

ASIA PACIFIC CENTRE - RESPONSIBILITY TO PROTECT

ASSESSMENT ON THE ROLE OF ASEAN INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR)
IN ATROCITIES PREVENTION



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A U S T R A L I A

Introduction

The ASEAN Intergovernmental Commission on Human Rights (AICHR) was established in October 2009. Following the adoption of principle to promote and protect human rights in the ASEAN Charter in 2007, ASEAN had pursued the establishment of a regional human rights body that was unthinkable in the past due to the potential of clash with non-interference principle and respect to state's sovereignty.

The establishment of AICHR has a key role in contributing to the realisation of the ASEAN Community as envisioned in the Charter. In particular, the mandate to "promote and protect human rights, fundamental freedoms and social justice to ensure our peoples live with dignity, in peace, harmony and prosperity" is included under the vision to establish an ASEAN Political-Security Community (APSC). While, in practice AICHR is also to mainstream human rights across the other two pillars, which the ASEAN Economic Community (AEC) and ASEAN Socio-Cultural Community (ASCC). Hence, AICHR is an overarching regional human rights body in ASEAN.

While enjoying a relatively stable and prosperous region, ASEAN has continued to face challenges in terms of promotion and protection of human rights. In the human freedom index released by CATO Institute in 2020, most of ASEAN countries due to problems related to protection on freedom of speech, religion, press and association.¹ In addition to violations of these civilian rights, the worst victims are the minority groups, due to their ethnicity, race, and religions that are being suppressed by their respective governments. The systematic violent attacks and discrimination against the Rohingya community in Myanmar has been the most highlighted case in the region, not to mention the attacks against other minority groups in other ASEAN countries. Then, the current political and humanitarian crisis in Myanmar following the crackdown by the military and police against political activists and civilians waging protests against military coup in February 2021 has become the biggest challenge so far for ASEAN in upholding its principles of protecting human rights.

This paper aims to assess the roles of AICHR, particularly to look at its strengths and weaknesses in preventing atrocities in Southeast Asia, which is strongly linked to its mandates to promote and protect human rights in the region. While the establishment of AICHR is an achievement by itself, the implementation of human rights particularly in dealing with immediate risks to atrocities is still far from being effective. This will be elaborated later in the cases of the way AICHR has been involved in dealing the Rakhine crisis concerning the Rohingya minorities and the developing post-military coup crisis in Myanmar started in February 2021. The lack of political willingness from the ASEAN leaders to use human rights lens when handling these complex cases has led to the lack of full support for AICHR to function as a regional human rights body. As ASEAN still largely hinges on its strict adherence towards non-interference, pointing out member states' human rights problems is still considered as a violation against the principle. Thus, the paper seeks to examine as to what extent AICHR, after its twelve years of establishment, has capacities and modalities to mitigate risks which may lead to atrocities in the future. Then, it will also identify how engagement with AICHR can be made to assist the institution in implementing atrocities prevention efforts.

To conduct the assessment, I examine AICHR's principles, modalities and mechanisms, as well as priority programs and activities which are directly or indirectly related to atrocities prevention effort. Regarding the principles, I refer to the ASEAN Declaration of Human Rights (AHRD) as the key document produced by AICHR where the key guiding principles related to human rights are elaborated, as well as the AICHR's Terms of References (TOR). Then, I also scrutinize the most recent AICHR's Annual Reports 2020 and 2021, and the Five-Year Work Plan (2021-2025) to investigate the modalities and priority programs specifically related to atrocities prevention, as well as other guidelines that regulate the institution's work. To add more information and triangulate the results from documents assessment, I conducted interviews with two AICHR representatives, one former Malaysian representative Edmund Bon-Tai Soon (2016-2018) and Yuyun Wahyuningrum, the Indonesian representative (2019-2021 and 2022-2024).

The structure of the paper is as follow. The first section identifies AICHR's strengths which largely derive from some stated principles in the AHRD, as well as the written modalities and priority programs that correlate with atrocities prevention. The second section then examines AICHR's weaknesses or liabilities. The core weakness mainly stems from the nature of AICHR itself. While it is a human rights body, AICHR at the same time is an "intergovernmental" commission that most of the time has to accommodate the ASEAN governments' sensitivity and lack of priority when it comes to human rights protection issues, let alone atrocities prevention. This weak nature then ramifies into various loopholes in practices in which AICHR has been lagging behind from being a strong and effective guardian of human rights in the region. Among many human rights issues in the region, here I particularly highlight how AICHR as a whole has been silent to various humanitarian crisis in Myanmar, such as the genocide acts and crimes against humanity suffered by Rohingya minorities and the recent humanitarian crisis in Myanmar following the military coup in February 2021. The third section scrutinizes AICHR's future directions by delving into the specific priority programs and activities that the

organization seeks to implement which are related with atrocities prevention. Finally, in the fourth section I provide some recommendations, including the potential opportunities for engagement with AICHR as a way for the international community to assist the regional human rights body in enhancing its atrocities prevention effort.

I. Strengths

Principles/ Objectives

As a regional human rights institution, AICHR has incorporated a number of principles that can serve as the basis to prevent atrocities. Based on the TOR, AICHR's main objectives are among others promotion and protection of human rights and fundamental freedoms of the peoples of ASEAN; upholding the right of the peoples of ASEAN to live in peace, dignity and prosperity; as well as upholding international human rights standards. In parallel, AICHR has been designed to follow important principles such as respecting fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice; upholding the United Nations (UN) Charter and international law, including international humanitarian law subscribed to by ASEAN Member States; and respecting international human rights principles.

These principles are affirmed later in the ASEAN Human Rights Declaration (AHRD) adopted in November 2012. A product of AICHR, AHRD has become the main reference for the work of AICHR in delivering its task to promote and protect human rights, where AICHR has the duty to guide the interpretation and implementation of the principles enshrined in the Declaration. Ideally, AHRD is evidence for ASEAN acknowledgement on human rights norm where every individual, including in Southeast Asia is entitled to the universal rights and freedoms. In fact, AHRD incorporates four categories of rights, namely the Civil and Political Rights; Economic, Social and Cultural Rights; Right to Development; and Right to Peace.

