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The Claims of the ASEAN to Human Rights and Democracy: What Role for Regional Civil Society?

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Summary
Reacting to the devastating effects of the Asian financial crisis of 1997/8, the Association of Southeast Asian Nations (ASEAN) has recently increasingly embarked upon a range of reforms aiming at greater regional integration. At the same time, the various states and societies in Southeast Asia have undergone complex political, economic, and social transformations that have led to greater levels of democratization and more empowered civil society actors, as well as new elites. Consequently, the ASEAN leadership has come under both internal and external pressure to become more inclusive in its decision making and to adopt not only greater economic liberalism but also the political dimensions thereof, of which human rights, democracy, and civil society are all essential features. These principles have gradually been included in ASEAN's regional governance architecture. This article focuses on the role of regional civil society (RCS) in this process of transformation, especially regarding the incorporation of human rights into the normative core of ASEAN. Unlike the criticism that has been spread dismissing RCS as a weak and negligible force due to the authoritarian inclination of ASEAN states, I argue that RCS has actually consistently developed its capacity to shape human rights regionalism in ASEAN. I conclude that RCS exerts always productive power and sometimes also compulsory power — thereby formulating a different regional identity discourse in ASEAN, specifically one that is human rights-conforming. However RCS is indeed weak in terms of institutional and structural power, and thus there is still a long way to go before it becomes a fully empowered actor in the policymaking and political processes of ASEAN.

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Introduction

> [There is] a shift in how people perceive democracy in this region. The public is demanding greater engagement in the process of government and decision making. The older order of letting Southeast Asian governments rule without any accountability to the people is unravelling. Unfortunately, ASEAN still trails behind other regions in this area.

To this conclusion arrived Roshan Jason, from the Association of Southeast Asian Nations (ASEAN) Inter-Parliamentary Myanmar (Burma) Caucus, when analyzing the ongoing political turmoil in Thailand since the first military coup in September 2006 and the subtle power shifts taking place within the political parties' landscape of Malaysia unraveled by the general election of March 2008 *(*Macan-Markar 2008). His observation inspires this article's analysis of the developments taking place in ASEAN since the early 2000s. Specifically, the paper looks at efforts toward forging a new project of regional integration that, at least in principle, includes human rights norms, abides to democratic principles of participation and accountability, and, last but not least, recognizes regional civil society (RCS) as a legitimate and necessary partner in regional community building.

While RCS's growth and engagement with national and regional human rights agendas has been an outcome of domestic democratization and societal transformation in all of Southeast Asia (Case 2015; Croissant 2011), this dynamic also originally received a boost from ASEAN's plans to enhance economic integration — and thereby catalyze economic growth — in the aftermath of the Asian financial crisis. This reorientation has also implied revising, at least to a certain extent, ASEAN's former economic thinking on state-led development in favor instead of a (neo)liberal political economy for the region — an approach that, paradoxically, is in disagreement with RCS's own views. This division between political and economic liberalism has led RCS and ASEAN elites to, respectively, wanting one but resisting the other. Furthermore, external pressure and normative diffusion processes constitute the third of the ingredients — along with domestic transformation and a change of economic paradigm — that have led to the alleged "liberal-democratic" turn in ASEAN's regionalism.

The paper foremost investigates the role of RCS in the process leading to the institutionalization of human rights protection, and the promotion thereof at the regional level that ASEAN has since embarked upon. Asking whether RCS is a regional agent in the field of human rights and democracy promotion as well as what kind of agency it displays if so are relevant questions for assessing ASEAN's commitment to human rights norms and to building a "people-oriented" regional community. At the same time, RCS can be seen as a catalyst and guarantor of any progress made in democratizing and instilling regional governance with human rights standards in Southeast Asia (Hughes 2004). Both the nature and level of RCS's regional agency in the field of human rights and democracy are telling

indicators of how far and how well ASEAN has fared thus far with its "democratic turn".

That assumption is supported by the theoretical literature on democratization (Baker 2013; Edwards 2011; Mercer 2013; Warren 2011) in the national context, which identifies as an important factor for both the transition to and consolidation of democracy the existence of a vibrant, organized, liberal civil society. I thus contend that what it is held true for the domestic framework can also be applied to regional dynamics, albeit with the conditions and modalities of operation for civil society at the regional level being considerably different from those at the domestic one. Since the problem of civil society's role in regional setups (Peou 2014, 2015; Rodan 2010; Scholte 2015) is, at least in non-European regions, more recent than the debates about the nexus between domestic democratization and civil society are, the question also requires attention to be given to the theoretical and conceptual grasp of the notion of a RCS, and furthermore its agency. For this the article turns to IR constructivist explanations of "normative change" in ASEAN as well as to conceptualizations of civil society's relationship to democratization in the Southeast Asian context. Drawing on insights from these two bodies of work, I argue that RCS in ASEAN has certainly evolved into a regional actor in the field of human rights and democracy — albeit one that occupies a weak position in terms of the regional configuration of "institutional and structural power" (Barnett and Duvall 2005: 52–54). Nonetheless ASEAN's RCS has still successfully carved a discursive and mobilizing space for itself, building up agency at the levels of "compulsory and productive power" (Barnett and Duvall 2005: 49–51, 55–56).

The discussion proceeds in four steps: The article first turns toward theory, in order to conceptualize RCS's role in ASEAN's opening up to human rights norms. Section Two then places ASEAN in the context of the "old" and "new" regionalism, pointing out the main geopolitical and ideational challenges that have shaped ASEAN's practice of regional politics from the Cold War years up to the point of its embarking upon regional reforms. The analysis highlights the contradictions inherent in ASEAN's dealing with human rights, democracy, and RCS, linking them to the fragmentation of the ASEAN political elite. This fragmentation has had implications for both the political space and for the strategies available to RCS in its interaction with ASEAN on these matters. Section Three takes up the issue of "political space," presenting the process of emergence of a RCS landscape in ASEAN. It traces the gradual maturation of non-state actors and arenas in ASEAN over time, and that in spite of the attempts made by ASEAN states to control and divert its influence. Despite these obstructions, some RCS actor networks have functioned as human rights norm socializers — bringing the idea of a regional human rights mechanism closer to the thinking of ASEAN state actors. In Section Four I show that RCS has primarily played the roles of critical observer and watchdog during the drafting of the ASEAN Charter, the negotiation of the ASEAN Intergovernmental Commission on Human Rights (AICHR), and the drafting of the

ASEAN Declaration on Human Rights (ADHR). In doing so, RCS has developed an alternative regional identity discourse within ASEAN — to which human rights belong in a more unambiguous way than ASEAN's official position would have us believe. The conclusion reflects once more on the political and theoretical implications of RCS's engagement with human rights, democratic practices, and the carving of participatory space for people in ASEAN.

