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Human security and the ASEAN Charter:
Perspectives and challenges*

Kasira Cheeppensook and Vira Somboon

Abstract

This article explores the relevance of the concept of human security in ASEAN within the context of the development of the ASEAN Charter. Human security is a relatively new norm in ASEAN. It entered dialogue at the ASEAN level only recently, and has been discussed ever since. However, the ASEAN Charter does not mention human security despite its explicit codification of human rights, another human-centric norm. This explores the “meaning” of human security that ASEAN seems to share, and compares it with the meaning held by the UN and its organs. The article notes the different perceptions of comprehensive security, which used to be state-centric and emphasized stability, traces the development of the ASEAN Charter, and identifies the role of various actors and their respective influence on the final outcome of the Charter. Lastly, the article addresses the challenges that ASEAN still faces regarding norm implementation and norm internalization.

Introduction

The ASEAN Charter can be seen as a form of hard law-making. Viewed through a rationalist lens, the Charter either originated from the members’ desire to constrain and control one another, or because the benefits of having a hard law in place enormously outweighed the costs. However, these interpretations seem inappropriate given that

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ASEAN member countries have strongly adhered to a strict interpretation of sovereignty and the non-involvement of the organization in each member's internal affairs. A legal document allowing for the establishment of a court could be perceived as contradicting that principle. Nonetheless, the Charter was created.

For a constructivist point of view, however, law-making is a social process which cannot be reduced to mere cost-benefit analysis. Law is perceived to be generated based on shared values and normative understandings. Norms are encoded in a legally-binding document. The article thus adopts a social constructivist approach, and utilizes the concepts of norm robustness and constitutive localization to explain why human security is not incorporated into the Charter, and now the perception of comprehensive security was altered to accommodate human security.

**Human security concept in ASEAN**

In Asia, the “broader” definition of human security is clearly more popular than its counterpart that prioritizes freedom from fear (or from violence). The broader definition of human security, which has been influenced to a great extent by the United Nations and its organs, was popularized further in the region by Japan. It champions freedom from want along with freedom from fear. Human security in a broad sense thus incorporates multi-faceted security for the people and possesses four essential characteristics: universality (it is relevant to people everywhere); interdependence (all components of human security are mutually reinforcing); prevention (human security is better ensured by prevention than by reaction); and people-centered (it is concerned with how people live in a society and how freely they exercise their many options).

ASEAN has not particularly warmed to people-centric concepts in the past, be it human rights or human security, due to its strict adherence to a state-centric concept of security focused on maintaining the state’s stability. ASEAN was no stranger, though, to multi-faceted security concepts since the notion of “comprehensive security” incorporating economic and socio-cultural aspects of security has been widely practiced in ASEAN. However, the referent subject of comprehensive security is still the state and not people. ASEAN paid attention to the
human security concept only after the region faced economic crisis in 1997 when a common plan was necessary to relieve the repercussions on the people. ASEAN’s early struggle with the human security concept and its post-crisis efforts to incorporate people-centric notions into the organization’s plans are analyzed elsewhere. ASEAN has come a long way in engaging with the concept, both by making it a part of the organization’s agenda and by interacting with relevant parties using the concept as a guideline.

Despite its newly acquired willingness, ASEAN did not adopt the term “human security” immediately after the crisis. The leaders were satisfied with human-centric terms (such as “human dignity,” “human rights,” “human capacity building,” and “human development”) which they employed widely throughout ASEAN’s documents in the post-crisis era. A joint statement entitled “ASEAN Vision 2020” issued almost immediately after the economic crisis aimed to achieve “a community of caring societies.” The Vision also looks forward to:

vibrant and open ASEAN societies consistent with their respective national identities, where all people enjoy equitable access to opportunities for total human development regardless of gender, race, religion, language, or social and cultural background.

The ASEAN Vision 2020 was followed by the Hanoi Plan of Action and the Statement on Bold Measures adopted at the 6th ASEAN summit the following year in 1998 in order to execute the aims laid down in the Vision. When the Hanoi Plan of Action expired, it was succeeded by the Vientiane Action Programme, again with the purpose of realizing a caring ASEAN community. In fact, the term “human security” entered into dialogue at the ASEAN level for the first time in 1998 when Thailand proposed that an ASEAN-PMC Caucus on Human Security be established. However, this proposal was not agreed to by most ASEAN member countries, and they ended up establishing the ASEAN-PMC Caucus on Social Safety Nets.