Violations against these rights would lead to direct and indirect risks to atrocities, which then makes AICHR as regional institution to be instrumental in preventing and dealing with such issues in the region. The Civil and Political Rights includes among others the right to life, prevention of torture or cruel treatment, and inhuman or degrading treatment; freedom of movement and residence; right to seek asylum; freedom of thought, conscience and elimination of all forms of intolerance, discrimination and incitement of hatred based on religions and beliefs. Then, under the Economic, Social and Cultural Rights, some of related rights to direct and indirect risks if violated are freedom of child and youth from economic and social exploitation; right to adequate standard of living, including access to adequate and affordable food and housing; right to medical care and enjoy physical, mental and reproductive health; and right to education. Under the Right to Development, AICHR has particularly focused on promoting the balance between the fulfillment of the right to economic development and environment preservation.

Finally, AHRD also includes the Right to Peace. While this particular right seems to be the most directly related to atrocities prevention, however, ASEAN has rather defined it in a broad and vague way as the right to enjoy peace within ASEAN framework of security and stability, neutrality and freedom where ASEAN member states are encouraged to enhance friendship and cooperation with each other at the inter-state level. While the term "peace" here raises high expectation that this particular right should ideally also link to the absence of atrocity risks at the domestic level, it is clear that the definition is unfortunately not so much referring to the peaceful condition within the state boundary that is more human or people-oriented, which is actually the biggest challenges for ASEAN countries.

Mandates, Functions and Mechanisms

In principle, AICHR's mandates and functions show its relative strengths to conduct atrocities prevention. Despite being heavier on the promotion side rather than protection of human rights, if implemented well these can be certainly useful to help mitigating atrocity risks. According to the TOR, Article 4.1 mentions about the mandate to develop strategies for the promotion and protection of human rights and fundamental freedoms. Article 4.2 stipulates about the establishment of AHRD which contains human rights principles as a framework for human rights cooperation, which has been accomplished. Then, Article 4.3 underlines AICHR's mandate to enhance public awareness of human rights among the peoples of ASEAN through various means such as education, research and dissemination of information. Article 4.4 addresses the mandate for AICHR to conduct capacity building for effective implementation of international human rights treaty obligation that ASEAN Member States are parties to. Article 4.5 then mentions of AICHR's function to encourage Member States to consider acceding to and ratifying international human rights instruments. These mandates are actually important and can be useful to raise government and public awareness, particularly on underlying risks to atrocities and to create regional strategies to deal with them at the early stage.

Moreover, in relation to other ASEAN bodies, Article 4.7 stipulates that AICHR, as a consultative body, has the mandate to provide advisory services and technical assistance on human rights matter to ASEAN sectoral bodies and to engage in dialogue with them. This includes the role of AICHR, under the Political-Security Pillar, to mainstream human rights to the other two ASEAN Community pillars, namely the AEC and ASCC, which is in line with AICHR's objective to contribute to the realization of ASEAN Community Vision 2025. Articles 4.8 and 4.9 underline AICHR's task to engage in dialogue and consultation with ASEAN bodies, entities, civil society organisations, as well as other national, regional, and international institutions and entities that are having concerns on human rights issues. Again, these mandates to generate consultations and dialogue are certainly crucial to scrutinize on what ASEAN instruments can do, in collaboration with other stakeholders to respond to circumstances which may lead to atrocity crimes. Moreover, communication and dialogue with various entities and institutions as mandated in the Article 4.9 can also help AICHR to identify existing atrocity risks.

Then, probably the most proactive mandate regarding the promotion and protection of human rights is the Article 4.10 that specifically points out AICHR's mandate to obtain information from ASEAN Member States. In theory, it is the key modality for AICHR to perform its role as regional human rights body as it has the obligation to seek information, particularly if there is a situation constituting immediate risks to atrocities. Finally, Article 4.12 mentions about the AICHR's function to prepare thematic studies on human rights in ASEAN, which ideally can serve as an instrument to address specific theme that has become a regional problem.

In terms of mechanisms, as an intergovernmental body under Annex 1 of the Charter, AICHR has the privilege to work closely with the ASEAN Foreign Ministers where regular interface meetings are held between the two. In theory, this is a platform for AICHR to directly report human rights issues in the region and challenges to the promotion and protection of human rights. Then, as an overarching human rights institution in ASEAN, AICHR also collaborates with other human rights institution, such as the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), as well as maintaining communication with National Human Rights Institutions (NHRIs) in several ASEAN countries. Furthermore, as mentioned earlier, AICHR is also engaging, mainly through consultative relations, with accredited CSOs in the region as well as with other regional and international human rights institutions for its capacity-building.

To facilitate AICHR work, it has two regular meetings and two special meetings annually where all representatives must attend. ASEAN Foreign Ministers may instruct AICHR to meet if necessary. For the formulation of AICHR program, each representative has to prepare a concept note regarding the specific topic and activities that he or she wishes to propose. After receiving approval from all AICHR representatives, the proposal will be included in the Five-Year Work Plan that needs to be approved by the ASEAN Foreign Ministers, upon the recommendation of ASEAN Committee of Permanent Representatives (CPRs) – which is basically the ASEAN Member States' ambassadors to ASEAN. Furthermore, based on the Guideline for AICHR operation, the body can establish a working group or task force to focus on particular human rights issue, if deemed necessary, on an ad hoc basis. If the proposal is rejected as AICHR program, there has been no rule that prevents individual AICHR representative to still implement it as a national program. However, the representative will have to secure its own funding instead of using from AICHR's budget.

Programs and activities

So far, AICHR activities are mostly conducting workshop, training, dialogue, thematic study (where each member state must send researchers) and specific studies initiated by individual representatives (does not require researchers from all Member States), in which few of them addressing issues related to atrocities prevention. In August 2018, for example, AICHR organized a capacity-building workshop to allow exchanges among law enforcement activities to share views and challenges on prevention and combat of torture, cruel, inhuman or degrading treatment or punishment in ASEAN, which is related to Article 14 of AHRD.²

Then, according to the Annual Report 2020, AICHR has conducted some regional consultations on freedom of opinion and expression in ASEAN (which is the Article 23 of AHRD) and on freedom of religion and belief (Article 22 of AHRD) in December 2019. AICHR has also continued its engagement with the Working Group on ASEAN Human Rights Mechanisms, which is a coalition of national working groups from ASEAN states which are composed of representatives of government institutions, parliamentary human rights committees, the academe, and NGOs. Then, AICHR has also engaged with accredited CSOs in the region, as well as with the external regional organizations, such as the European Union (EU) and the United Nations (UN) to exchange ideas related to human rights.

In 2020, AICHR conducted activities which may correlate with atrocities prevention. In fact, AICHR has engaged in giving some inputs to several ASEAN Workplans, namely ASEAN Plan of Action on Culture of Prevention (2020); ASEAN Plan of Action to Prevent and Counter the Rise of Radicalisation and Violent Extremism (2018-2025); and the Work Plan

for the ASEAN Plan of Action to Prevent and Counter the Rise of Radicalisation and Violent Extremism (2019-2025).

