded in dense networks of transnational and international social relations that shape their perceptions of the world and their role in that world. States are *socialized* to want certain things by the international society in which they and the people in them live (Finnemore, 1996: 2).

Marginalized or not, NGO concerns over human rights in the region are carried over into the discussions of ASEAN officials, though more likely in a non-official context. NGOs in the region have provided alternative discourses on human rights. Until 1997, however, only the Philippine government and, in a limited sense, the Thai government accorded space to the groups which gave expression to these discourses. Yet, even these governments have felt it necessary to act against these groups in cases where other ASEAN member-states were involved. The three meetings of the Asia-Pacific Conferences on East Timor (APCET) were explicit examples of how alternative discourses in the region have not only been excluded, but even silenced in the name of ASEAN. The unraveling of ASEAN norms and the weakening of the "Asian values" discourse have opened up the political space for these alternative discourses on human rights in the region. While the 31st AMM was being held, human rights groups from the Indonesia, the Philippines and Thailand converged in Manila and threw their support behind efforts to open up ASEAN. These groups coalesced around human rights concerns principally but not exclusively in East Timor and Myanmar. They were particularly vocal about their support for the proposed policy of flexible engagement, saying that it would help in arresting the widespread cases of human rights abuses in the region (*Philippine Daily Inquirer*, 1998: 1). This was specially important in the context of government crackdowns in connection with the public unrest due to the effects of the financial crisis.

Transforming institutions and their norms, however, is not easy. Wendt points out that once constituted, the possibility of changing institutions depends on whether the interaction involving its members allows for a degree of freedom to deviate from the prescribed norms (Wendt, 1992: 410-411). As noted before, however, ASEAN tends to be very conservative in its mindset and looks down upon behavior that deviates from the rather strict interpretations of the association's norms. This also coincides with the interest that state actors have in maintaining relatively stable role identities. This is rooted in the desire to minimize uncertainty and anxiety, and in the desire to avoid the expected costs of breaking commitments made to domestic constituencies and foreign allies. As Wendt emphasized, the practices and information that challenge any role identity "are likely to create cognitive dissonance and even perceptions of threat, and these may cause resistance to transformations of the self and thus to social change (Wendt, 1992: 410-411)." Both systemic and psychological reasons intervene to allow intersubjective understandings and expectations a self-perpetuating quality that have to be transcended if change (i.e. "new ideas about self") is to take place. This explains the less than overwhelming impact that the financial crisis had on the human rights discourse within ASEAN. Arguably, ASEAN's norms came under great stress from both within and outside ASEAN. ASEAN's dialogue partners from the West had from the start been uneasy with the "ASEAN Way" of conducting business. They found it even less acceptable after the crisis. More importantly, the debate on "flexible engagement" was a direct attack on the principle of non-interference from within ASEAN itself, an attack that NGOs had a major part in. Their push to change the ASEAN attitude towards human rights, and by so doing change ASEAN itself, is manifested in the initiative to establish an ASEAN Human Rights Mechanism. By the end of the year 2000, six countries were able to set up informal working groups – Cambodia, Indonesia, Malaysia, the Philippines, Singapore, and Thailand. Representatives from Indonesia, the Philippines and Thailand have been actively networking in order to facilitate the establishment of other national committees. It was the near unraveling of ASEAN norms and, in a way, of ASEAN itself that caused the "Asian Values" discourse to lose credibility and relevance. That those norms continue to survive is the reason why human rights in the ASEAN region remains

is the reason why human rights in the ASEAN region remains marginalized in official discourses. Nonetheless, if ASEAN is to remain relevant to Southeast Asia, it must increasingly reconcile itself to the need to review these norms and ground itself anew in norms that must address human rights and democratization in the region. ❖

Notes

¹ The Association of Southeast Asian Nations (ASEAN) was organized in 1967 and currently counts Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam as members.

² The concept of the "West" is really a vague cultural concept and is very much different from the economic divide of "North" and "South", although most of those countries belonging to the "West" are identified with the "North". For purposes of this study, however, it will be utilized basically to refer to Canada, the industrialized, capitalist countries of Western Europe, and the United States. It is still not clear whether Australia and New Zealand are to be considered as part of the "West" although for all intents and purpose, Asian countries consider them to be so.

³ Hernandez actually notes that there are several areas of divergence on the issue of human rights between most of the ASEAN countries and their Western partners. In addition to the three presented above, she included: 1) the timing and sequencing of the implementation and observation of human rights; 2) the issue of attaching conditionalities for overseas development assistance to progress in "good governance"; and 3) the inclusion of the social clause in the General Agreement on Tariffs and Trade and other multilateral trade regulations.

⁴ This situation sometimes bordered on the ridiculous. During discussions on the Convention on the Political Rights of Women, the Philippine government objected to the reservations made by the governments of Albania and Romania to an article which held that any party involved in a dispute can refer the issue to the International Court of Justice. The Philippine government, interestingly, did not have any objection to a similar reservation made by the Indonesian government on the same article. See <http://www.unhchr.ch/html/menu3/b/treaty1_asp.html>

⁵ Even then, Singapore's growth had dropped from 8.39 percent in 1997 to 0.40 percent in 1998.

⁶ Carl Gershman, President of the National Endowment for Democracy, pointed to the case of Philip Tose, the chairman of Hongkong's largest investment bank which was forced to close its doors in January 1998. He had extolled the advantages of strong government for better economic performance.

ASEAN will be possible in the short-term. Interviews conducted by the author, Bangkok, January 19, 1999.

⁸ The conceptual difference between the two needs to be emphasized here. The state is used here in the context of a political community which has a structure of domination and coordination, a coercive apparatus and the means to administer society and extract resources from it. Regimes on the other hand refer to the formal and informal organization of the center of political power, and its relations with the rest of society.

