

***Human Rights and Participatory Politics in Southeast Asia.* By Catherine Renshaw. Philadelphia: University of Pennsylvania Press, 2019. Hardcover: 247pp.**

As the ASEAN Intergovernmental Commission on Human Rights (AICHR) marked its tenth anniversary last year, Catherine Renshaw's book, *Human Rights and Participatory Politics in Southeast Asia*, provides a very timely contribution to the literature on efforts to improve the existing human rights system and the region's human rights' record.

The book begins with the recognition that democratic deficit experienced by ASEAN members makes it difficult, if not impossible for “meaningful dialogue to occur on the scope and content of rights” in the region (p. 168). Moreover, Renshaw notes that a human rights declaration produced under non-democratic conditions cannot hope to answer the needs of the people in ASEAN member states.

The book is well researched and provides clear evidence to support the author's arguments, especially her claim that when states belong to a region where the predominant norms are not “good” liberal, democratic, human rights-oriented ones, “regional influences work to socialize states away from human rights norms” (p. 14). The book is divided into two main parts. The first attempts to demonstrate how “democratic deficit in Southeast Asia limits the legitimacy and potential of the regional human rights institutions” (p. 97). The second analyses whether the existing ASEAN human rights regime has influenced the human rights behaviours of ASEAN member states, specifically on issues such as women's rights, trafficking in persons and human rights situation in Myanmar, particularly the rights of Rohingya. The book concludes that ASEAN governments would no longer perceived human rights as an external compulsion, or, more specifically, “Western imposition” (p. 172), if the rights institutions were home grown under their own political procedures.

The Vienna World Conference on Human Rights convened in June 1993, undeniably, had an influence on ASEAN. The Joint Communiqué of the 26th ASEAN Ministerial Meeting, adopted by the then-six members of the grouping, issued on 24 July 1993 had, “agreed that ASEAN should also consider the establishment of an appropriate regional mechanism on human rights”. However, it took ASEAN sixteen years to establish its first “appropriate” regional human rights mechanism, the AICHR. During that period, ASEAN's impetus was driven less by external aspirations and more by the

efforts of the Working Group for an ASEAN Human Rights Mechanism which is the only human rights group listed in Annex II of the ASEAN Charter and which has been engaging with ASEAN bodies and officials since 1996. Admittedly, ASEAN was very reticent about the participation of civil societies. Some other rights organizations became active in engaging with ASEAN only after the advent of the ASEAN Charter. However, while the creation of an “ASEAN human rights body” (as prescribed by Article 14 of the ASEAN Charter) was partly the result of intensive advocacy of groups within the region, these organizations had no control over the final outcome. Hence, the resulting AICHR was weak and ineffective by design. Furthermore, it could not function as an independent entity, thus, falling far short of expectations for a human rights mechanism upon which the citizens of ASEAN states could rely on for the protection and promotion of their rights.

The ineffectiveness of the AICHR raises a question: is the democratic deficit in ASEAN the only explanation for human rights institutional inefficiency in Southeast Asia? It should be noted that when Europe established its own regional human rights regime, not all the members of the Council of Europe were democratic. This was similar to the situation in the Americas and Africa. Moreover, in the Inter-American human rights system, the two most democratic countries, Canada and the United States, have not ratified the Inter-American Convention on Human Rights. This suggests that while democracy is a necessary condition for an effective human rights system, it is not the only key determinant. Other factors, ranging from the lack of rights awareness among the population to the lack of the rule of law, and certain social and cultural values, can impede the institutional effectiveness of human rights mechanisms. In the case of ASEAN, the working principles of the organization itself have held back the AICHR’s potential. For instance, the grouping’s respect for state sovereignty and the principles of non-interference and decision-making by consensus, although instrumental in holding ASEAN together, unfortunately prevents its human rights regime from properly functioning and protecting the rights of the citizens of ASEAN member states. Renshaw has dealt with these issues to a certain extent, but a more systematic discussion of the various factors would have been more helpful.

A few things are missing. It seems that the author identifies “participatory politics” with democracy, but discussions about societal participation in politics is minimal. The book also occasionally raises the issue of the authoritarian nature of some ASEAN member

states, but this is not discussed clearly, especially considering the fact that countries with authoritarian leanings tend to have a better record of ratifying international human rights treaties compared to more democratic states. In fact, some authoritarian states use the signing of such treaties to deflect criticism away from their poor human rights records. This has significant repercussions not only for the human rights situation in individual countries, but also for the establishment of a credible human rights system in Southeast Asia.

The book also needs a few minor corrections. This reviewer is identified as a former national human rights commissioner when in fact she was the first Thai representative to the AICHR (p. 47). Surin Pitsuwan, the ASEAN Secretary General from 2008 to 2012, is erroneously referred to as the ASEAN Chair (p. 22). The Working Group for an ASEAN Human Rights Mechanism is also confused with the Human Rights Working Group on ASEAN, the Jakarta-based human rights NGO. These slip-ups, however, do not minimize the added value of the book, which is among the very few to focus on the human rights system in Southeast Asia.

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