In the Work Plan for the ASEAN Plan of Action to Prevent and Counter the Rise of Radicalisation and Violent Extremism (2019-2025), we can see how AICHR has been significantly tasked, both individually and in collaboration with other sectoral ASEAN bodies, to conduct various activities in different priority areas. Those activities, among others, are related to raising the awareness of human rights-based approach to prevent and counter radicalism and violent extremism in ASEAN; conducting national and regional seminars, involving civil society on building initiatives for promoting human rights, peace and tolerance and to develop principles on favourable conditions for refugee and stateless people as means to prevent them from being radicalized; organizing workshop on linkage human rights to PCRVE; providing capacity building for state and non-state actors to understand linkages of human rights in PCRVE; and sharing information and best practices for handling terrorist inmates based on human rights principle.³

In other occasions, AICHR also held a consultation on the Implementation of Article 14 of AHRD on preventing and countering torture in Jakarta, Indonesia via videoconference in December as a continuation of AICHR's previous program. In June 2021, AICHR organized a consultation on preventing and countering violent extremism in ASEAN from the perspective of human rights, gender-sensitive and child-rights friendly (videoconference). Then, in terms of engagement activity with CSO, during the 33rd AICHR Meeting, it held the first meeting with FORUM-ASIA (Asian Forum for Human Rights and Development). FORUM-ASIA is known as the regional human rights CSOs which is quite critical toward AICHR, providing inputs in delivering its mandates of promotion and protection of human rights.

Thus, theoretically, AICHR indeed has certain leverages, particularly from its mechanisms to at least recognize and discuss issues related to human rights violations which can potentially develop into serious atrocity crimes. However, in practice, AICHR is still far from performing as a real regional human rights body that steps up and address human rights problems in the region effectively. The next section fleshes out some of AICHR's weaknesses, particularly to respond to the immediate risks to atrocities in the region.

II. Weaknesses

Despite acquiring the principles, mandates and mechanisms that are ideally enabling AICHR to prevent risks to atrocities, the body has been still far from effectively respond, let alone prevent, risks to atrocities in the actual practice. The mandates and activities, based on the annual reports and confession by few AICHR representatives, are still largely on the promotion rather than in balance with the protection side.⁴ Even on the mandates on the promotion of human rights, they are still not fully implemented, such as to increase awareness on and to identify atrocity risks in the region.

One stark case is AICHR's lack of response in protecting the Rohingya minorities from notorious genocidal acts and crimes against humanity conducted by the Myanmar government. The most recent one is the widespread killings and abductions against pro-democracy activists and ordinary civilians by the Myanmar military and police following the military coup in February 2021. As a regional human rights body, AICHR has been silence, let alone act, upon these atrocities.

Rohingya refugee crisis, political crisis in Myanmar and AICHR's response

The long-term persecutions against the Rohingya community by the Myanmar authorities, which culminated into the influx of the Rohingya boat people fleeing from their home country and entering into some Southeast Asian countries since 2015 has often been portrayed as a crucial test to the relevance of AICHR as a regional human body. Residing mostly in Rakhine state located in western part of Myanmar, the Rohingyas have been severely attacked, which can be categorised as genocide and crimes against humanity. Since the new Citizenship Law was enforced in 1982, the Rohingya has been denied of their citizenship status and therefore become a stateless community. They – named as Muslim *kalars* - have received racist treatment from the majority Bamar-Buddhist population as the Rohingya, who are Muslims, are perceived as a threat to the state. In 2012 the Rohingya was severely attacked and became subject to hate speech and incitements by the radical Buddhist group, particularly instigated by the extremist monk Wirathu through his 969 Movement in Myanmar.⁵ The incidents triggered the flight of Rohingya refugees to other countries, particularly Bangladesh, Malaysia and Indonesia. In 2015, various media coverage on the arrivals of these refugees in boats in dying situations had triggered strong criticisms from the international community. Unfortunately, the crisis has worsened, especially after the establishment of a militant Arakan Army (AA) that gives the military legitimacy to increase its violence against the Rohingya. In August 2017, the military launched brutal attacks in northern Rakhine against the militant group, killing people, raping women, and causing 700,000 Rohingya to flee to the Bangladesh territory.

In 2020, the outbreak of COVID-19 has further out the Rohingya in greater risks of atrocities. The Bangladesh government as a frontline state that hosted the refugee camp at Cox's Bazaar, sought to repatriate these refugees to

Myanmar due to the current coup state and COVID-19 pandemic. Malaysia, despite its strong diplomacy to voice out the urgency to settle the Rohingya crisis, the authorities has also halted access for incoming refugee boats due to COVID-19 restriction since May 2020. Indonesia which has also received the incoming of Rohingya refugees, especially the generous acts of Acehnese fishermen to voluntarily help and provide immediate reliefs, has eventually in favour of the repatriation policy despite uncertainty over the security of these refugees after being repatriated. Indeed, the Rohingya issue has been discussed at the regional level since 2017. Lacking political will to deal with the root causes of the crisis, ASEAN then came up with an easy solution to repatriate the refugees. In 2019 ASEAN drafted a Preliminary Needs Assessment for repatriating Rohingya refugees from Bangladesh, which unfortunately was not developed by seeking inputs from the Rohingyas. The ASEAN Foreign Ministers meeting held in June 2020 eventually supported the hastily made decision to implement the repatriation.

As pointed out by Edmund Bon Tai Soon, the Malaysian Representative to AICHR (2016-2018), AICHR's inability to properly respond to the Rohingya crisis reflects ASEAN's incorrect mindset as the ASEAN governments has defined Rohingya crisis as "humanitarian" issue instead of human rights. This certainly brought impact to what AICHR can do as a regional human rights body. Consequently, AHA Centre has been put at the forefront as ASEAN focusing on delivering humanitarian assistance, instead of dealing with the root cause which is human rights violations. Moreover, since AICHR has not been endorsed to be part of the key institution to address the issue, no significant cooperation was forged between AHA Centre and AICHR which is actually very important to ensure a "human-rights" approach in carrying out humanitarian efforts.⁶

In practice, AICHR as an institution was even not able to formulate a unified statement to address the Rohingya crisis as the representatives never reached consensus on the issue. One key reason, according to Edmund Bon, was the fact that the ASEAN Ministerial Meeting (AMM), which is the ASEAN ministers had taken up the issue, causing AICHR to take its hand off of the issue.