Almost a decade later, however, human security continues to be discussed within ASEAN despite its reluctance to include the term in ASEAN’s official documents. Rules and norms are, as a matter of fact, intersubjective and sustained through interaction among actors. The norm entrepreneurs (the UN and its organs) which are critical for
norm emergence and are responsible for using language (human security) that names and interprets the issues of concern (such as drug trafficking, trafficking in women and children, food security and poverty) that ASEAN has been addressing are significant in sustaining the norm in question through various interactions with the norm takers (ASEAN). An example of this kind of interaction is the ASEAN-UNESCO Concept Workshop on Human Security in Southeast Asia in 2006. Human security seemed to be less elusive when Ong Keng Yong, the then secretary-general of ASEAN, clearly stated that “the concept of human security is a key element for widening the security agenda and encompassing security threats to the individual. Indeed, the human security concept considers the individual as the referent.”

It must be noted at this point that for ASEAN “comprehensive security” is perceived to be compatible with human security due to its inclusive agenda. The 2003 Declaration of ASEAN Concord II states that ASEAN “subscribes to the principle of comprehensive security as having broad political, economic, social and cultural aspects.” As mentioned earlier, comprehensive security originally meant that the state is the referent subject, not people. However, perceptions of the concept of comprehensive security have loosened. Ong Keng Yong also cited ASEAN’s past efforts in addressing non-traditional issues (that are not directly related to state sovereignty) as evidence of ASEAN’s broader perception of security.

Several authorities suggest that norm acceptance will be high if there is congruence between external and internal beliefs. Given that comprehensive security and human security disagree on the subject of security, it should follow that the latter is in an inferior position to compete with the former which was already firmly established in the region. Nonetheless, actors or “norm takers” possess the ability to reinterpret external norms to become more congruent with local norms. The process whereby actors attempt to build congruence between local norms and external ones is termed “constitutive localization.”

The process emphasizes the active construction of new ideas on the part of local actors. They are not seen as novices who should be inducted into the norms of a given community, and international norms are not perceived as morally superior to regional or local norms. This process also engenders norm promotion by external norm entrepreneurs, such as socialized NGOs and international organizations.
Therefore, it is plausible that norm acceptance will be easier if the new norms are compatible with the existing ones. However, the roles of norm takers in building congruence, reinterpreting, reconstructing, and legitimizing ideas, and making them fit into their current shared ideas and circumstances must also be taken into account.

This does not mean that the process of constitutive localization will always result in the norm being successfully localized. It may also result in norm resistance or rejection. We can safely say that fortunately this seems not to be the case for human security, which is still being discussed at the ASEAN level though is yet to penetrate into official discourse. In this case the broadness of the human security agenda is seen (and promoted) to be compatible with the notion of comprehensive security, and the new norm survives. It can be argued that constitutive localization is still ongoing in order to further legitimize the norm so that it can “stay” in the region. However, congruence-building should not be achieved by sacrificing the norm’s elemental characteristics, its human-centricity. This is a dilemma where ASEAN has to tread carefully.

The ASEAN-UNESCO Concept Workshop on Human Security in Southeast Asia concluded that the region hesitates to adopt human security because of the lack of understanding of the concept and fear of sovereignty erosion. At the same time, the proceedings of the Workshop point out that “human security should not fall into an ‘either/or’ kind of logic, when it comes to its relationship with state security. The relationship between them should be stated in terms of ‘and and’” and that “human security is not the same concept as state security.” This might seem obvious, but the clear conceptual separation is a welcome sign in a region where the state used to be the be-all and end-all of security policy and protection. The state as referent subject is still very important to ASEAN members, but the significance of the human as referent subject is increasing.