Theorizing RCS as regional human rights agency

In terms of a theoretical take on the issue of normative change in ASEAN, there is no unified position or fixed explanatory framework at present. Rather, the conceptual field is quite fragmented — displaying disagreement and a conceptual heterogeneity that prioritizes one level of analysis or set of factors over others. While theoretical approaches vary in their explaining of current developments in ASEAN by reference to either systemic (international) or domestic factors, as well as by taking a rationalist/instrumentalist versus a sociological/constructivist view of the process, they do all eventually converge toward a similar conclusion. ASEAN's turn to human rights, democracy, and people-oriented community-building is a deeply ambivalent — as well as unfinished — business. In general, ASEAN's capacity to genuinely change is regarded with various degrees of distrust. Sociological institutionalism has so far dominated explanations of why ASEAN has begun talking of human rights, democracy, civil society, and regional community-building in the way that it has done — namely by institutionalizing nothing else than a persistent "rhetoric–action" gap (Davies 2013a, 2014b). Within this framework, ASEAN's liberal-democratic turn is driven by the logic of appropriateness — according to which they wish to be accepted as legitimate members, with corresponding identities, of the global community (Katsumata 2009: 627). However since this logic implies that ASEAN also needs to internalize both these liberal norms and a liberal-democratic identity, a situation for which there is no ultimate empirical evidence, the concept of "decoupling" has been used by scholars drawing on sociological-institutional analyses of ASEAN to explain how the gap between commitment and implementation comes about (Jetschke 2009; Jetschke and Rüland 2009). The main shortcoming of this approach is its state-centeredness, with its linking of the entire evolution of ASEAN's liberal turn uniquely to states while also fully bracketing non-state actors on the ground that, in ASEAN context, states are the most important actors.

However sociological institutionalism has also inspired the rise of analytical models, such as "the norm cascade," seeking to explain global norm diffusion in the field of human rights (Finnemore and Sikkink 1998). Accordingly, transnational and domestic nongovernmental organizations (NGOs) wield pivotal agency in norm diffusion by linking up global normative culture to domestic constituencies. Notwithstanding the limitations of this approach, it conceptualizes one important

role that RCS may play in its local setting and specifies the conditions under which RCS might be successful with it. Provided that human rights have become part of the regional political culture, RCS can use these circumstances to morally entrap ASEAN's political elites if they transgress the new rules — even independently of whether ASEAN states have only embraced a human rights rhetoric in order to meet their external strategic interests and not due to any genuine belief in its appropriateness. In this case, RCS acts as critical observer and watchdog and adopts the strategy of "blaming-and-shaming" toward ASEAN for not living up to its claims.

Social constructivism — with its focus on the longitudinal analysis of change over time, in *longue durée* cycles, and on linking structural change to micro-level interaction processes, embedding the interests and identity constitution of actors — inevitably stands out as the most optimistic approach among all of the possible ones that could be adopted. Even within this field, however, there is considerable variation between constructivist analysis of normative and identity change based on the logic of arguing and communicative action — within which civil society as the agent and arena of debate are very important dimensions (Risse 2001) — and those focusing instead on norm localization — especially those tracing the interests and identity formation of regional actors at the domestic level (Acharya 2009; Rüland 2014). While the former stream points at the transformative potential of non-state actors, specifically through the discursive production of alternative knowledge and interactive/argumentative strategies that aim at changing the preferences of the ASEAN leadership, the latter stream conversely arrives at pertinent explanations for the limits to normative change in ASEAN. This it explains as being due to deeper structures of meaning and regionally reified political ideas that are not supportive of progressive, essentially foreign, human rights and democracy norms.

In the first case, RCS takes on the roles of norm socializer and creator of alternative human rights discourses. RCS thus constitutes reflective and argumentative agency, directly shaping the regional identity discourse of ASEAN and performing a collective identity that conforms to human rights norms. As such, even if RCS cannot influence policymaking its role is still a relatively strong one as it is able to define what ASEAN is/ought to be, or not — thereby negotiating the discursive ground for its collective identity. Depending on the openness of its counterparts, RCS can practice either rhetorical argumentation or moral persuasion in order to advance its normative positions.

Finally, as long as RCS agency is driven by or caught up in the logic of norm localization it can neither function as a watchdog that pressurizes ASEAN to be consistent with its human rights claims nor can it play a persuasive/argumentative role in the move toward the consolidation of ASEAN's commitment to human rights. In this case, RCS is not only a weak regional human rights agent but also is a completely irrelevant one — because its endeavors do not serve to create or sustain a

genuine human rights agenda for the region. Instead, RCS functions as a legitimizer for ASEAN's pseudo-commitment to human rights norms in front of an external audience. In this case, RCS thus is either an invented tool, manipulated by ASEAN elites that are not genuinely in favor of human rights, or is mistakenly using the language of human rights only so as to attain other illiberal or nonpolitical goals.

I have so far shown three theoretical pathways to conceptualizing the role of RCS as regional human rights agency in ASEAN. The manner in which these various roles manifest is directly related to the notion of power. Therefore, I argue it is useful to think about the ways in which the influence or power of RCS in the field of human rights is exerted in ASEAN against the backdrop of the taxonomy of power conceptualized by Barnett and Duvall (2005). This taxonomy attempts to integrate in a comprehensive framework the various forms, levels, and types of resource through which power manifests in international politics. It thus distinguishes specifically between compulsory, institutional, structural, and productive power. Compulsory power is defined as direct control over another, which uses for that material as well as symbolic and normative resources. Non-state actors exert this kind of power when engaging in blaming-and-shaming behavior toward ASEAN elites not conforming to their own human rights claims. Institutional power meanwhile enables control over socially distant others. In this case, RCS possesses the capacity to decide over institutional arrangements and agenda setting and to influence outcomes by relying on such institutional rules and mechanisms. Structural power, alternatively, manifests as the direct and mutual constitution of the capacities and intersubjective understandings of the actors involved. For RCS it manifests in its self-understanding as a liberal-democratic civil society (or any other self-definition for that matter), and whether this structural position places it on the weak or strong side of a relationship of domination. Productive power is, lastly, conceptualized as the production of subjects through diffuse social relations. This type of power generates knowledge and constitutes identity (subjects) specifically through discursive processes.