The only joint statement was released by Dinna Wisnu, the AICHR representatives from Indonesia and Edmund Bon Tai Soon from Malaysia in 2018 which essentially called for urgent action by ASEAN to develop a "whole-of-ASEAN approach" in cooperation with Myanmar to tackle the refugee crises and human rights problems entailed. The statement was released after the massive flow of refugees into the neighbouring countries in Southeast Asia. Prior to releasing the statement, in 2016, Dinna called for the revision of non-intervention in the ASEAN Charter to enable the organization dealing with the Rohingya crisis. In 2018, in her own individual capacity, she stated that Myanmar should be held accountable for the genocide, war crimes, and crimes against humanity taking place within its territory, while pressuring ASEAN and AICHR not to remain silent.⁷ Edmund Bon Tai Soon in fact indicated that there were some proposals sent by AICHR, but yet received no clear response from ASEAN that manifested into real policy to deal with the Rohingya crisis.⁸ It was clear therefore that AICHR, despite its name, has been sidelined.

Moreover, AICHR's ill-response has also been indicated by the lack of engagement with other actors, such as the Special Rapporteurs on Myanmar and other international institutions. Hitherto, AICHR has no interaction with the Independent International Fact-Finding Mission/IIFFM established by UN Human Rights Council since 2017, following its investigation on atrocities conducted by the Myanmar military against the Rohingya community in Rakhine state.

Post-military coup political and humanitarian crisis in Myanmar

Another test from where AICHR performance can be measured is the post-military coup crisis taking place in Myanmar since February 1, 2021. Military's dissatisfaction toward the result of November 2020 where NLD came out with a landslide victory manifested into a coup conducted on the first day of parliamentary meeting, which soon triggered massive protests from the pro-democracy activists and ordinary people. Using the justification to restoring order, the military and police officers have violently obstructed any rallies/ public demonstrations, arrested political activists and killed them and their families to terrorize the population. Meanwhile, the military has declared the pro-democratic group representing the NLD government, the NUG, as the terrorist organization.

ASEAN's response was delayed. It did not react until a month later in March 2021 when Indonesian Foreign Minister Retno Marsudi initiated an informal meeting with U Wunna Maung Lwin, the SAC-appointed Foreign Minister, facilitated by the Thai Foreign Minister at Don Muang airport. After huge pressures from regional and international community toward ASEAN, the organisation eventually convened a Special Leaders' Meeting on April 24, 2020 which produced the Five-Point Consensus. The meeting was attended by Senior General Min Aung Hlaing with no invitation extended to the NUG, which was heavily criticised as giving legitimacy to the SAC.

It then took several months until the ASEAN Chair Brunei Darussalam appointed the Special Envoy of the Chair, Dato Erywan Yusof, who was also Brunei Foreign Minister. The process of appointing the Special Envoy also

drew lots of criticisms from internal ASEAN itself since it was made after Erywan and Lim Jock Hoi, the ASEAN Secretary-General went to Naypyidaw and met with the SAC leaders, which perceived by many as seeking the blessing from the military over the candidate to choose. Until the end of his term, no significant progress has been made in term of implementing the Five-Point Consensus: violence against civilians continues, no substantive plan on how humanitarian assistance delivery can be facilitated, let alone seeing the beginning of facilitation of political dialogue in Myanmar. The slight progress from ASEAN could be seen later when it refused the attendance of Sen. Gen. Min Aung Hlaing in the 38th and 39th ASEAN Summit on October 26-28, 2021 and only offered for a non-political representative as a participant instead, which then rejected by SAC. While the formal reason to make was to allow Myanmar dealing with its own internal matter before engaging with ASEAN event, it was clear that such decision was eventually made as the Special Envoy was denied access to visit the country and meet with all parties as mandated by the Five-Point Consensus.

Not surprisingly, similar to the Rohingya case, AICHR response to a large extent again reflects ASEAN's split position. AICHR has not been able to issue a collective statement to respond to the issue. Only AICHR representatives from Indonesia, Malaysia, Singapore, and Thailand released statements which essentially urge Myanmar to observe and respect principles enshrined in the ASEAN Charter and AHRD; recall the need to adhere to rule of law, good governance, and democratic principles, as well as promotion and protection of human rights; and expressed support on the continuance of democracy and peace process in Myanmar and call all parties to resolve their disputes peacefully.⁹

Again, similar to the Rohingya crisis, AICHR could hardly move to take concrete measures, such as engaging with a range of international human rights actors, such as the UN Special Envoy on Myanmar, as well as other Special Rapporteurs and Special Advisers from the Office of Genocide Prevention and R2P - Special Adviser on R2P, Special Adviser on the Prevention of Genocide that closely monitor the situation in Myanmar. This less interaction is predictable due to the sensitivity against external interference, as ASEAN has been still struggling on how to respond collectively to the crisis.

What did these AICHR responses imply? How do we explain AICHR's limited responses?

Principles

Looking at the explanations above, AICHR's lack of capacity to anticipate and mitigate risks to atrocities arising in the region are largely related to the structural weaknesses that AICHR has. While the principles and objectives enshrined in the AHRD and TOR of AICHR show the primacy of guaranteeing human rights and fundamental freedom protection in the region, the pursuit of human rights in ASEAN is framed within the regional context instead as a universal value. In one of the objectives, it is mentioned that AICHR aims "to promote human rights within the regional context, bearing in mind national and regional particularities, mutual respect for different historical, cultural and religious backgrounds." This caveat obviously stems from the ASEAN Member States interest to protect their sovereignty and upholding non-interference.

The point has unfortunately been reiterated in the AHRD, in which exercising human rights needs to be balanced with others' human rights and freedoms. It is also determined that protection of human rights must meet the just requirements of national security, public order, public health, public morality, and the general welfare of the peoples (General Principles, Article 8). While AICHR's success to create AHRD needs to be appreciated, as well as follow-up initiatives to implement its various articles, this article ultimately makes human rights protection to be subject to state or regime interests, often under the justification of maintaining public order. Moreover, the fact that AHRD serves as the key guideline for implementing human rights in the region has raised concern from the civil society. Thus, the governments tend to see that any initiative to address certain human rights problem in their respective countries would be an intervention to one's sovereignty, which is then in contrary to the ASEAN Charter's provision where promotion and protection of human rights are in equal with the respect toward sovereignty.