Another point worth considering is whether there should be a conceptual separation between human security and comprehensive security. To the extent that comprehensive security is perceived as compatible with human security and there is a general agreement that human security is a concept distinct from state security, a conceptual separation might not be needed for the time being. The “purists” may raise their eyebrows, but the process of constitutive localization seems
to locate human security under the framework of comprehensive security. As long as the human is sustained as the referent subject, human security could co-exist with the notion of comprehensive security. The norm and actors' perception can change, and less adherence to the state as referent subject in comprehensive security is a result of the process of interaction. It can now accommodate human security.

Human security still does not have an “official” definition in the region. ASEAN has not paid too much attention to forging an exact meaning of the concept since “the definition of human security at the international level is evolving.” This should not prevent the constituent elements of the concept from being implemented. According to Acharya, “human security … offers opportunities for creative synthesis and theoretical eclecticism.” Its flexibility is key to the willingness of ASEAN members to issue human-centric policies. All in all, human security in ASEAN encompasses principles of freedom from want, freedom from fear, and freedom to grow, as summarized by the Workshop as “protected, provided, and empowered.” ASEAN should be careful not to stray from the core characteristics of human security that the UN proposes. It should make sure that the concept remains inclusive, and that no one is denied protection due to race, ethnic background, religious or political beliefs, sex, or social status. Human security is relevant to all the people. ASEAN is moving in the right direction when it recognizes that all aspects of security are interdependent and mutually reinforcing. It should also bear in mind that human needs should be at the forefront of protection, and aim towards policies of prevention rather than cure.

Human security is said to have been “depoliticized” and “ASEAN-ized,” meaning that issues are discussed from a technical or scientific perspective and framed within the values of the ASEAN Way, such as a strict adherence to non-interference and non-intervention. The process renders human security “fragmented,” albeit whilst fostering regional cooperation since it is easier to achieve consensus on non-political matters. ASEAN should beware of the criticisms against its attempts to operationalize the concept. The members should not let human security be “watered down” by the process if they really want to change the concept to action as promised. The concept’s meaning and how it is implemented in ASEAN should be regularly assessed.
The ASEAN Charter and human security

The formulation process of the ASEAN Charter can be traced to a number of documents that date as far back as the ASEAN Vision 2020 adopted in 1997, which envisioned all of Southeast Asia becoming an ASEAN community conscious of its historical ties, aware of its cultural heritage and bound by a common regional identity by 2020. The Hanoi Plan of Action formed the basis for the Declaration of ASEAN Concord II adopted at the 9th ASEAN Summit in 2003. The Declaration is also known as the Bali Concord II. It states that an ASEAN community will comprise of three pillars: political and security cooperation; economic cooperation; and socio-cultural cooperation.

The ASEAN foreign ministers agreed in their annual meeting in the following year that they would work towards the development of an ASEAN Charter which would, *inter alia*: reaffirm ASEAN’s goals and principles in inter-state relations, in particular the collective responsibilities of all ASEAN member countries in ensuring non-aggression and respect for each other’s sovereignty and territorial integrity; the promotion and protection of human rights; the maintenance of political stability, regional peace, and economic progress; and the establishment of an effective and efficient institutional framework for ASEAN.\(^\text{18}\)

The Joint Communiqué of the 37th ASEAN Ministerial Meeting envisioned what should be included in the Charter. The Vientiane Action Programme then set out the strategic goals towards the realization of an ASEAN community. The leaders declared that they “recognize the need to strengthen ASEAN and shall work towards the development of an ASEAN Charter.”\(^\text{19}\) They accepted that the formulation of the ASEAN Charter was necessary to “the strategies for shaping and sharing of norms.” Therefore, they agreed to initiate preparatory activities for the Charter. This signified that ASEAN recognized the importance of the Charter to norm evolution in the region; the Charter is the codification of what ASEAN members agreed among one another as appropriate and right.

The mechanism created to facilitate the Charter formulation was set out during the 11th Summit in 2005. The ASEAN leaders adopted the Kuala Lumpur Declaration on the Establishment of the ASEAN
Charter which called for the establishment of an Eminent Persons Group (EPG) and tasked the ASEAN foreign ministers to establish a High Level Task Force (HLTF) to carry out the drafting of the ASEAN Charter. At the 39th ASEAN Ministerial Meeting in Kuala Lumpur in 2006, the ASEAN foreign ministers then agreed on the formation of the HLTF on the ASEAN Charter. The Charter was agreed to be drafted on the basis of: 1. the directions from ASEAN leaders at the 11th and 12th ASEAN Summits; 2. the relevant ASEAN documents; 3. the EPG recommendations; and 4. the guidance from the ministers of foreign affairs.  

