

3 International Headwinds for Human Rights in Southeast Asia

Dr. John D. Ciorciari



In many Indo-Pacific countries, human rights and democracy are in recession. This is particularly true in Southeast Asia, which lies at the core of the Indo-Pacific area, both geographically and in terms of its strategic significance. In recent years, the region's residents have endured military coups and crackdowns in Thailand and Myanmar; abuses by populist authoritarian strongmen in Cambodia and the Philippines; continuing suppression of civil liberties in Laos and Vietnam; and significant human rights violations elsewhere. Although domestic forces certainly have contributed to human rights erosion in many countries,

international politics also have played a vital role. Chinese backstopping of illiberal regimes has helped to insulate them from local and international opprobrium and has reinforced norms of non-interference and Westphalian sovereignty. At the same time, concerns about surging Chinese influence have induced caution from the United States and its allies in pressing for reform in authoritarian states. Regional institutions remain highly constrained on human rights issues.

Countercurrents exist, including US and European sanctions and Myanmar's *de facto* suspension from the Association of Southeast Asian Nations (ASEAN). However, the overall international environment presents serious obstacles to the advancement of human rights in the region.

China's ascent, the dynamics of a budding "new Cold War," and regional institutional sclerosis all tilt the playing field in favor of Westphalian norms and against a liberal human rights agenda.

Several factors at the international level have contributed to human rights backsliding in Southeast Asia over the past decade or more. One is China's emergence as the top trading partner and a major source of investment for every country in the region. China's economic heft brings many benefits to Southeast Asia, but by offering reliable assistance with few

governance strings attached, Beijing has made it easier for Southeast Asian governments to stifle domestic dissent at an acceptable cost. Chinese aid has become a reliable bulwark against Western sanctions for governments that choose to confront domestic challenges with violent repression and politicized justice.

After US officials criticized the 2014 coup in Thailand and suspended military assistance, for example, Chinese officials embraced Thai military leaders and promptly offered aid. China has stepped forward to offer aid to Cambodia whenever Western governments or multilateral institutions have sought to impose costs on the Hun Sen government for its human rights abuses—such as the forced displacement of residents around Boeung Kak Lake in 2010, the repression of opposition protesters in 2013–2014, or the shuttering of civil society organizations and disbanding of the main opposition party in 2017. In Myanmar today, Chinese aid helps an abusive junta stay afloat and hold opposition protesters under heel, countering the effects of US and European sanctions since the February 2021 coup. Chinese assistance does not dictate Southeast Asian repression but makes the expected consequences much easier to bear.

In this context, the United States and its allies have struggled to promote human rights effectively in the

region and to reconcile that objective with their strategic interest in countering Chinese influence. The concept of a “free and open Indo-Pacific” (FOIP), introduced in 2016, suggested the possibility of US and Japanese Indo-Pacific strategies that would attempt to marry these two objectives—that is, confronting China while giving added priority to human rights. The FOIP concept’s progenitor, Japanese Prime Minister Shinzo Abe, initially envisaged an area that “values freedom, the rule of law, and the market economy, free from force or coercion.”¹ US Secretary of State Mike Pompeo conveyed a similar vision in a 2018 address, saying:

When we say “free” Indo-Pacific, it means we all want all nations, every nation, to be able to protect their sovereignty from coercion by other countries. At the national level, “free” means good governance and the assurance that citizens can enjoy their fundamental rights and liberties.²

The emphasis on fundamental domestic freedoms suggested a liberal logic of promoting democratic norms in Indo-Pacific societies, in part by challenging Westphalian sovereignty and the norm of non-interference. The emphasis on preventing coercion suggested a realist logic of curbing Chinese influence, potentially by accommodating illiberal regimes rather than seeking their reform.

The latter logic has tended to prevail as the members of the “Quad”

(Australia, India, Japan, and the United States) have implemented their respective national policies and strategies in the Indo-Pacific. This reflects the challenges of promoting human rights while seeking to strengthen strategic ties in a region home to an array of mostly illiberal or semi-authoritarian regimes. As one important illustration, Vietnam was invited to the first meeting of the “Quad Plus” in 2020 alongside South Korea and New Zealand. Although Quad members continue to put rhetorical emphasis on building a region “anchored by democratic values,”³ the inclusion of autocratic Vietnam would seem to betray the Quad’s greater focus on constraining China. US policy has followed a similar pattern. President Donald Trump generally downplayed human rights in Southeast Asia. Trump applauded Philippine President Rodrigo Duterte’s ruthless “war on drugs” despite mounting evidence of myriad extrajudicial killings, for example, and said little about human rights during his 2017 trip to Asia. In an October 2018 speech, Vice President Mike Pence made clear that the US priority was to confront China. Like the preceding administration of President Barack Obama, the Trump administration dealt gingerly with human rights concerns in key US strategic partners such as Vietnam, Thailand, and Singapore. The Trump

administration did impose sanctions for human rights abuses in Cambodia and Myanmar, two countries long subject to US criticism, but even those sanctions were tempered by concerns about driving Naypyidaw and Phnom Penh further into China’s embrace.