Furthermore, the other principles mentioned in the TOR AICHR that reflects the sensitivity is the need to pursue a constructive and non-confrontational approach and cooperation to enhance promotion and protection of human rights, as well as to adopt an evolutionary approach in developing human rights norms and standard in ASEAN. This shows that AICHR, as an ASEAN body, follows ASEAN's consensus-based decision-making process that respects non-interference including when dealing with human rights issue.

In practice, AICHR representatives often have to navigate between the requirement to have consensus and to keep pushing for certain agenda to be implemented. If the concept note is rejected as an AICHR program as it is considered too sensitive and challenging the internal affairs of certain member state, the representatives often carried out the activity as a national program, usually with the support of the respective Ministry of Foreign Affairs to champion that particular agenda. It means that the representative has to secure their own funding since the program is not adopted as AICHR's. Often, AICHR representative needs to be creative and persistent to push certain issue to be ad-

opted as AICHR's agenda. As shared by Yuyun Wahyuningrum, she put up the strategy to link particular issue with any of the articles in the TOR, AHRD or even Joint Communiqué issued in the ASEAN Summit. For example, on the Prevention of Torture, she explicitly pointed out how it links to the implementation of Article 14 of AHRD.¹⁰

ASEAN members' attitude toward R2P principle gives a clear impression on how and to what extent AICHR can respond to atrocities prevention idea. To certain extent, it is recognised that the primary responsibility to promote and protect human rights and fundamental freedoms rests with each Member States, as listed in one of the principles mentioned in the TOR of AICHR. This is certainly in line with the first pillar of R2P. In their annual formal and informal debates on R2P in the UN GA, few other member states also rhetorically declared their support toward the second pillar as well where the international community, including regional organisations, can assist states to implement R2P. However, all ASEAN members are still having strong reservation against the pillar three that points out the need to utilize all means, starting from the peaceful means under Chapter VI to Chapter VII measures where particular state has clearly failed to carry out their responsibility to protect its own population.

Thus, AICHR's attitude has reflected ASEAN Member States' discomfort toward the R2P which indicates no significant shift from the previous positions reported by the High-Level Advisory Panel (HLAP) in 2009. Even after twelve years of its establishment, no single meeting has ever been held between AICHR and the UN Special Adviser on Genocide or Special Adviser on R2P. Thus, it is hard, if not impossible, to see AICHR encouraging ASEAN Member States to ratify contentious treaties/ instruments, such as the Rome Statute, Genocide convention, and fully endorsing R2P which are key to show clear commitments to preventing atrocities.

In essence, it is acknowledged that all existing regional human rights mechanisms, such as Inter-American Commission on Human Rights (IACHR) and African Commission on Human and Peoples' Rights, are created by state governments. Nonetheless, compared to AICHR, they are particularly clear when clarifying exception to the respect toward state sovereignty and non-interference principles when it comes to promotion and protection of human rights. While it is normal for regional human rights mechanism to have an "intergovernmental" nature, the fact that ASEAN deliberately use the term in naming the AICHR reflects what the regional leaders wanted to emphasize with its creation. In fact, the configuration where most of the AICHR representatives are government officials has created certain challenges, especially when responding to human rights problems perpetrated by government actors.

Looking at other regional mechanisms, the Inter-American System is quite advance as it does not only have the American Convention on Human Rights since 1969, it has also established the Inter-American Court of Human Rights in 1979. In the Statute of IACHR, Article 19 mentions that the Commission is to act on petitions and other communications, and even to request the Inter-American Court of Human Rights to take such provision measures when it considers appropriate in serious and urgent cases.¹¹ Then, in the African context, referring to the African Charter on Human and Peoples' Rights, for example in Article 47 when any member state has good reason to believe that particular state actor violates certain provision of the Charter, it may draw the attention of the latter through written communication or directly bring up the case to the attention of the Commission (Article 49). Then, Article 58 stipulates that should there be any strong indication toward the existence of a series of serious or massive human rights violations, the Commission will draw the attention of the Assembly of Head of States and Government. The Assembly then may request the Commission to undertake in-depth study of the cases and make factual report as a result of that investigation.¹²

Compared to these two regional human rights mechanisms, AICHR has been lagging behind. From the TOR, AICHR does not have clear mandates on how it can pursue the protection of human rights. While it has the mandate, for example, to obtain information from the member states pertaining issues related to human rights performance, the Commission does not have the authority to oblige the state actors to obey such provision. The possibility of creating a special court is almost none due to the lack of political willingness from ASEAN member states, even to review the existing TOR which actually should be reviewed every five years after its creation in 2009. Thus, the fact that ASEAN has been reluctant to make the exception to the respect toward sovereignty and non-interference clear in order to implement human rights protection especially when there is serious breach against it, has become a hindrance for AICHR to perform effectively in preventing atrocities. As most of the human rights violations in the region are conducted by the state authorities. AICHR is very much limited to act upon problematic governments in ASEAN that are still hiding behind the non-interference principle to shield human rights issues taking place in their respective countries.

Moreover, governments are still having the upper hand in appointing representatives to AICHR. Most AICHR representatives are still active state officials/ diplomats, making them to represent more of their respective government views as they need to give the answers back to their authorities. Meanwhile, AICHR's institutional design also presents certain problem as representatives are only required to attend the internal regular meetings twice a year. While in practice there are also other meetings held, these are mostly dedicated to discuss concept papers and work plans instead of having conversation to respond to the serious developments that threaten human rights protection.

Mechanisms and resources

Regardless the mandates to promote and protect human rights, AICHR has been designed from the outset as a consultative, instead of a implementing regional human rights body. Based on its TOR, it is only working along the spectrum of conducting consultation, providing advice if requested by any sectoral bodies, and raising awareness instead of doing the actual action to halt human rights violations by putting pressures on the perpetrating actors. Furthermore, as AICHR is also expected to endorse key international human rights conventions, it has not actively encouraged ASEAN member states to ratify the Rome Statute, Genocide Convention, and other important international treaties. Due to the ASEAN countries' cold acceptance toward the term genocide and atrocity crimes, AICHR could only pick and choose treaties on non-sensitive issues.

To certain extent, AICHR has developed some mechanisms to engage with civil society to meet the expectation that it should also communicate with non-state actors, especially to receive reports on particular human right concerns in the region. To facilitate this, it has produced the Guidelines for its operations and engagement with civil society organisations (CSOs). However, in practice, there is still limited interactions with CSOs working on human rights issues as not all been granted the privilege to meet with all AICHR, while some representatives indeed took the initiatives to meet individually and collaborate to organise workshop and other activities. In the 33rd AICHR Regular Meeting, there was a session with FORUM ASIA to discuss about human rights situation including Myanmar. Despite the interaction, it was an awkward one since only Myanmar representative responded.