The EPG comprised:

- highly distinguished and well respected citizens from ASEAN member countries, with the mandate to examine and provide practical recommendations on the directions and nature of the ASEAN Charter relevant to the ASEAN Community as envisaged in the Bali Concord II and beyond.

The EPG also invited a number of civil society organizations to provide input to the recommendations. The EPG met during 2006 and submitted a report recommending what should be included in the draft at the 12th ASEAN Summit in January 2007. The ASEAN leaders adopted the Cebu Declaration on the Blueprint of the ASEAN Charter during this Summit, endorsing the Report of the EPG on the ASEAN Charter. They gave a mandate to the HLTF to commence the drafting of the Charter to be completed in time for the 13th ASEAN Summit in November that year. The ASEAN leaders also accelerated the timeframe for an ASEAN Community, and adopted the Cebu Declaration on the Acceleration of the Establishment of an ASEAN Community by 2015 during the same Summit.

The drafting process was not a closed space. When in doubt or when the HLTF felt that the issues on the table were too sensitive, they submitted their proposals to the Foreign Ministers’ Meetings. Half-way through the negotiation, they also met up with civil society organizations such as Focus on the Global South and other groups comprising the Solidarity for Asian Peoples Advocacies (SAPA) Working Group on ASEAN, as well as representatives of the ASEAN Inter-Parliamentary Assembly. They also held dialogue with represen-
tatives of the National Human Rights Institutions and the Working Group for an ASEAN Human Rights Mechanism, which is an NGO. However, the HLTF had more limited direct interaction with civil society than the EPG. There had been demands by civil society that the Charter should be made public before the 13th Summit to allow more input and consultation, but these efforts were to no avail. Many NGOs have raised numerous concerns, for example on displaced persons, and framed them under the human security concept. They wanted human security to become ASEAN’s “priority.”

The ASEAN Charter stands as a milestone in ASEAN’s cooperation, the most concrete attempt to formally codify diplomatic norms in ASEAN so that all members must follow them “as a rule.” Formulating the ASEAN Charter can be seen as transforming some of the formerly tacit rules and norms in ASEAN into explicit ones. The Charter does not mention human security. It prefers to use the language of human rights. The HLTF followed the EPG’s recommendations in this regard. Human rights are mentioned several times in the text. The preamble states that ASEAN adheres to “the principles of democracy, the rule of law and good governance, respect for and protection of human rights and fundamental freedoms.”

Article 1 concerning the purposes of ASEAN follows the preamble almost verbatim in this regard. The organization also aims to develop human resources for the empowerment of the peoples and to enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice. Most importantly, article 14 states,

1. In conformity with the purposes and principles of the ASEAN Charter relating to the promotion and protection of human rights and fundamental freedoms, ASEAN shall establish an ASEAN human rights body.

2. This ASEAN human rights body shall operate in accordance with the terms of reference to be determined by the ASEAN Foreign Ministers Meeting.

The establishment of a regional human rights mechanism was also a recommendation of the EPG. As explored in the paper’s first section, human security is recognized as relevant to the organization.
It was raised by ASEAN officials and diplomats as one of the possible policy options. It was campaigned upon tirelessly by the NGOs who had framed non-traditional security issues under the human security concept. Despite all these efforts, human security still does not make it to the text. Why so?

Legro suggests three criteria to measure the robustness of a norm: specificity, durability, and concordance. Specificity concerns the simplicity and clarity of what can or cannot be done according to this norm. If a norm is clear enough, one need not argue about the content or question its operationalization before following it. Durability denotes how long the norm has been in effect and how it weathers challenges to its prohibitions. Concordance refers to how widely the norm is accepted in diplomatic discussions and treaties (that is, the degree of intersubjective agreement). Special conditions put in place regarding a norm’s acceptance can diminish its robustness.