The final facet of the conceptual framework deals with the conditions empowering RCS and enabling it to acquire regional agency. Meredith Weiss (2015) proposes three categories for the different factors impacting upon civil society's capacity to induce political change: the nature of the collective identity shared by RCS; the nature of the political elites with whom RCS has to interact; and, the political space available to RCS. The next three sections will thus empirically analyze the extent to which, and in what ways, these conditions have hitherto been present at the regional level of ASEAN and whether they have empowered RCS when it comes to advocating human rights issues. Moreover, the empirical analysis will also show which of the three conceptualized roles of RCS are at work and what kind of power explains RCS's influence, if any, in the field of human rights.

From "old" to "new" regionalism in ASEAN: Elite fragmentation

ASEAN is one of the oldest regional organizations of the Global South, being finally established in 1967 after several prior attempts to institutionalize regional relations in Southeast Asia had failed. The systemic factors largely shaping the philosophy of ASEAN at this early stage were: the common struggle to come to terms with the colonial legacy; the Cold War era dividing up of the global system; and, the subsequent resistance against communist expansion. The domestic factors herein stemmed from the pressures to realize independent and stable nation-states, to enable socioeconomic development (thereby addressing the core welfare expectations of the masses), and to deal with scattered internal conflicts nurtured by the poverty as well as ideological, religious, and cultural divisions inherited from the former colonial societies and further exacerbated by Cold War geopolitics. Moreover, a regionally dispersed array of bilateral conflicts between neighboring states in Southeast Asia (Ganesan and Amer 2010) constituted another driver for creating regional frameworks for interstate elite socialization and interaction. The particular way in which the ASEAN leadership interpreted these factors led to a specific conceptualization underlining ASEAN regionalism — one focusing on "regional autonomy and resilience" as a corollary to each respective nation's too (Weatherbee 2009).

Emerging out of ASEAN's old regionalism came a consolidated regional diplomatic culture (Haacke 2003) characterized by a set of overarching norms and principles. These existed alongside procedural rules, unanimously labeled the "ASEAN Way," that constituted the ideational apex of the ASEAN regional collective identity (Busse 2000). At the same time, this normative core of ASEAN has been often dismissed in the scholarly debates (Jetschke and Rüland 2009; Weatherbee 2009) as having led to weak institutions, nonbinding arrangements, and informality — along with networking and relationship building as the dominant modes of regional interaction (Ba 2009). As elsewhere, states and a limited circle of people belonging to those government's elites were the sole drivers of old regionalism (Fioramonti 2015). Nevertheless ASEAN's own variant of the latter was distinct from the European one, as ASEAN states were overtly authoritarian, partly dominated by military or technocratic elites, while their political economies were also plagued by cronyism and patron–client relations (Felker 2004; Rodan et al. 2006). Unlike in Western Europe's old regionalism, democratic legitimacy and accountability hence played no role in ASEAN's first decade of existence.

With the end of the Cold War, and under the dynamics of neoliberal globalization (Axford 2013), the distinct historical phase of new regionalism (Hettne et al. 1999) sprang up across the globe — challenging particularly ASEAN to reconsider its current approach to regional cooperation. The 1990s thus were a time of soul searching and adaptation by ASEAN to a deeply changing international system and ongoing domestic societal and political transformation. The most visible move made

by ASEAN in the 1990s was the expansion of the organization to the Northeast Asia countries — Vietnam, Cambodia, Laos, and Burma/Myanmar (VCLM). This policy of enlargement has substantially complicated the problem of human rights change in ASEAN (Beeson 2004; Radtke 2014). Although, on the surface at least, Southeast Asian states appeared to remain in control of their societies and their regional as well as international environments, by the end of the 1990s it became obvious that change was on its way in Southeast Asia. The literature on ASEAN often recalls the Asian financial crisis of 1997–1998 as being the starting point for a process of transformation that would alter domestic politics — with ASEAN's political economy leading to closer financial and monetary ties with East Asia — and the ideational content of ASEAN regionalism (Collins 2015: 93). Since 2003/2004 ASEAN has thus embarked upon regional reforms (see Vision 2020, Bali Declaration Concorde II, and the Vientiane Action Programme (VAP)) that have contradicted previous official positions taken in ASEAN (Davies 2013b). For example, although the European Union (EU) has always been rejected as a viable model of regional integration for ASEAN to follow the latter's new institutional design along three "Communities" are inevitably reminiscent of the institutional templates developed in the framework of the European integration process (Jetschke 2009). Similarly, ASEAN's aim to achieve a common market and production base by the end of 2015 coincides with the earlier market and economic integration steps undertaken by the EU (Jetschke and Murray 2012; Murray and Moxon-Brown 2013).

Central to this article's focus is the sudden talk of human rights and democracy that came to be heard in ASEAN circles, as for instance from Thai and Filipino elites in the aftermath of the Asian financial crisis. Such demands were even more outspoken within RCS itself hereafter, which increasingly forged new transnational discursive and activist arenas (Gerard 2013; Gomez and Ramcharan 2014b; Manea 2009). After a regime change in 1998 Indonesia's new political, epistemic, and civil society elites decisively joined forces with other supporters of human rights, democratic, and participative procedures in ASEAN. Moreover the emerging RCS has started to advocate for an "alternative regionalism" (Chandra 2006, 2009), defined by the existence therein of "bottom-up" channels of communication and the inclusion of societal actors in regional policymaking processes. Strikingly enough considering the previous opposition demonstrated by ASEAN states to international human rights and democracy ideas, within no more than a decade these very norms and practices were being incorporated as new principles — as laid down in the ASEAN Charter (2007), in the creation of the AICHR (2009) and in its Terms of Reference (ToR), and in the first ever ADHR (2012), summarizing ASEAN's terms of engagement with human rights (Langlois 2012). In a similar vein, ASEAN declared that has cemented its ties with civil society (ASEAN Charter, Article 11).

All these innovations hence may be interpreted as new policy thinking in ASEAN, a shift that can also be observed in the blueprints laid down for the aforementioned

ASEAN Communities that will intensify regional integration in the economic (AEC, 2007), political-security (APSC, 2009), and sociocultural (ASCC, 2009) fields. Singapore, Indonesia, and the Philippines were their proponents, indicating the distinct regional agenda that each of these countries has (Collins 2015: 93). Indonesia, the Philippines, and Thailand have together lobbied the rest of ASEAN to recognize human rights, democratic practices, and RCS as legitimate constituent parts of regional politics. The repeated military overthrow of democratically elected civilian governments, occurring in Thailand since 2006, has tarnished that country's role though. These setbacks have, nevertheless, been to a certain extent compensated for by its vociferous civil society and quite active prodemocracy movement. Malaysia and Cambodia have — along with, on occasion, Thailand — occupied the middle ground between the "reformers" and "status quo" states (Davies 2013c). In the outright opposition corner line up Singapore, Brunei, Laos, Vietnam, and Myanmar (at times also joined by Cambodia), with these countries objecting to such substantive and procedural innovations occurring in ASEAN (Collins 2015: 98; Hadiwinata 2008: 9; Nesadurai 2012: 173).