Nonetheless, in 2021, AICHR has stepped up to develop a complaint mechanism, which long overdue, where individuals in the region an submit their complaints pertaining issues on human rights to AICHR. Despite this progress, as admitted by Wahyuningrum, AICHR has been still so far receiving reports from civil society instead of individual complaints. It remains to be seen whether people will utilize such mechanism, especially amidst the low trust against the body to be able to do something real that meets their expectations, such as to conduct country visit, let alone initiating a hearing session and performing a fact-finding mission to investigate the complaint. In fact, for any case to be taken up by AICHR should be the one that has not yet been processed at the national level. As the national authorities have responded to it, despite accusations that the process is unfair and not transparent, AICHR cannot address the complaint.¹³

Hence, in a nutshell, AICHR's weaknesses largely stems from the way it has been designed from the outset which mirrors ASEAN's attitude toward protection of human rights. While some achievements should be appreciated, AICHR is still far from properly addressing immediate risks to atrocities emerging from serious human rights violations committed especially by state actors within ASEAN Member States due to its internal principles and mechanism as well as the lack of modalities and resources.

III. Future Directions

How to manage expectations on AICHR as a regional human rights body? What can AICHR do and what it cannot do?

After assessing AICHR's relative strengths and limitations, the ultimate question is to what extent AICHR can be expected to work toward preventing atrocities in the region. It is clear that despite being a regional human rights body, AICHR is by nature an "intergovernmental" commission, meaning that it should be submissive to the mandates given by governments of the ASEAN Member States on how these leaders define human rights situation. As mentioned earlier, there has been strong rejection to acknowledge the term "atrocities" and R2P in the regional context, simply by arguing that none of R2P-related crimes occur in any of the ASEAN member states, by which R2P has been still largely perceived as a norm that justifies humanitarian intervention into one's domestic affairs.

AICHR'S WEAKNESSES IN ATROCITIES PREVENTION

- Focuses more on promotion than protection mandates – designed as a consultative rather than human rights body.
- Lack of unity when responding to human rights problem within a member state.
- Treating human rights problem as humanitarian issue.
- Uneasiness to obtain information from the responsible member state.
- Incomplete complaint mechanism to respond to individual complaints.

Nonetheless, based on the conversations with few representatives of AICHR, especially the progressive ones, there are some relative achievements which can help to shape the future directions of the body. Meanwhile, the TOR of AICHR and AHRD, although still showing gaps, have provided some basis for AICHR to be still doing something significant within atrocities prevention framework.

Some recent developments

In the past since the establishment of AICHR in 2011, the issue on Myanmar was discussed in informal setting, such as retreat. Nevertheless, in 2021 there has been a major breakthrough where AICHR eventually approved for the discussion on Myanmar to be elevated into a more formal setting, especially following the February 2021 military coup which led to a disastrous political and humanitarian crisis in the country.

After series of tough internal negotiations among the AICHR representatives, the human rights body eventually agreed to take up and revise Agenda Item 4 in the AICHR Special Meeting 1/July 2021 which was originally only to address updates from the ASEAN Secretariat. As elucidated by H.E. Yuyun Wahyuningrum, Indonesia proposed to revise it into “Updates on recent developments in ASEAN”, divided into two elements: 4.1 “Updates from AICHR representatives” and 4.2 “Updates from the ASEAN Secretariat”.

The idea was rejected by Myanmar representative as it was seen as adding another agenda and changing the original title of the meeting. Eventually, it was agreed that the agenda items would be 4.1 “Recent developments in ASEAN” and 4.2 “Updates from the ASEAN Secretariat”. The agenda 4.1 will be still brought up by AICHR to the extent that it should be done voluntarily by the representatives. What is certain is through this achievement, AICHR since then has the formal mechanism to discuss the situation in Myanmar under the Agenda item 4.

Another initiative is to re-create a kind of mini-UPR mechanism for ASEAN which allows for a formal and frank mechanism among the AICHR representatives to regularly brief about human rights conditions in their respective countries. This is actually part of an implementation of Article 4.10 in the TOR for AICHR to obtain information from member states regarding certain human rights situation. Actually, this initiative, which later is named as ASEAN Human Rights Dialogue, is not a novel initiative, as Indonesia took the initiative back in 2013 to voluntarily report of its human rights conditions to AICHR. However, the practice has not been amplified since then where other member states followed suit to practice it.

In 2021, AICHR Indonesia, with the support from the Indonesian Ministry of Foreign Affairs organized the ASEAN Human Rights Dialogue on 21 September 2021. It was eight years after similar initiative was launched back in 2013 under the leadership of Indonesian Foreign Minister Marty Natalegawa. At that time, Indonesia volunteered to give a briefing to AICHR regarding Indonesia’s human rights conditions, with the aim to set the example on how AICHR can obtain information from particular state. With the spirit to re-invoke the practice, AICHR Indonesia, endorsed by the Indonesian MOFA has organized this Dialogue.

The difference with the earlier practice is in this Dialogue is that this time the dialogue was aimed for all member states’ delegations to share among each other their existing measures to implement human rights, instead of providing report to AICHR. Each member state has been given the liberty to set up its own delegation which comprised of high-level officials (Director-General/ Deputy Director-General level) from ministries in charge with handling human rights affairs, National Human Rights Institution, and AICHR representative. Nonetheless, at this time, only Indonesian delegation includes a commissioner from its national human rights institution/KOMNAS HAM.

Hence, as shared by Yuyun Wahyuningrum, the Indonesian representative to AICHR, creating such modified modalities for the dialogue is deliberate in order to create a comfort level among the ASEAN Member States, by building the impression that it is a platform for Member States to comfortably share information among themselves, instead of evaluating their human rights performance. Such idea was proven to be successful as 8 out of 10 member states, including from Myanmar were pleased to provide a briefing of issues that they choose to share. Delegations engaged in a quite frank discussion and some were quite opened to answer questions, although more tend to be more active in answering queries on less sensitive issues such as right to education during COVID-19. Nonetheless, there are certainly room for improvement, where delegation could have been asked to provide their briefing notes prior to the meeting as well as to probe into deeper human rights issues.¹⁴

Entry points from the AICHR Work Plan and TOR

There are a number of things that AICHR can do in its future direction related to mitigate or dealing with risks to atrocities. Here, I basically scrutinize the Five-Year Work Plan (FYWP) 2021-2025 as an agreed corridor for AICHR’s work in the

next three years, which have six focus areas. I explore specifically the items in the priority areas which can be directly linked with atrocities prevention efforts.