References

- Adler, Emmanuel, "Seizing the Middle Ground: Constructivism in World Politics," *European Journal of International Relations* 3 (1997): 319-363.
- Alagappa, Muthiah (ed.). *Asian Security Practice: Material and Ideational Influence*. Stanford, California: Stanford University Press, 1998.
- _____. *Political Legitimacy in Southeast Asia: The Quest for Moral Authority*. Stanford, California: Stanford University Press, 1994.
- Alatas, Ali, Statement before the Second World Conference on Human Rights, Vienna, 14 June 1993.
- Ayoob, Mohammed. *The Third World Security Predicament: State Making, Regional Conflicts, and the International System*. London: Lynne Rienner Publishers, Inc., 1995.
- Bienefeld, Manfred. "The Significance of the Newly Industrialising Countries for the Development Debate." *Studies in Political Economy* 25 (Spring 1988): 7-39.
- Busse, Nikolas. "Constructivism and Southeast Asian security." *Pacific Review* 12:1 (1999): 39-60.
- Chan, Joseph. "Hongkong, Singapore and 'Asian Values': An alternative view." *Journal of Democracy* 8:2 (April 1997): 35-48.
- Checkel, Jeffrey T. "The Constructivist Turn in International Relations Theory." *World Politics* 50: 2 (1998): 324-348.
- Chew, Melanie. "Human Rights in Singapore: Perceptions and Problems." *Asian Survey* XXXIV: 11 (November 1994): 937-948.
- Dickens, David and Guy Wilson-Roberts (eds.). *Non-intervention and State Sovereignty in the Asia-Pacific*. Wellington, New Zealand: Centre for Strategic Studies, 2000.

- Embong, Abdul Rahman. "Social consequences of the Asian crisis." *Trends* 94 (June 27-28, 1999): 9.
- Euro-Burmanet at <http://www.euroburma.com/asia/euro-burma/aaa317xa=15aug1997-9.html>
- Fortuna-Anwar, Dewi. "Indonesia: Domestic Priorities Define National Security." In Muthiah Alagappa (ed.). *Asian Security Practice: Material and Ideational Influence*. Stanford, California: Stanford University Press, 1998.
- Finnemore, Martha. *National Interests in International Society*. Ithaca and London: Cornell University Press, 1996.
- Gershman, Carl, "Democracy and Economic Development," published online in <<http://www.cipe.org/e26/gershe26.html>>
- Ghai, Yash, "Human Rights and Governance: The Asia Debate," Occasional Paper 1 (November 1994), The Asia Foundation's Center for Asian Pacific Affairs.
- Haggard, Stephan, "The Politics of the Asian Financial Crisis." *Journal of Democracy* 11:2 (April 2000): 130-144.
- Hernandez, Carolina G. *ASEAN Perspectives on Human Rights and Democracy in International Relations* (Peace, Conflict Resolution and Human Rights Occasional Papers Series 95-6). Quezon City, Philippines: Center for Integrative and Development Studies and the U.P. Press, December 1995.
- Hobson, John M. *The State and International Relations*. Cambridge: Cambridge University Press, 2000.
- Jenson, Jane. "Changing Discourse, Changing Agendas: Political Rights and Reproductive Policies in France." In Mary F. Katzenstein and Carol M. Mueller (eds.). *The Women's Movements of the United States and Western Europe: Consciousness, Political Opportunity, and Public Policy*. Philadelphia: Temple University Press, 1987.
- Joint Communique of the Twenty-sixth ASEAN Ministerial Meeting held in Singapore on July 23-24, 1994.
- Kausikan, Bilahari, "Asia's Different Standard." *Foreign Policy* 92 (1992).

- Kraft, Herman Joseph S. "The Principle of Non-intervention: Evolution and Challenges for the Asia-Pacific Region," *Non-intervention and State Sovereignty in the Asia-Pacific*. Wellington, New Zealand: Centre for Strategic Studies, 2000.
- Mahathir bin Mohamad. *A New Deal for Asia*. Subang Jaya: Pelanduk Publications, 1999.
- Mahathir bin Mohamad, "The Asian Values Debate." Speech Delivered at the 29th International General Meeting of the Pacific Basin Economic Council at Washington, D.C. on May 21, 1996.
- Mahubani, Kishore. *Can Asians Think?* Singapore and Kuala Lumpur: Times Book International, 1998.
- Muntarbhorn, Vitit. *The Challenge of the Law: Legal Cooperation Among ASEAN Countries*. Bangkok: Institute for Security and International Studies, 1987.
- Narine, Shaun. "ASEAN and the East Asian Economic Crisis." *CANCAPS Paper No. 23* (March 2000).
- Sachs, Jeffrey. "The Wrong Medicine for Asia," in <<http://www.stern.nyu.edu/~nroubini/asia/AsiaSachsOp-EdNYT1197.html>>
- Sayigh, Yezid. *Confronting the 1990s: Security in the Developing Countries, (Adelphi Paper 251)* (Summer 1990).
- Wendt, Alexander. "Constructing International Politics." *International Security* 20:1 (Summer 1995): 71-81.
- _____. "Collective Identity Formation and the International State." *American Political Science Review* 88:2 (June 1994): 384-396.
- _____. "Anarchy is what states make of it: the social construction of power politics." *International Organization* 46:2 (Spring 1992): 391-423.
- Wardhanan, Alin. "Economic Reform in Indonesia: The transition from resource dependence to industrial competitiveness." *Behind East Asian Growth: the political and social foundations of prosperity*. London: Routledge, 1998.
- Working Group for an ASEAN Human Rights Mechanism. *Towards an ASEAN Human Rights Mechanism: Proposals, Declarations and Related Documents*. Makati: Working Group for an ASEAN Human Rights Mechanism, 1999.