These different positions reflect the variations in the respective domestic situations of the ASEAN countries and the different patterns of state–civil society relations therein too (Alagappa 2004). Singapore's leadership has thus far been the only one among the old ASEAN member states to be successful in perpetuating an authoritarian domestic political environment despite — or perhaps due to — its economic strength. In contrast to other ASEAN states, Indonesia and the Philippines have made relative progress in terms of consolidating their democratic political systems, overtaking both Thailand and Malaysia on this front. Cambodia is, in this sense, a borderline case, as a young, fragile and flawed democracy born out of the ashes of the deepest domestic political crisis witnessed by an ASEAN country. Laos and Vietnam meanwhile are still ruled by communist parties that, similar to the Chinese Communist Party, have embarked upon economic reforms — therein engineering hybrid market economies that have led, at least in Vietnam's case, to economic growth. As with Singapore and Brunei, Vietnam and Laos have not hitherto signaled any interest in boosting democracy, human rights, and a free civil society in any way whatsoever. The political opening up of Burma/Myanmar in 2012 and the progress made there toward civilian rule and democratization since then represents by far the most positive development in the region thus far — and the least expected. As ASEAN Chair in 2014, Burma/Myanmar played a positive role in the organization of the civil society meeting held in Yangon — with it enjoying an unexpectedly high level of participation from both national and regional organizations (Rother 2014: 3; Wai 2012; Bangkok Post 2013).

The different positions of ASEAN's member states have also impacted RCS's choice of strategies in targeting authoritative actors and influencing ASEAN's decision making. Furthermore, in the transition from old to new regionalism ASEAN's leadership has become more heterogeneous — leading to elite

fragmentation, a development that has decisively enhanced the ability of RCS to influence the regional human rights agenda.

RCS gaining regional political space for human rights advocacy

When contemplating the development of RCS in Southeast Asia since the advent of new regionalism, three stages can be distinguished: the 1990s, 2000–2009, 2010–present. Time analysis is important; more accurately, capturing specifically RCS's emergence and engagement with regional practices and human rights in ASEAN and hence avoiding static descriptions thereof (Zajak 2014). Of interest here is not only the tracing of the changing dynamics of RCS but also its gradually increasing engagement with human rights and democracy norms within ASEAN.

The 1990s: Seeking space and a voice

During the 1990s Southeast Asia's civil society was fragmented along intranational lines, and had virtually no organizational space and little say at the regional level. Equally, RCS networks, collective campaigns, and consensus on specific issues were nonexistent at the regional level in the Southeast Asia of the time. Moreover, the intersection of RCS activity with human rights and democracy issues at the regional level first began in the 1990s — specifically due to a UN international human rights review, which led to the Asian Regional Conference on Human Rights in Bangkok in 1993. As a result, a first collective position by Asian RCS on international human rights was subsequently formulated. While recognizing the universality and relevance of human rights norms, many Asian civil society representatives aligned with their governments' view that: Western interpretations of human rights were not fully suitable to Asian societies; the West had no moral right to preach to Asians on the question of values due to its colonial past; and, the prioritization of rights was necessary in Asia due to the region's developmental gap with the West (Foot 1997). However there were also non-state actors in Southeast Asia who considered liberal civic and political human rights important for their regional peers.

Out of these dynamics a first regional nongovernmental network emerged — known as the Regional Working Group for the Establishment of Regional Human Rights Mechanisms (RWGHR), a coalition of human rights scholars, public intellectuals, activists, parliamentarians, and even governmental actors from across Southeast Asia — for the purpose of lobbying ASEAN to institutionalize human rights at the regional level. RWGHR was also comprised of national groups in Indonesia, Malaysia, the Philippines, and Thailand, with Cambodia later also joining in too (Langlois 2012). Unlike ASEAN-ISIS — established in 1988 as the main ASEAN

Track Two actor[2] — RWGHR was initially disconnected from government circles. Its challenge thus was to gain access to and recognition from the ASEAN leadership, which only first began to materialize in the early 2000s in connection with ASEAN's own gradual reorientation. RWGHR was officially recognized by ASEAN in 1998, and has always been mentioned in ASEAN official positions since then. Paralleling the efforts of the RWGHR, ASEAN-ISIS came up with two initiatives on advancing human rights and civil society participation in ASEAN. In 1994 it launched the annual ASEAN Informal Colloquium on Human Rights (AICOHR). The second project meanwhile was concerned with the creation of the ASEAN People's Assembly (APA) — which after some years of opposition from ASEAN eventually started in 2000 — to support RCS's organizational participation. The counter-rhetoric of RCS during the 1990s was rather oriented toward Western states and the international financial institutions leading the globalization charge, judged as harmful to people on the ground (Chandra 2009: 1), and less toward the ASEAN leadership itself.

2000–2009: Seeking internal consensus, freedom, and influence

In response to ASEAN's new regional projects, civil society in the region increasingly began to target ASEAN as a relevant counterpart for addressing the critical policy dimensions of economic, political, and security regionalism. Additionally, they were active in the fields of environment, social, labor, women, and migrants' protection. APA provided for the first time the opportunity to do this. First short interface meetings between APA–RCS representatives and ASEAN took place in 2006 in Manila, and then again in Cebu in 2007. The organizers of APA mostly had to rely on external donors for its funding, with ASEAN contributing only marginally to operational costs — thereby showing its disinterest in supporting RCS on the ground. While both projects of ASEAN-ISIS — AICOHR and APA — were successful in providing space for dialogue, networking, and interaction between ASEAN-ISIS, RCS, and to a lesser extent the ASEAN leadership, they nevertheless did not enable civil society to participate in policymaking processes. Instead, ASEAN constantly attempted to regulate non-state actors' participation by: directly or indirectly (through ASEAN-ISIS) controlling the institutional arenas; deciding who could or could not be invited to participate therein and to deliver public speeches; selecting the persons who would be accepted to the interface with ASEAN; ASEAN-ISIS agenda setting; and, deciding to withdraw its participation from some of these meetings whenever the pressure from RCS became too intense (Gerard 2014b: 131-133). Notwithstanding ASEAN-ISIS's closeness to the elites, the network has definitely played a very significant and progressive part in the

2 ASEAN-ISIS is a network of institutes of international and security/strategic studies from ASEAN countries, playing an advisory function to ASEAN and its policy-making, especially on issues pertaining to security and international cooperation.

discursive transformation of ASEAN's security agenda away from realist military affairs toward a comprehensive, softer agenda that also comprises nontraditional and human security. This has offered the ideational ground, inviting human rights to be considered a necessary part of regional security. As a matter of course a shift from the securitizing approach of the 1990s to seeing international human rights norms as a potential source of intraregional instability and as neocolonial tactics by the West became possible, as a result of human rights being increasingly framed as part of the solution to regional security and not a source of regional instability (Tan 2011: 164).