First, since AICHR as a regional human rights body seeks to promote the effective implementation of international human rights obligations and treaties, it can serve as an interlocutor that channel these international instruments to be reflected further in the region. According to the Malaysian representative to AICHR (2016-2018), Edmund Bon Tai Soon, AICHR can continue serving as the “translator” of these human rights instruments and provides platforms to discuss and share experiences and practices of implementing them among member states in the region. In this context, despite being allergic to the term atrocities, AHRD as the product of AICHR has actually included specific rights, such as prevention of torture, freedom of expression, freedom of religions and beliefs, adopted from the universal civil and political rights. Thus, as part of promoting full implementation of ASEAN instruments related to human rights, for AICHR representatives to continuously and creatively point out and create activities in reference to specific articles in the AHRD that directly linked to atrocity risks would drive the body to also contribute to atrocities prevention efforts.

Second, the other thing that can be done is for AICHR representatives to propose thematic studies to identify various conditions in the region which can be categorized as risks to serious human rights violations. It is important to note that AICHR as an institution has opposed to the idea of conducting a country-specific issue, as it has been perceived as pointing finger to specific country’s problem. Making it a thematic study meaning that the study or research will have to be done by researchers from all ten ASEAN member countries on specific theme agreed, instead of scrutinizing one state’s issue. However, as there were experiences before when thematic study was difficult to establish as some states were reluctant to nominate their researchers, alternatively AICHR representatives can individually propose it as a “study” only and making it not as an AICHR activity for temporary.

What also interesting is the activity plan for AICHR to conduct country-learning visit to different sites on human rights, although it should be by invitation of the host country (PA 2.2.1). It is under the Focus Area 2 on Strategies for cooperation to promote and protect human rights, on the priority area of identifying human rights matters of interest to ASEAN and develop common approaches and positions to that matter. While there should not be too high expectation on this exercise, when materialized, such activity will be very useful for AICHR be more responsive to the brewing situations on the ground when proposing a thematic study as well as collecting better information when conducting thematic study on certain topic.

Another thing that AICHR can do related to atrocities prevention effort under Focus Area 2 is to implement the priority to share information, experiences, and practices on human rights grievances system among ASEAN Member States. Addressing grievances is an important way to prevent or break the cycle of human rights crimes. Thus, it is crucial to ensure that AICHR expand the scope further, since it is so far only aimed to tackle radicalism and violent extremism.

Third, AICHR’s focus to pursue dialogue to discuss the culture of prevention in ASEAN, as part of realization of ASEAN Declaration on Culture of Prevention for a Peaceful, Inclusive, Resilient, Healthy and Harmonious Society (Nov 2017) fits well with the atrocities prevention framework. So far, according to the Plan of Action for Culture of Prevention (2020), there are a range of activities which include engaging the youth through education and peace activities, women empowerment, disaster-risk management and environment preservation, as well as creating counter-narratives for extremist views and ideologies. While these are useful, the activities need to be expanded to discuss on how the culture of prevention can also be developed among state authorities instead of focusing only on the society level.

Furthermore, under the Focus Area 3, there is also a priority to develop an ASEAN Human Rights Index. While nothing much has been heard about it, AICHR representatives can provide recommendations how the indicators should also include measuring structural and immediate risks to atrocities.

Fourth, as elaborated earlier, AICHR’s priority to create a regular platform for interactive discussion on human rights issues in ASEAN as one of the key ways to promote atrocities prevention has been materialised this year. This is actually in accordance with the mandate of AICHR to obtain information on the promotion and protection of human rights as mentioned in the TOR Article 4.10. While the ideal setting of scrutinizing particular government to give specific explanation concerning certain human rights situation such as the political and humanitarian crisis occurring in Myanmar since the February 2021 coup is still a far-fetched idea, there has been hope as such exercise has set the precedence for future practice.

The other priority plan which can also be useful to promote atrocities prevention is the interface between AICHR and regional and international stakeholders and partners to exchange information on emerging human rights issues. On one hand, AICHR’s regular interface meetings with the UN and its relevant agencies, as well as with European Union and other regional human rights institution are certainly useful. However, there are still a large number of

AICHR'S FUTURE DIRECTIONS

- Re-introduction of AICHR's internal human rights dialogue to update each other about human rights challenges and implementation measures.
- Being an interlocutor to translate international human rights treaties into becoming regional norms.
- Conduct more thematic studies/ studies to identify risks to atrocities in the region.
- Activate country-learning visits.
- Define and practice "Culture of Prevention", particularly to include atrocities prevention.
- Share information, experiences, and practices on human rights grievances system among ASEAN Member States.
- Create human rights index.
- Establish a regular platform for interactive discussion on human rights with relevant stakeholders, especially civil society.
- Develop regular interface meetings with regional and international stakeholders and partners to exchange information on emerging human rights issues.
- Provide trainings on AHRD and other international human rights instruments for government officials in ASEAN.
- Strengthen rights-based monitoring and evaluation capacities in ASEAN.

stakeholders which remained to be sidelined from formal engagement with AICHR, especially those that are specifically monitoring human rights cases in the region. For example, AICHR has refrained from interacting formally with any UN Special Rapporteurs, including the ones assigned on the Situation of Human Rights in Myanmar although some sideline/ informal conversations were done by few AICHR representatives. There is hitherto no formal engagement with the IIFFM on Myanmar that is investigating gross human rights violations conducted against the Rohingya minorities in Myanmar.

Fifth, under Focus Area 5 on Capacity Building and Raising Awareness, AICHR's priority plans to promote human rights through peace education, dialogue, research, and promote capacity building for effective implementation of state obligations on human rights have provided useful platforms that contribute to atrocities prevention effort. One area that needs to be pursued further is the training on AHRD dan international human rights treaty obligations for government officials of ASEAN Member States.

One interesting priority plan under the point 5.6 is to strengthen rights-based monitoring and evaluation capacities of ASEAN Member States. In the AICHR's Annual Report 2020, the need for a new framework to monitor and evaluate AICHR performance has been acknowledged and will be put under the FYWP 2021-2025. Then, in July 2021, AICHR organized the Regional Dialogue: Self-Assessment of AICHR Progress After 10 Years to assess on how the institution can enhance its effectiveness, particularly on the human rights protection mandate. While not much information can be gathered on the specific recommendations provided from the Panel of Experts created to achieve this aim, strengthening the protection mandate should definitely include increasing AICHR's responsiveness on the immediate risks of atrocities such as present in the Rohingya crisis and massive violence against civilians conducted by the Myanmar military.

