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Global norms in regional institutions: Lessons from the African Union and ASEAN

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Synopsis

Acceptance of global norms by regional organisations is only the beginning of a long process of institutionalisation, as cases in the African Union (AU) and the Association of South East Asian Nations (ASEAN) demonstrate. This is complicated where norms originate outside a regional institution, yet the opportunity for reform is now present.

Commentary

Political upheaval and democratic reforms in Asia and Africa have proceeded at a dramatic pace over the course of the past year. The Arab Spring has seen long-standing dictatorships such as those in Egypt, Libya and Tunisia unravel, a political crisis in Côte d'Ivoire resulted in armed international intervention, and Myanmar's democratic opening has astounded observers.

The social upwelling of the movements that caused these events has been distinctly bottom-up. New forms of communication and organisation in social media have connected people and made possible political changes that were once deemed unimaginable. Peoples' demands for political representation, human rights, justice and accountability have echoed many international conventions and normative standards that have been established to date, and to which many of their own states have even acceded. Thus regional organisations such as the African Union (AU) and the Association of Southeast Asian Nations (ASEAN) have been expected to be the primary actors managing responses when violence or conflict erupts.

Yet these regional organisations develop at a much slower pace than the people driving them. Decision-making here is not a mass participatory or democratic process, but conducted in close circles of technocrats, diplomats, or military officers. Accepting certain commitments, such as to democracy or human rights, may not necessarily reflect the internalisation of these values by states or the organisations which represent them. Other factors, such as peer pressure, keeping up appearances, resisting external interference, or a desire to manage the debate on norms and their corollary requirements may be at work.

The Interface of Norms in Regional Organisations

These competing interests played out in stark fashion in the AU's response to Libya: The African Commission of Human and People's Rights (ACHPR) condemned the suppression by Gaddafi's forces, citing a litany of human rights violations, and the African Court of Human and People's Rights ordered that measures be taken

against Libya, yet the AU blithely ignored these statements. It was a tragic replay of the situation months earlier in Côte d'Ivoire where the AU, in its desire to reach a political compromise, ignored the condemnation of human rights abuses in that country by the ACHPR. Embarrassingly, in both cases the AU's attempts at mediation were overruled by UN mandates that saw interventions carried out ostensibly under the auspices of the protection of civilians and the responsibility to protect.

The picture is more complicated in ASEAN's relationship with Myanmar. Recent reforms in the country have given the long-running stalemate a feel-good gloss. Nevertheless, external pressure slowly shifted ASEAN's posture towards the country from a defensive one to that of censure of the military junta on some occasions, and of direct intervention during the Cyclone Nargis disaster of 2008. ASEAN has even committed to establishing a declaration on human rights in 2012. Despite this, ASEAN has stood resolutely on its insistence that non-interference in the affairs of its members is sacrosanct. Its fledgling regional human rights commission has the unenviable task of addressing human rights concerns – a fundamental matter of relations between a state and its citizens – without “interfering” with the member states of ASEAN.

The Opportunity for Governance Reform

Human rights and expansions of their conception such as the “responsibility to protect” are now firm fixtures in the international system. Nevertheless, most of the struggle for their acceptance happened elsewhere (such as following World War II and the Rwandan and Balkans conflicts), and their passage in UN resolutions did not necessarily reflect their regional acceptance. Rather, the AU (under the old Organisation of African Unity - OAU) and ASEAN had their origins in Cold War security concerns. They thus established organisational norms such as non-interference to deal with these issues, greatly complicating the acceptance of other kinds of normative standards even where they impacted on security, particularly human rights.

While on paper, African states moved away from this approach when the OAU was transformed into the AU in the early 2000s, in practice the AU has still been hesitant to move away from non-interference. It prefers taking a soft approach towards its member states despite being empowered to intervene and protect civilians in grave circumstances. In recent crises, the AU has tended to favour political engagement aimed at negotiated settlements, with human rights considerations largely secondary.

The political crises and reforms that have developed over the past year have demonstrated the need to rethink organisational practices. In the AU, a post-mortem examination of the organisation's responses to the Arab Spring and Côte d'Ivoire will have to be undertaken, and while organisational reform may not necessarily be needed, the AU's ability to strengthen its role and its response to crises on the continent, especially vis-à-vis its own member states, will be key to the organisation's future.

ASEAN separately began its own reforms with the signing of the ASEAN Charter in 2007 and is slowly developing from an intergovernmental organisation to a fully-fledged regional body in order to maintain its centrality in Asian geopolitics. There is recognition that the new dynamics of open information and citizen-power will require political changes to meet the aspirations of youth in both regions. These events offer a window of opportunity as the institutional components of these regional bodies are developed.

Institutional evolution will have to come from within. Importantly, both organisations' outward commitment to human rights protection has opened the space for rapid development of political discourse within the region, and this must be strengthened – and supported – in order for these organisations to put up the scaffolding for regional commitments to human rights.

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