When we compare human security against other norms spelled out in the Charter text, such as non-interference, human security has considerably less specificity, durability, and concordance in the region. Firstly, it is still not clear enough. There is no clear agreement among ASEAN members on what human security actually entails. The concept’s flexibility makes human security easier to be incorporated in ASEAN policies and harder to be rejected; however, the flexibility does not contribute to conceptual clarity and specificity. There are many questions left unanswered regarding how to operationalize the concept. Secondly, human security has not been in circulation for very long. It has only become better known over the last decade. When there was a proposal to “institutionalize” the term, as when Thailand’s former minister of foreign affairs Surin Pitsuwan argued for an ASEAN-PMC Caucus on Human Security, it failed to go through. If the cardinal prohibition of the human security norm is not to engage in violence, Southeast Asia’s past record does not make the region a good example. Acharya summarizes this well when he raises some evidence:

South-East Asia historically has witnessed some of the worst violence of the twentieth century. The Khmer Rouge regime in Cambodia killed about 1.7 million (about one quarter of the Cambodian population) during its brutal rule between 1975 and 1979. Anti-Communist riots that followed the transition from Sukarno to
Suharto in the mid-1960s claimed about 400,000 lives..... Ethnic and separatist movements in East Timor and Aceh have respectively claimed 200,000 and more than 2,000 lives. While there are no proper collated figures for ethnic separatism in Myanmar – usually low-scale, random casualties and conflicts, 600,000 ‘internally displaced persons’ from these conflicts have been recorded.28

ASEAN as an organization has not been very much involved in preventing violence on the ground. Moreover, human security was not invoked as a guideline in order to tackle such problems or to come up with solutions. From this we can see that human security is still weak in durability. Thirdly, although human security is widely accepted in diplomatic discussions and treaties outside the region, ASEAN has still not used the term in official documents. Most of the time, human security remains at the margins of ASEAN diplomatic discussions, rendering it weak in terms of concordance. Human security is still not strong as a norm in the region. It is not included in the Charter text because it is simply not robust enough. Human security is not a product of discussion among local actors per se, but was introduced to the official level not very long ago. ASEAN still has to work on the “ownership” of the term.

Although the EPG chose to employ the term “people-centered” in its recommendation, the HLTF decided to go along with a “people-oriented” ASEAN instead. It was watered down again. As a matter of fact, SAPA urged early on that the ASEAN Security Community (ASC) should embrace human security.29 This influenced the EPG Report when it states:

The security pillar is becoming more important given the growing need for a stable region for economic growth. The TAC (Treaty of Amity and Cooperation), ZOPFAN (The Zone of Peace, Freedom and Neutrality), SEANWFZ (The Southeast Asian Nuclear-Weapon-Free Zone Treaty) and ARF (ASEAN Regional Forum) have been important components of this pillar. But there is also a need for ASEAN to further strengthen its relations with Dialogue Partners, and deal with the increasing number of transnational challenges. In this connection, ASEAN has spared no effort to promote human security, notably respect for human rights and international
humanitarian law. ASEAN is instrumental in mobilising international support and cooperation to tackle international terrorism, transnational crime, SARS, the 2004 Asian tsunami disaster, and now avian influenza. These transnational threats to human security cannot be handled effectively by any single country or government in this region alone.\(^{30}\)

It is clear that the EPG Report frames non-traditional threats under the human security framework, which is in accordance with what civil society had earlier proposed. It is the same "technique"; the construction of cognitive frames is an essential component of norm entrepreneurs' political strategies, since, when they are successful, the new frames resonate with broader public understandings and are adopted as new ways of talking about and understanding issues.\(^{31}\) The EPG connected the traditional security issues, such as non-use of arms and nuclear weapons, with non-traditional security issues, such as epidemics and environmental disaster. The Report also implies that when it comes to human security issues, the states should forsake strict adherence to non-interference. Since human security problems are transnational in nature, it would be very hard to clearly designate them as "internal problems" under the sovereignty of only one state.