Nonetheless, these future directions are not without challenges. The main challenge is the uncertain sustainability of the abovementioned plans that seem to have a good start. For some progressive plans and themes to be taken up by AICHR, it required creativity and persistence from AICHR representatives to find loopholes in interpreting the TOR in order to stretch up the mandates and functions of AICHR to achieve more progress. Thus, having representatives that truly champions of human rights, instead of career diplomats without substantive knowledge, would be extremely crucial to keep AICHR performance.

From the way AICHR activities were organized, it is clear that for the themes that are closely connected to atrocities prevention were often taken up by certain AICHR representative as a national program and later took a very long process to be eventually adopted as AICHR program. As told by Indonesian representative to AICHR, Yuyun

Wahyuningrum, it was only in December 2020 that she eventually managed to make the Prevention of Torture as the AICHR program, underlining that it is a program that implements the Article 14 of the AHRD.¹⁵

This clearly shows that AICHR, despite of its 10-year existence as regional body, is still struggling to be coherent and having common position on the issue that obviously a regional human rights problem. Nevertheless, according to Collins and Bon (2021), AICHR at least has provided served as a “participatory space” where its representatives, so far three coming from civil society/ non-state figures, can engage in a dialectic process where they continue to contest on what AICHR can and cannot do as a regional human rights body. Secondly, through its programmes, such as national and regional consultations, AICHR can still formally invite high-level officials to participate and create opportunity to converse with civil society representatives.¹⁶

IV. **Opportunity for Engagement**

It is clear that Southeast Asia region is not free from risks to atrocities. The persecutions against Rohingya minorities as well as systematic violent attacks against civilians conducted by the Myanmar military, evidently serve as the immediate risks. Thus, the role of AICHR as a regional human rights body is extremely crucial in preventing and mitigating such risks. To enhance its performance, AICHR definitely needs support from external actors. The questions then: How to engage AICHR in order to assist the institution? What kind of support to be provided for AICHR? What can potentially be done to assist AICHR?

Hitherto, looking at AICHR annual reports, there are numerous activities done with external partners, such from interface meetings and dialogues with international organisations, trainings, workshops and so on as part of capacity-building initiatives. It is important to note that AICHR’s rule of procedures so far has only allowed external engagement in capacity-building area only. With this limitation, nevertheless, there are still other areas where external partners can support in order to bring AICHR to perform its mandates better.

After examining the strengths, weaknesses and future directions of AICHR, there are some recommendations regarding the opportunity for engagement with external partners to strengthen AICHR’s capacities, particularly in mitigating and preventing risks to atrocities in the region. There are at least three areas of support needed to be carried out in the short or mid-term period.

First, as expected by H.E. Edmund Bon Tai Soon, AICHR has to play the role as a “translator” of international human rights treaties and obligations into the regional context.¹⁷ For this purpose, AICHR needs to be continuously engaged with international human rights mechanisms and actors. Therefore, the interface meetings between AICHR and international actors need to be enhanced.

In addition to the UN, European Union, and other regional human rights institutions’ engagement with AICHR which have been running so far, engagement with other non-state institutions/ research centres that are focusing on human rights both at the regional and global levels with AICHR should also be further explored. It has been found that FORUM ASIA as a regional-based human rights NGO has engaged with AICHR to report particular human rights violation against human rights activist. This is a good practice which needs to be expanded further.

While there is no guarantee that messages conveyed during interface meetings would be always accepted and translated into real action that contribute to protection of human rights, AICHR’s interactions with as many as possible international actors should not be stopped since such intensive interactions would serve as dripping waters which would at the end induce some changes although it might take some time.

In the future, especially regarding the crisis in Myanmar, there should be a regular interface meeting between the ASEAN Special Envoy, the ASEAN Secretary-General, and AICHR to address the problem as it is obviously a serious human rights issue. Moreover, a UN-ASEAN collaboration is strongly needed to empower ASEAN to deliver humanitarian assistance and work further in an internal conflict setting. Thus, a dialogue between the UN Special Envoy and AICHR should also be forged, as part of a UN-ASEAN cooperation, to exchange ideas and create common strategy on how to push for a solution to the Myanmar crisis.

Second, AICHR needs to be supported to enable it being more responsive to the structural and immediate risks which can develop into atrocity crimes. To support this function, research and study to identify these risks at the early stage must serve as the core activity. As thematic studies are often difficult to conduct as they should be done on “consensus” – meaning that the availability of researchers from all ten members is the main prerequisite, support to AICHR representatives from particular member states that come up with initiatives to do study on specific issues related to risks of atrocities can be done. While the involvement of regional researchers is important due to their familiarities

with local context and acceptability level from the AICHR representatives, it does not have to wait for all ten member states to send their researchers as for the thematic studies.

Furthermore, external actors should continue their support to various AICHR's capacity-building activities, such as to organize seminars, workshops, and trainings that invite specific experts to share knowledge related to atrocities prevention. As AICHR has engaged in atrocities prevention-related topics such as prevention of torture, freedom of religions and beliefs, freedom of speech, and right to remedy, international actors can help to support activities to promote the roles of regional organization to protect the people's rights under these themes. Moreover, another key agenda undertaken by AICHR is developing culture of prevention in ASEAN, which is significantly part of addressing structural factors to gross human rights violations. In the Plan of Action for Culture of Prevention, the initiatives are mainly focusing on the youth, such as conducting peace education, training, as well as creating activities to build counter-narratives that so far aimed to tackling radicalism and extremism. Nonetheless, the theme of Culture of Prevention can also serve as the framework for creating activities for preventing atrocities, that is also focusing on the youth, such as dealing with fake news and hate speech especially in relation to religious and ethnic minorities issues.

Third, AICHR's initiative to develop a framework for internal monitoring and evaluation mechanism in order to conduct self-assessment on its performance is another opportunity for engagement with external actors. For the first time, AICHR held its own self-assessment dialogue in July 2021 the "Regional Dialogue: Self-Assessment of AICHR Progress After 10 Years" via video conference. Nevertheless, until now there has been no clue on how this assessment was done, especially the instruments to do so. As can be noticed from the future direction listed in the AICHR Annual Report 2020, what was lacking is the monitoring and evaluation mechanism on AICHR performance. Thus, external partners should assist AICHR to develop the framework for monitoring and evaluation through various brainstorming exercises, which allows it to be exposed with different models that suit its need while keeping with the international performance standard for human rights body.

1. Endnotes

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