

The Urgency of Abolishment of Non-Interference Principle to Enhance the Quality of the Settlement of Human Rights Violation in ASEAN

Abstract

ASEAN has become among few regional institutions that has shown significant economic progress and successful regionalism in the world. However, this remarkable achievement is not followed by the development of the human rights in the region. The US Department of State and Non-Governmental Organization like Amnesty International and Human Rights Watch have reported various violations of human rights occurred in almost all of the member states since the inception of the Association five decades ago. The humanitarian crisis of the Rohingya in Myanmar, East-Timor crisis in Indonesia and Oppression of the Pattani Muslim minority in Southern Thailand by the central government are only a few cases of human rights violations in ASEAN. This study is the result of a normative research with statute, analytic and case approaches regarding the impact of the adherence of non-interference principle in ASEAN for the settlement of human rights violation in the region. The study found that to settle the violation of human rights, ASEAN collides with the non-interference principle that prohibits them to intervene the domestic affairs of other member states, include the occurrence of human rights infringement in each member states. The experiences have shown that the principle becomes a tool of shush upon the occurred violations and paralyzes them to deliver a comment or criticism. Even though ASEAN has established ASEAN Intergovernmental Commission for Human Rights (AICHR) as the regional human rights body, but it still does not serve an effective body to protect and promote human rights due to the complicated mechanism of decision making. This becomes a dilemma for ASEAN member states due to for the sake of humanity they want to solve the violation of human rights in the region, while on the other side, they want to protect their sovereignty by maintaining the non-interference principle. Rethinking the application of non-interference principle is recommended to be conducted in order to enhance the quality of the settlement of human rights violation in ASEAN.

Keywords: ASEAN, Sovereignty, Non-interference Principle, Human Rights