The EPG report also states further:

Given the growing momentum towards building an ASEAN Community and accelerating its realisation by 2015 instead of 2020, ASEAN cooperation will expand to many more areas that will require changes in the way ASEAN works. Beyond ASEAN Community, Member States should ultimately advance to form an ASEAN Union comprising the three pillars of security, economic, and socio-cultural integration, that are closely intertwined and mutually reinforcing, in which human rights and fundamental freedoms of all shall be protected by the rule of law and regional integration, and human security is guaranteed to every ASEAN citizen. This would ensure enduring peace, stability, security, equitable prosperity and human dignity in the ASEAN region for every individual to enjoy and to pursue the worthy aspirations of human potential in the 21\(^{st}\) century. Realising this longer-term goal would require strong
political will of ASEAN Leaders, and active support of the ASEAN people.  

The EPG Report aims at a higher level of integration by proposing an ASEAN Union, and also stresses that human security should be elemental. The HLTF excludes both human security and the proposal for a Union from the text. The Charter only aims to achieve a Community, and does not show any plan to move beyond that to further integration. It safeguards its members' sovereignty. The HLTF differs fundamentally from the EPG, since it was comprised of national delegates, representing their respective countries' interests. The EPG, on the other hand, comprised experts who acted in an individual capacity. In this regard, they were more malleable to civil society's input. The official track of diplomacy in ASEAN, which allows less participation and input from the civil society than the experts and officials acting in their own capacity (known as Track II), is still not yet ready for the inclusion of the term human security in the legally binding text. Some ASEAN members and their officials do advocate human security. However, bringing the concept to the forefront needs common will from all members. In a community where consensus is the modus operandi, the proposal will not go through if only one member disagrees.

On a more positive note, human rights were encoded throughout the Charter. If we consider that security requires the protection of human rights and that the two concepts are complementary, the exclusion of human security from the Charter text may not be a total disappointment. The region has experienced human rights norms long before it came into contact with human security; it has spent much more time considering, debating, reinterpreting the former than the latter. Therefore, it should not be so surprising that it remains skeptical towards the newer norm. ASEAN should bear in mind, though, that human security has an "added value" of protection and empowerment, and that it should extend the scope of comprehensive security already endorsed by having human as the referent subject. In no way should it be regarded merely as a means to strengthen state security. Human security is an end in itself.
Challenges and the way forward

It is quite illuminating when we look back at how much the HLTF excluded from its final text. It reveals the issues that the official track is serious about, as well as what could be done away with in its perception. It also reflects the problems that need to be addressed. Firstly, the EPG Report specifically recommends a special fund for narrowing the development gap with voluntary contributions from member states. Chapter IX of the ASEAN Charter regarding budget and finance was completed during the HLTF 6th meeting. On the recommendation of the foreign ministers, the HLTF omitted the clauses regarding the special fund. There would be no specific provisions on funding the special fund for development in order to narrow the development gap among member countries. The chapter proceeds to say that the operational budget of the ASEAN Secretariat shall be met by ASEAN member states through equal annual contributions which shall be remitted in a timely manner. Having a special fund for narrowing the development gap could have helped newer members in ASEAN address human security issues better, but it was deemed unnecessary by the national delegates drafting the Charter. Failing that, ASEAN should still seriously consider how to address the "freedom from want" aspect of human security—the development gap—in the future.

Secondly, the ASEAN foreign ministers decided that the term "ASEAN Union" should not be mentioned in the Charter during the HLTF's First Progress Report. As mentioned in the previous section, ASEAN seemed to shy away from closer integration. The EPG explicitly connected establishing the ASEAN Union with revising and updating ASEAN's principles and objectives "in line with the new realities confronting ASEAN." The EPG Report suggests that "ASEAN may need to calibrate the traditional policy of non-intervention in areas where the common interest dictates closer cooperation." Again, human security issues are transnational. ASEAN needs to prevent its efforts in tackling the non-traditional security concerns from being fragmented because of strict adherence to non-interference. To re-quote Surin Pitsuwan when he proposed "flexible engagement" just after the economic crisis:
Many “domestic” affairs have obvious external or transnational dimensions, adversely affecting neighbours, the region and the region’s relations with others. In such cases, the affected countries should be able to express their opinions and concerns in an open, frank and constructive manner, which is not, and should not be, considered “interference” in fellow-members’ domestic affairs.39

