Introduction

On 18 November 2012, members of the Association of Southeast Asian Nations (ASEAN) took the historical step of issuing an ASEAN Declaration of Human Rights. The declaration is only the last of a number of steps expressing ASEAN's commitment to human rights. This commitment first became visible in the ASEAN Charter of 2007 and promised that the regional grouping would establish its own human rights mechanism. The mechanism was eventually set up in October 2009 as the ASEAN Intergovernmental Commission on Human Rights (AICHR). The development towards greater commitment has surprised many observers, as ASEAN and individual members were quite active in the so-called Asian values debate in the early 1990s, in which they promoted a relativist position on human rights, emphasizing economic development to the detriment of civil and political rights (Emmerson 1995; Kausikan 1994). Moreover, ASEAN’s earlier constitutional documents never mentioned human rights or democracy. The new policy also appears to weaken the support for constructivist explanations of ASEAN as a regional organization, which have emphasized deeply embedded norms of non-interference, state sovereignty, and non-intervention into domestic affairs (Narine 2002, 2012). The policy does not fit with the organization’s earlier record on human rights and its principled stance towards non-interference in domestic affairs.
This raises the question as to what explains ASEAN member states' commitment towards human rights, as expressed in the Charter, AICHR, and the Declaration.\textsuperscript{1} International relations theories and the existing literature on ASEAN provide three crucial answers to this question: democratization, coercion, and normative persuasion. Democratization is clearly a driver in ASEAN members’ activities to set up the mechanism, but it does not explain why non-democratic ASEAN member states consented to the establishment of the mechanism. Coercion clearly plays a role in the form of European Union (EU) and US-imposed sanctions against Burma/Myanmar, but these sanctions never affected ASEAN as a regional organization, nor were the majority of member states subjected to them. Normative persuasion through the activities of non-state actors (Alagappa 2004; Nesadurai 2012) and socialization through EU–ASEAN dialogues have also influenced governments (Manea 2009), but these were again uneven and did not target all ASEAN member states. Thus, ASEAN's commitment requires an explanation why autocratic as well as less democratic but stable member states of ASEAN have incentives to establish a regional human rights body, making a consensus on this mechanism possible.

This chapter argues that significant drivers of ASEAN’s commitment are negative externalities. Negative externalities influence the member states of an existing regional arrangement in two ways: (1) contiguous states are directly affected by the human rights practices of their less democratic neighbors, most importantly in terms of refugee flows, undermining long-standing ASEAN norms that internal matters do not affect other states; (2) less democratic but stable states are affected indirectly through the loss of social acceptance that the failure of concerted action means for a regional grouping. The chapter thus argues that ASEAN’s newly established regional human rights regime is not only a window-dressing exercise for its members geared towards silencing external criticism. It is a collective effort towards diminishing the direct costs of human rights violations. By building up on and expanding an established literature on ASEAN’s human rights commitment (Ciorcari 2012; Davies 2012; Doyle 2014; Katanyuu 2006; Kipgen 2012; Langlois 2012; Thio 1999), the chapter argues that an explanation has to take into account the endogenous incentives for ASEAN members to establish a regional human rights regime.

The chapter is organized as follows. The first part briefly describes the dependent variable human rights commitment – through the issuing of the ASEAN Charter in 2007, the setting up of AICHR in 2009, and the ASEAN Human Rights Declaration in 2012 – and evaluates the