In parallel to APA, the ASEAN Center at Universiti Teknologi Mara (UiTM) in Shah Alam organized the first ASEAN Civil Society Conference (ACSC) at the request of the Malaysian government that would be the host of the ASEAN Summit in 2005 (on this, see the contribution of Stefan Rother to this volume as well). A short meeting between ACSC representatives and ASEAN leadership was enabled by Malaysia which was criticized behind closed doors by ASEAN "hardliners" for pursuing this initiative in the first place. Although it was meant to be a one-off event, ACSC actually continued to hold meetings up until 2009 thanks to the new coalition formed by RCS — named Solidarity for Asian People's Advocacy (SAPA), and comprising the Asian Forum for Human Rights and Development, Asian Partnership for Development of Human Resources in Rural Asia (AsiaDHRRA), Focus on the Global South, and the Southeast Asian Committee on Advocacy (Hadiwinata 2008: 12). SAPA was formed in Bangkok in February of 2006 (Caballero-Anthony 2014: 66), and played in ACSC a similar role to that of ASEAN-ISIS in APA — with the difference that it had no formal ties with ASEAN, and would, therefore, be less susceptible to being manipulated by the latter.

This second phase of RCS's self-discovery process was also defined by the strong competition between different RCS networks, such as ASEAN-ISIS, SAPA, and AsiaDHRRA. They were all competing for legitimacy and credibility within the RCS landscape, in terms of being guaranteed freedom and nonintervention from ASEAN while, at the same time, demonstrating the ability to successfully engage with ASEAN officials on regional policies (Nesadurai 2012: 167). Moreover, throughout this phase RCS had developed a comprehensive agenda mostly focusing on nonsecurity issues — human rights and environmental protection, democracy promotion, and poverty alleviation — and on individual rather than state security (Hadiwinata 2008: 11).

RCS advocacy during this phase was heavily centered on human rights, demanding strong institutional provisions, a separate court for human rights, and full compliance with international standards hereon. Overall interaction within APA and ACSC enabled RCS to develop a sense of regional purpose and collective consciousness, and furthermore to formulate an "alternative program" to the ASEAN neoliberal regional integration project (Chandra 2006, 2009). This alternative spirit was also expressed by independent human rights NGOs, such as

Forum Asia, Focus on the Global South, and Third World Network, either individually or as part of SAPA's working group on ASEAN — that alongside the activities of the Southeast Asian Women's Caucus on ASEAN and RWGHR with regard to regional human rights plans (Davis 2013b; Ginbar 2010; Tan 2011). In 2000 RWGHR formulated a first "Draft Agreement on the Establishment of the ASEAN Human Rights Commission," which was then presented to ASEAN — it invited the group to meet for the first time with ASEAN foreign ministers in July 2001. However, ultimately not much real progress was made during this meeting.

This made it obvious to RWGHR that the successful socialization of ASEAN states into the idea of regional human rights mechanisms would have to start out with less ambitious goals than those that had been laid down in the aforementioned draft agreement. The group continued to meet yearly, exploring less ambitious ways by which the advancement of regional human rights in ASEAN could be achieved without abandoning altogether the idea of a regional human rights commission or even a court — with these to be realized at some point in the future through the incremental alignment therewith of the ASEAN states. RWGHR thus adopted ASEAN's evolutionary and consensual approach in producing its "Roadmap for an ASEAN Human Rights Mechanism" in 2003 at its third workshop in Thailand (Tan 2011: 171). Since 2001 the strategy of the RWGHR vis-à-vis interaction with ASEAN has consequently avoided engaging in open confrontation or provocation, attempting instead to even dialogue with the opponents of ASEAN regional human rights mechanisms. The underlining argument has been that the existence of such mechanisms would provide the organization with a more prominent voice within the international system, thereby making it possible for ASEAN states to present their own views on human rights to a global audience and to create home-based regional standards and oversight mechanisms. This line of argumentation proved to be in resonance with ASEAN's own internal thinking on the matter. Consequently many of RWGHR's proposals were incorporated into ASEAN's own documents, as for instance in the VAP (Davis 2013b).

However the most significant opportunity to influence ASEAN thinking on regional human rights support emerged at the 11th ASEAN Summit in Kuala Lumpur in 2005, when ASEAN announced that it would be drafting an ASEAN Charter. RWGHR and other RCS organizations began to interact first with the Eminent Persons Group (EPG) and afterward with the High-Level Task Force (HLTF), continuing to work on the ASEAN Charter throughout 2006 and 2007. A provision on an ASEAN human rights body was eventually included in the charter. From July 2008 to July 2009 RCS human rights advocacy would target the High-Level Panel (HLP) responsible for working out the ToR of the agreed human rights institution, which were finally approved in October 2009. Although the RCS was not directly involved in the process of devising the AICHR, it had initiated debates of its own on the necessity of creating a strong AICHR. Both RCS individuals and RWGHR members could through formal and informal channels socialize their ideas on the

need to design an AICHR, albeit the scope of their persuasive attempts was ultimately rather limited. The influence of RWGHR became so uncontested during this second phase that it almost received a Track Two status in the field of human rights (Tan 2011:167), similar to ASEAN-ISIS's aforementioned one in the arena of security and international relations. This might have rendered it harder for the group to have a transformative impact on ASEAN's human rights policy mindset in future, which in turn also invited the question of who had been socializing whom during this process. With the creation of AICHR, the second phase of human rights activism and the rise of an organized RCS came to an end — marking an important era of progress with respect to the presence of non-state actors in the public sphere of ASEAN, at least at the discursive level.