The administration of President Joe Biden pledged to elevate values in US Asia policy but has struggled to do so while pursuing closer strategic partnerships. The Biden administration has doubled down on sanctions against Myanmar, demanding an end to repression and the release of political prisoners. In neighboring countries, however, US criticism has been more restrained. Deputy Secretary of State Wendy Sherman raised human rights issues with Cambodian Prime Minister Hun Sen in July 2021, for example, but bundled that message between concerns about strategic Chinese investment and the need for the US government to work with Cambodia as the latter assumes the 2022 ASEAN chair. Senior US diplomats also have expressed human rights concerns to Thailand and Vietnam, but substantive engagement reflects more continuity than change from the Trump administration’s approach. In December, the Biden administration was flayed for inviting Duterte to its “summit for democracy” alongside just two other ASEAN member states, Indonesia

and Malaysia (the latter represented by its second consecutive unelected government). Singapore, a crucial US strategic partner, was excluded, adding to the general unpopularity of the initiative across Southeast Asian capitals. Similar challenges have induced caution in Canberra, Brussels, and elsewhere.

Japan also backed away from Abe's initial plan to prioritize values-centric diplomacy as Southeast Asian misgivings became apparent. Notably, the 2019 "ASEAN Outlook on the Indo-Pacific" refers in passing to "good governance" but lacks any explicit reference to democracy or human rights.⁴ Japanese lawmakers and the administrations of Yoshihide Suga and Fumio Kishida have decried Chinese human rights violations in Hong Kong and Xinjiang, but they have been less assertive in advancing rights protections in Southeast Asia. Japan has condemned the Myanmar coup and subsequent repression but was slow to suspend new aid programs and quietly has worked to build a relationship with the governing junta, mindful of countering Chinese influence.⁵ Japan also has been quiet on the Rohingya crisis, refrained from joining sanctions against Cambodia, and otherwise kept a low regional profile on human rights promotion.

Within ASEAN, important counter-currents are apparent. The abuses in

Myanmar prompted an unprecedented move in October 2021, when the other nine members excluded junta leaders from a virtual summit hosted by Brunei. More recently, some Southeast Asian governments declined to attend an ASEAN foreign ministers meeting when they learned that Cambodia, the Association's current chair, planned to invite Myanmar's foreign minister to attend.⁶ Indonesian, Singaporean, and Philippine officials have demanded more progress before Myanmar is brought back into the fold, and the ASEAN Parliamentarians for Human Rights, a network of national legislators, has flayed Cambodian Prime Minister Hun Sen for reaching out to Myanmar military chief Min Aung Hlaing and seeking to draw Myanmar back into ASEAN. Yet no ASEAN member has an interest in expelling Myanmar, which would likely propel it toward China, and most are reluctant to set precedents of strong and sustained collective action to address domestic governance failures. In general, ASEAN member governments are less concerned about human rights than the effects of disunity and discord on regional stability and the organization's external influence. These factors help to explain why ASEAN members have not moved beyond diplomatic shaming to level sanctions against Myanmar.

In sum, international politics in

Southeast Asia and the surrounding Indo-Pacific region are evolving mostly in a manner that exacerbates the difficulty of advancing human rights. These currents are neither insuperable nor irreversible, but they are likely to endure for some time to come. If Southeast Asian human rights conditions are to improve markedly in the years ahead, this analysis suggests that local movements are likely to be the primary drivers. That is often the case even in more favorable international environments, and one important policy implication is the need for continued investment in social development and local civil society organizations even as high-level international politics appear less conducive to positive change. ■

Dr. John D. Ciorciari

Dr. Ciorciari is an associate professor and director of the Weiser Diplomacy Center and International Policy Center at the Gerald R. Ford School of Public Policy, University of Michigan. He is the author of *Sovereignty Sharing in Fragile States* (Stanford University Press, 2021) and co-editor with Kiyo Tsutsui of *The Courteous Power: Japan and Southeast Asia in the Indo-Pacific Era* (University of Michigan Press, 2021).

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Notes

¹ Address by Prime Minister Shinzo Abe at the Opening Session of the Sixth Tokyo International Conference on African Development, Nairobi, Kenya, 27 August 2016, <https://www.mofa.go.jp/>.

² Michael Pompeo, “America’s Indo-Pacific Vision,” US Mission to ASEAN, Washington DC, 30 July 2018, <https://asean.usmission.gov/>.

³ “Quad Leaders’ Joint Statement: “The Spirit of the Quad,” White House, 12 March 2021, <https://www.whitehouse.gov/>.

⁴ “ASEAN Outlook on the Indo-Pacific,” Association of Southeast Asian Nations, 23 June 2019, <https://asean.org/>.

⁵ Teppai Kasai, “Japan Plays a Diplomatic Double Game on Rights in Myanmar,” Human

Rights Watch, 2 December 2021, <https://www.hrw.org/>.

⁶ Siti Rahil, “ASEAN May Face Bigger Challenge On Myanmar Under Cambodia’s Chair,” *Asia Times*, 22 January 2022,

<https://www.japantimes.co.jp/>.