

CHAPTER FIVE

CONCLUSION AND SUGGESTION

A. Conclusion

Based on the explanation in the previous chapter, it shows a conclusion that:

1. The challenge of ASEAN dealing with human rights violation is the application of the non-interference principle. This principle is the core of establishment of ASEAN as it stated in Treaty of Amity and Cooperation in 1976 and continued to the ASEAN Charter in 2003 as the fundamental legal basis of ASEAN. The application of non-interference principle is a dilemma for ASEAN because in one side, the application of the principle protects the sovereignty and stability of the region by prohibiting the external interference towards the domestic affairs of a state. In the other hand, the application of the principle becomes the justification tools of silence towards the occurrence of crisis and human rights violation in ASEAN.

The application of the non-interference principle also affects AICHR in creating policy and decision making. AICHR does not include investigation power, supervising or enforcement. This condition makes the AICHR that becomes powerless human rights institution as the human rights activist stated. It creates slow progress

and long debate in the application. Leaving various human rights violations remain unsettle.

2. ASEAN needs to abolish the non-interference principle because it inhibits the settlement of human rights violation cases in ASEAN. The non-interference prohibits states or any international organization to interfere the domestic affairs of a state, resulting various cases of human rights violation occurred in almost all ASEAN member states. So the cases of violation of human rights cannot be solved well.

The second factor of the abolishment of the principle is that there are cases of ASEAN break the principle by intervening the domestic affairs of its member states. This inconsistency and double standard treatment of the principle worsen the integrity of ASEAN as regional organization and risk the existence of the Association in the future.

B. Suggestion

Entering the modern era of inter-connectedness that uphold the values of humanity, ASEAN should rethink its principle non-interference application in order to enhance the quality of the human rights settlement in the region. ASEAN can imitate the applied method in EU that has been proved successfully settling regional issue by pooling some of their sovereignties to the Association.

In addition, AICHR as the human rights institution in ASEAN should establish permanent human rights court that can strengthen the promotion and protection of human rights in the region. Also there should be an additional Article in Terms of Reference

(ToR) as the legal basis of AICHR in running their purpose by providing humanitarian assistance if humanitarian crisis occurs in the region.