Since 2009: Critical voices and being a watchdog

In 2009 ASEAN-ISIS decided to close down APA under pressure from the RCS movement, coagulated in the form of ACSC and SAPA, which generally distrusted ASEAN-ISIS's endorsement of the neoliberal economic policies of ASEAN. ASEAN-ISIS saw its objective as having been achieved, namely enabling RCS to organize itself and to participate in ASEAN affairs. Moreover at the fourth ACSC in 2009, RCS decided to rename ACSC the ASEAN People's Forum (APF). The latter now continues the work started by APA in 2000 and ACSC in 2005 (Nesadurai 2012: 167; for a detailed analysis of APF and ACSC, see also the contribution by Stefan Rother in this volume). The degree of freedom APF enjoys depends on the "progressiveness" of the current host country, which once more proves how elite fragmentation has worked to enhance RCS capacity. Nonetheless it can be safely argued that ASEAN as a whole still distrusts civil society, with it only accepting the latter's expertise on nonpolitical, technical, and grassroots issues (Nesadurai 2012: 174).

A similar observation can be also made with regard to AICHR, which represents the main institutional symbol around which much of the human rights advocacy work has been revolving ever since its creation in 2009. AICHR's TOR decided that the intergovernmental commission would be headed by the ASEAN state chairing the organization, which renders AICHR heavily dependent on either the progressive or resilient human rights agenda of ASEAN states (Tan 2011: 160). Thus AICHR is more likely to be assertive when headed by Indonesia, the Philippines, or Thailand and less so when other member states take over the ASEAN chair. Another impediment to AICHR's assertiveness is consensual decision making, thereby deferring unsolved matters to ASEAN's foreign ministers for resolution. Furthermore the placing of AICHR under the first pillar of ASEAN Community, namely the APSC — thus answering directly to ASEAN foreign ministers, in contrast with the RCS participatory channels that come under the third pillar, comprising ASCC — reduces the chances of RCS being able to directly influence

AICHR. At the same time, recognizing human rights as a political and security matter and not only as a functional, technical, and apolitical dimension of ASEAN regionalism also represents progress considering ASEAN's earlier apprehension about human rights.

The independence of AICHR from narrow or vested political interests could still have been reached outside the ToR's framework of regulation, if the appointment of each country representative to AICHR was open and inclusive. Indonesia and Thailand were the only countries organizing an open selection process and nominating representatives from civil society with substantial experience in the field of human rights, namely Rafendi Djamin and Dr. Sriprapha Petcharamesree. Another striking example was Malaysia's nomination of Muhammad Shafee Abdullah as chairman of AICHR in spite of RCS's criticism of him on the grounds that he was the main prosecutor in the sodomy conviction of the opposition leader Anwar Ibrahim (New Straits Times 2015). In spite of the fact that AICHR's focus is more on the promotion and less on the protection of human rights, RCS has started including the latter in its anticorruption and human rights abuses campaigns. Several petitions on recent persistent human rights abuses have been filed with AICHR by Indonesian, Filipino, and Laotian human rights groups, even though the commission has no formal duty or capacity to investigate individual or group petitions let alone to sanction member states (Langlois 2012: 219). Nevertheless, this shows how fast and consistent national and regional human rights NGOs were in sizing up the new opportunities brought about by AICHR's emergence. Briefly, AICHR's philosophy and practice remain a combination of progressive and resilient ideas and practices, of both a liberal-democratic and ASEAN Way inspiration. This is true also for ADHR, the major project of AICHR during its first mandate. Much hope of improvement arises from prospective future revisions made to the TOR, possible every five years.

In sum, RCS has increasingly gained political space in ASEAN — that has rendered possible the articulation of alternative discourses and the interaction with ASEAN elites on the institutionalization of human rights at the regional level. A continual attempt being made by ASEAN "status quo" and "hardliner" states and elites to water down RCS participation is also observable. As Gerard (2014) writes, ASEAN tries to control RCS by regulating this political space — a strategy well known from the similar domestic practices of the respective states (Weiss 2015).

RCS as watchdog and critical agency: ASEAN Charter, AICHR, and ADHR

Civil society involvement in intraregional engagement with human rights has thus been sustained by the existence of organized dialogue and interaction within APA, AICOHR, RWGHR, ACSC, and APF. These arenas have created venues for communication among nongovernmental actors themselves and between them,

ASEAN-ISIS, and ASEAN itself. SEACA, for instance, was quite influential in coordinating consultations between the RCS sector and the HLTF involved for one year in the drafting of the ASEAN Charter (adopted in Singapore, in December of 2007) (Koh et al. 2009). Initially, RCS perceived this as a rare opportunity for advocacy and activism on human rights. However the positive mood soon gave way to a rather disillusioned attitude among RCS, which, at the third ACSC in Singapore in 2007, negatively commented on both the final draft of the ASEAN Charter and the failed HLTF attempts to interact with RCS (SEACA 2007). In response, "a group of more than 160 representatives of civil society organizations from countries in Southeast Asia have launched a process of drafting an ASEAN People's Charter that would challenge the state-initiated ASEAN Charter" (SEACA 2007). This was done in order to make apparent the ideal charter that people had in mind, and the mechanisms of interaction between ASEAN and civil society that people expected to be created (Wanandi 2007). The ASEAN Charter was especially criticized for laying down a government-centric ASEAN and institutionalizing the old values of consensus and noninterference, central to the ASEAN Way — as well as being detrimental to the effective operation of a regional human rights system in ASEAN (Atan and Abdullah 2008: 2; Chavez 2007). A further criticism of the charter targeted the lack of clear mechanisms for ensuring transparency and participation, thus failing to recognize engagement and interaction with non-state actors and RCS as a central dimension of the organization. The SAPA working group on ASEAN labeled the charter: "A disappointment [since] it is a document that falls short of what is needed to establish a people-centered ASEAN" (Lawansiri 2008). A further critique dealt with the charter's failure to provide any mechanism for independent scrutiny, even one unconnected to RCS.

Moreover RCS was particularly worried about the legitimization of the continuous use of ASEAN's existing values, norms, and principles, including old views of "Asian values" (Chandra and Djamin 2007). The mentality of ASEAN leaders who saw only a sociocultural role for civil society actors and who refused to include the latter on the political and policy levels of decision making and policy formulation was a strong disappointment for the non-state actors involved. Due to the lack of mechanisms for enforcement, civil society argued that the charter would not be helpful in solving situations like the one occurring in Myanmar. As such, ASEAN would likely face serious problems emerging from the gap between the formal commitment to human rights and actual human rights violations on the ground, which ASEAN was currently powerless to stop (Hasibuan 2008).

Similar criticism from civil society was directed between 2007 and 2009 at the design and mandate of AICHR, which was put under the framework of the ASEAN Political-Security Community. RCS, however, has seen the direct subordination of AICHR to ASEAN foreign ministers as an attempt by governments to diminish the leverage that RCS ultimately has over AICHR's activities, policy initiatives, institutional design, and future development. Instead, the commission's "toothless-

ness" was secured by leaving it in the firm hands of "status quo-oriented" political elites (Rathgeber 2014).