Thirdly, the foreign ministers also decided during the First Progress Report Meeting that there would be no need to mention suspension, expulsion, or withdrawal in the Charter. Again, the ASEAN Summit holds the ultimate say. This relates directly to the exclusion of the clause rejecting undemocratic and unconstitutional government, whose “punishment” may end in suspension or expulsion. Although the Charter emphasizes the principle of democracy several times throughout the text, it is clear that it does not propose to deal with the violation of this principle. Human security definitely concerns participation and inclusiveness, which the principle of democracy also advocates. It also relates directly to “freedom from fear.” Unfortunately, the Charter remains silent in this regard.

Fourthly, there have been criticisms regarding the establishment of the human rights body, despite earlier high hopes. On 23 October 2009, in Cha-Am Hua Hin, Thailand, the ASEAN leaders adopted the Cha-Am Hua Hin Declaration that formally launched the ASEAN Intergovernmental Commission on Human Rights (AICHR). Although it is considered as a bold step taken by ASEAN in the right direction, the AICHR falls short in a number of ways. It is mainly a consultative body with no concrete investigating power. The difficulties might have something to do with the degree of subscription to human rights and human security that still varies among ASEAN members. Only four out of ten ASEAN member countries have a National Human Rights Commission. If the main task of the AICHR is to enhance the public’s awareness of human rights and “to develop common approaches and positions on human rights matters of interest to ASEAN,”40 the disparity among human rights records and level of awareness needs to be addressed. If human rights are supposed to complement human security in ASEAN (especially when the latter is not yet fully adopted in the official documents), the notion of “intergovernmental” should not mean that the AICHR will be prej-
udiced towards states vis-a-vis individuals or that it will only remain at the top level. The Charter proposes to promote “people-to-people” interaction; this should also be informed by human rights and human security. Again, the fact that the organization is now willing to use the “language” is a step towards norm internalization. It is also easier for civil society and other norm entrepreneurs to speak of human rights as fully relevant and legitimate comparing to, say, twenty years ago when ASEAN was qualifying the universality of human rights. It is also this kind of normative contestation that human security has to go through in order to become fully internalized.

**Conclusion**

Human security in ASEAN is evolving. It has been *de rigueur* in ASEAN since not very long ago, informing the organization’s dialogue especially with other norm entrepreneurs. Although it is not encoded in the ASEAN Charter, the concept holds much promise and enough flexibility to allow for its implementation along the lines of what seems to be ASEAN’s definition of human security: freedom from fear, freedom from want, and freedom to grow. Apart from human security, which is newer by comparison, ASEAN has already encoded human rights in the Charter. Seeing that human rights and human security share similar human-centricity, this is positive for ASEAN’s norm internalization. Through the process of constitutive localization, ASEAN has been able to build the congruence between human security and comprehensive security which was already established firmly within the region. From being mainly state-centric in the past, comprehensive security is now perceived as compatible with human security which sees human as the central referent subject. Since comprehensive security also has a broad security agenda, ASEAN built on this common point. However, this should not be achieved at the cost of human security’s elemental characteristics prescribed by the UN: universality, interdependence, prevention, and people-centered. Among all the characteristics, the last one is the most salient and ASEAN has to be careful in keeping it intact. Human security may not be encoded in the official documents because its normative robustness is still in question, but the norm should not be watered down by being fragmented in its implementation. A norm is sustained through consistent interac-
tion among actors, norm entrepreneurs, and other concerned parties. Human security is no exception. The more it is discussed and used as a guideline in ASEAN's various plans, policies, and projects, the more it can be fully internalized—to insure that human security’s status in the region is not that of a visitor, but a permanent resident.

Notes


7 Surin Pitsuwan, “Statement by H.E. Mr. Surin Pitsuwan minister of foreign affairs of Thailand At the PMC 9+10 Session, Agenda Item 2 (a) - (c) Manila, Philippines, 28 July 1998,” http://www.aseansec.org/3950.htm (18 October 2011).


32 The EPG, 'Report', para. 23 of 73.


36 The EPG, 'Report', para. 5 of 73.


38 The EPG, 'Report', para. 3 of 73.