RCS was also dissatisfied with the text of the ADHR, the most important achievement of the AICHR to date. RCS hardly received any access to the drafting of the declaration, contrary to previous consultations on the ASEAN Charter. Already at the time of its drafting, RCS asked ASEAN to review the ADHR. They argued against ambiguous statements suggesting that rights should be "balanced" against individual responsibilities and be "subject to national and regional contexts" as well as considerations pertaining to "different cultural, religious, and historical backgrounds" (Davies 2014a). Many critics saw in the text of the ADHR too many "loopholes" potentially allowing ASEAN and its varied political systems to ignore or even legitimize human rights abuses (Mizzima 2012). For instance, Am Sam Ath from the Cambodian rights group Licadho explained that the ADHR was so broadly formulated because there were significant political differences between the respective ASEAN states. Nay Vanda from the Cambodian rights group ADHOC saw deficiencies in the ADHR as being the result of the insufficient and inadequate inclusion of civil society groups in the process of its formulation. His view was shared by most NGOs, which agreed that the process had lacked transparency (Zakariya and Lipes 2012). Yet the Thai prime minister at that time, Mrs. Yingluck Shinawatra, referred to the ADHR as an "evolving process" (Bangkok Post 2012) implying that the declaration, similar to the ASEAN Charter, was the outcome of an intraregional compromise — primarily among elites.

RCS's critical review of the ASEAN Charter, AICHR, and ADHR led non-state actors to hold alternative views on the place of human rights and democracy in ASEAN, thereby bringing them into opposition with most of the ASEAN leadership. Indonesian human rights groups, for instance, asked the country's parliament to push for a more effective human rights body: "Our parliament must push ASEAN to have an ideal human rights body, one which will be legally binding and one which can impose sanctions on countries which violate human rights" (statement by Haris Azhar from Kontras, an Indonesian human rights NGO, quoted by Chew 2007: 28). Civil society activists thus saw in an ASEAN human rights body an additional channel through which to have the possibility to fight against human rights impunity in their own countries: "This is what the people of Indonesia want as they are very frustrated with all the unresolved violations of the past" (Chew 2007: 28). According to civil society, a binding human rights mechanism would have provided an added legal base from which campaigners could defend and uphold democracy and human rights in the region. In a nutshell, ADHR was dismissed for its low standards and for providing space for the legitimation of human rights violations. Indonesia was especially criticized by NGOs for agreeing to subscribe to such weak provisions.

Apart from interactions over the ASEAN Charter, AICHR, and ADHR, RCS furthermore constantly criticized ASEAN's constructive engagement with Burma/Myanmar. This became increasingly pointed from 2007 onward, suggesting that the time of the strict practicing of ASEAN's noninterference and "no finger-pointing" modi operandi had passed:

> The soft approach of constructive engagement towards Myanmar adopted by ASEAN has not born fruit. It is time to take a tougher stance. The Myanmar junta should put its house in order and make conditions secure and conducive for refugees to return home without fear, and also institute measures and confidence to enhance and boost trade links and investments from European and Western countries into ASEAN (Deva 2010).

Moreover, RCS has begun to surveil the activities of national human rights commissions. For instance the director of Suaram, a Malaysian human rights NGO, Dr. Kua Kia Soong, portrayed the Malaysian Human Rights Commission as a weak, state-controlled institution that "has not lived up to our expectations" (Tan 2001). On the other hand, ASEAN national human rights commissions have also developed greater assertiveness since the 2000s. This has been demonstrated, for instance, by the Malaysian Human Rights Commission's advocacy of the people's right to peaceful assembly and by its criticism of the government's decision to detain several opposition activists under the Internal Security Act, publicly interpreted as a violation of human rights — which triggered strong disagreement from the Malaysian government.

Similarly, in response to the political protests on the streets of Bangkok in 2010 the Thai representative to AICHR, Dr. Sriprapha Petcharamesree, one of the founders and leading members of the RWGHR, wrote in an open letter to the Thai government that: "The Abhisit government has seriously breached its commitments made during the campaign for its seat on the UN Human Rights Council on May 13, 2010" as well as "The International Covenant on Civil and Political Rights" to which Thailand adhered in 1996 (Bangkok Post 2010a). AICHR also publicly pressured the Thai government to stop its violent suppression of red shirt protesters, organized under the United Front for Democracy against Dictatorship (UFDD) (Bangkok Post 2010b).

From the late 2000s right up to the present day, political tension has continued to plague not only Burma/Myanmar (Pederson 2007; South 2008) and Thailand, but also the domestic politics of the rest of the ASEAN member states as well (Peerenboom et al. 2006; Weatherbee 2009). RCS has also grown in stature with these ongoing tensions. It has consequently become increasingly more articulate and staunch in its critique of the ASEAN states' policies of repression and lack of accountability.

Conclusion

This article has investigated the role of RCS in ASEAN with regard to the development of a regional framework for the promotion and protection of human rights in Southeast Asia. It has asked what roles the RCS has assumed, which conditions enabled it to play these roles, and what kind of power RCS has manifested while exercising its regional agency in the field of human rights. In Section Two, four types of role — critical observer, watchdog, norm socializer, and creator of alternative discourses (anchoring representations of regional identity inclusive of human rights) — have been identified in the theoretical literature on norm diffusion and normative change in ASEAN. Furthermore, the exercise of these roles has been linked to a more nuanced conceptualization of power in international politics elaborated by Barnett and Duvall (2005), captured by three analytical dichotomies: material vs. ideal, coercive vs. persuasive, agency vs. structure. The remaining three chapters have empirically analyzed the roles of RCS against the conceptual framework laid down in Section Two.

Notwithstanding the progress for human rights that the ASEAN Charter, AICHR, and ADHR signal for the symbolic level of Southeast Asian regional politics, they have ultimately been the result of a political compromise made between highly heterogeneous and partly conflicting interests. RCS has also indirectly participated in the negotiation of this compromise by interacting with ASEAN elites, and has furthermore intellectually contributed to the debates surrounding these negotiation processes. Nevertheless, this has led somewhat to weak and contested regional human rights mechanisms that have heavily disappointed RCS's original expectations. In my reading this is, however, not evidence in support of the argument about the weakness of RCS but rather is indicative of its high standards, which is good news indeed for Southeast Asia.

Furthermore, genuine interest in interacting with civil society also remains low in many ASEAN states — mainly because they fear that RCS's demands for human rights and democratic practices undermine the principle of nonintervention, which they value highly (Hadiwinata 2008: 9). Similar to human rights, the formal acceptance of RCS in several ASEAN documents remains essentially only symbolic in nature. ASEAN states have, rather, repeatedly attempted to restrict and regulate (Gerard 2013, 2014a, 2014b) the impact and activities of civil society organizations and networks in order to marginalize and keep low their leverage over ASEAN regionalism and its human rights commission. ASEAN states undertaking certain means to weaken RCS should not, however, be taken as indicative of a weak civil society in the region. ASEAN transnational civil society has shown continued resilience while struggling to retain relevance and the freedom to pursue alternative forms of collective action, as well as to prove the legitimacy of its political demands and personnel. Once more, in my eyes this speaks for RCS's robustness in Southeast

Asia despite the still authoritarian — and, in some countries, corrupt — political institutions on the ground there.

The analysis has also revealed that RCS has acquired not only institutional and political experience and expertise in dealing with ASEAN, but also a "reflective" quality in its approach to regional affairs. This has been enabled by the conducting of independent research and the production of critical, alternative knowledge that can challenge and unmask the structures of power entailed by ASEAN official policies (Chandra 2009: 4; Nesadurai 2012: 173). Furthermore it has developed a higher degree of autonomy and independence in relation to ASEAN track two diplomacy, represented by ASEAN-ISIS — and, hence, ASEAN itself. Yet RCS at large has not been able to influence the final outcome of the ASEAN Charter, AICHR, and AHRD, although it has actively strived to convince the ASEAN leadership to adopt high standards of human rights protection and to develop effective institutional mechanisms for their supranational implementation regionwide. The only exception to this is RWGHR, which by adopting a strongly nonconfrontational approach has shielded itself off from public debates and external donors in order to gain the trust of ASEAN elites. RWGHR has also calibrated its advocacy strategies and policy contents to ASEAN's pace and depth of acceptance vis-à-vis regional human rights. However this has led to the normative and political opening up of ASEAN leadership toward human rights and democratic practices, in spite of the instrumental reasons underlying why many ASEAN state actors accepted them.

Consequently RCS has grown tremendously in the past fifteen years, assuming a range of roles in ASEAN intraregional interactions on the creation of a regional system of human rights promotion and protection. RCS has hence played the role of a critical observer and watchdog, a human rights norm socializer, and a creator of alternative discourses pertaining to the relationship between universal human rights and Southeast Asia's cultural particularism. The role of watchdog and critical instance has been especially shown in Section Four. When performing these roles, RCS has constantly engaged in blaming-and-shaming behavior in connection with the ASEAN Charter, AICHR, and ADHR every time the decisions taken by the ASEAN leadership did not mirror liberal-democratic standards vis-à-vis human rights. RCS has also gone up against the weak institutionalization of human rights due to the norm of noninterference in the domestic politics of member states and the exclusion of RCS from this institutional framework; these circumstances have denied it the right and political space for developing agency in the field of institutional power. Furthermore, RCS has consistently exposed those practices of ASEAN governments that involve the abuse of human rights on the ground.

These types of action by RCS have explicitly exposed the inconsistency between ASEAN's claims to democratize regional governance through human rights, accountability, and grassroots participation and their concrete actions. When doing

this, RCS has exerted compulsory power over ASEAN because it has directly tried to alter the latter's policy. One could argue that RCS's critical stance has not produced any concrete effects so far and, by extension, that no compulsory power has been at work, since ASEAN has not improved yet the design of its regional human rights institutional mechanisms and has also not modified the problematic statements on human rights in the ADHR. The latter remind one more of the "Asian values" debate than of international human rights norms. But this kind of strategy requires time to work, as its effectiveness is closely conditioned by the "thickness" of the normative context. This implies that human rights are embraced not only by the political establishment but even more so by broad social forces within Southeast Asian societies, a situation that if true would increase pressure on political elites to deliver consistent human rights policies and institutional procedures.

At the same time, RCS has also acted as norm socializer — especially from the 2000s onward, with it directly engaging ASEAN as a whole and creating alliances with open-minded and relatively receptive circles within the ASEAN elites in order to persuade them to develop regional human rights mechanisms. The persuasive strategies employed by RCS have relied upon both instrumental and normative/moral arguments, depending on the particular orientation of the counterpart being engaged with. As such RCS has not always been confrontational in its dealing with the ASEAN leadership on the matter, but has actually often adapted to the ASEAN Way in order to be able to enter into dialogue and interact with ASEAN elites. As a norm socializer, RCS has certainly achieved an important result — namely weakening the previous regional consensus of the ASEAN leadership, according to which human rights are foreign to Southeast Asia, destabilizing, and an impediment to further economic development. Obviously, their persuasiveness could not extend so far as to generate an unconditional and strong commitment to international human rights norms on the part of the ASEAN elites — RCS has still a long way to go in this regard.

For the sake of fairness, I also deem it necessary to point out that civil society's capacity to shape policies and political decisions is limited in its directedness and time effectiveness even in consolidated democratic frameworks, as testified to by plenty of examples from the EU and United States. This state of affairs is caused by the fact that civil society occupies a structurally weak position even when communication channels to formal institutions do exist, as in democratic settings, thus restricting its leverage to those roles that RCS in the Southeast Asian context have themselves also increasingly developed. Therefore, I conclude that when assessing RCS's degree of influence in Southeast Asia in the field of human rights it should not only be compared to ideal standards of performance but also to past dynamics of RCS in ASEAN. This means that one should ask how much and what kind of regional civil society was there in ASEAN and Southeast Asia during the 1990s or the Cold War. Such a diachronic approach can give a more accurate picture

of whether or not, and if so what kind of, improvement has taken place over time in the regional dynamics of civil society activism in ASEAN.

This article thus contends that the above roles or functions assumed by RCS have played — and still continue to do so — a central role in the development of democracy at the national and regional levels of ASEAN, that in spite of their relative lack of visibility in comparison to RCS's still restricted capacity to influence and coauthor policy within ASEAN. The reason why RCS's ASEAN-related performance is generally qualified as weak or nothing more than "a nuisance" in the eyes of the ASEAN authoritarian leadership partly stems from the diffuse ways in which productive power gradually shapes social reality. Increased institutional mobilization by RCS and its articulation of alternative human rights and democracy discourses have nevertheless led to the dislocation of the previous ASEAN monolithic "self", one centered on state preservation and conservative political values, impetuses that certainly have the potential to fuel further political changes in the region in the years ahead.

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