

# The Role of the Asean Intergovernmental Commission on Human Rights (AICHR) in Protecting Human Rights Related to the Coup Conflict in Myanmar

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## Abstract

*The political crisis led to a military coup conflict that forced the Myanmar people to take action. The role of the ASEAN Intergovernmental Commission on Human Rights as an integral ASEAN organization is expected to be the spearhead in the protection of human rights in ASEAN. This writing uses a normative juridical approach, is descriptive in nature, using a qualitative approach. The research uses primary and secondary legal materials. Furthermore, data analysis was carried out using qualitative analysis methods with descriptive analysis (exposure). AICHR's role in protecting human rights in the midst of the Myanmar coup conflict is also considered ineffective, this is because AICHR's ToR is still very limited. The need to revise the AICHR ToR to enlarge the scope of enforcement and protection of human rights in ASEAN, one of which is by incorporating the doctrine of Responsibility to Protect (R2P) in order to allow AICHR's steps to intervene in countries that commit human rights violations.*

## Keywords

AICHR; ASEAN; human rights; Myanmar



## I. Introduction

Human rights (HAM) are rights that humans have solely because they are human. Humanity has it not because it was given to it by society or based on positive law, but solely based on its dignity as a human being. In this sense, even though everyone is born with a different skin color, gender, language, religion, culture and nationality, they still have these rights.

The enforcement of human rights in the international framework is carried out by the United Nations (*United Nation*) based on Article 1 paragraph 3 of the United Nations Charter which states: “*To achieve international cooperation is solving international problems of an economics, social, cultural, or humanitarian characters, and in promoting and encouraging respect for human rights and for fundamentals freedoms for all without distinction US to races, sex, languages, or religions*”. The implementation of human rights enforcement through the United Nations is carried out by an institution under the United Nations, namely the *Commission on Human Rights* to prevent human rights violations that occur in the territory of UN member states.

In essence, everyone is obliged to respect the human rights of others, because every human rights that a person has creates a basic obligation and responsibility to respect the human rights of others in a reciprocal manner. In addition, the State represented by the Government is obliged and responsible for respecting, protecting, upholding and advancing human rights. The government's obligations and responsibilities include effective implementation steps in the legal, political, economic, social, cultural, national defense and

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security fields, and other fields. Everyone gets guaranteed protection to exercise their rights, this is the obligation of every country to guarantee the implementation of the rights of its citizens.

Violence against Myanmar's anti-coup demonstrators continues to receive international attention and condemnation. "The President of the General Assembly and the President of the UN Security Council also expressed support for ASEAN including the implementation of the *five points of consensus* from the ASEAN *Leaders Meeting* held in Jakarta last April 2021. The five consensus results from the ASEAN Summit are; violence in Myanmar must stop immediately, there must be dialogue to constructively seek a peaceful solution, ASEAN will facilitate mediation, ASEAN will provide humanitarian assistance through the AHA *Center*, and there will be a special ASEAN envoy to Myanmar.

The presence of a human rights mechanism in Southeast Asia has long been the dream of the people who are members of the *Association of South East Asia Nations* (ASEAN). If viewed from history, the dream has started since the end of World War II along with a shift in norms in international relations where one of the most prominent is human rights norms. The 2007 ASEAN Charter has provided impetus for the establishment of an ASEAN human rights body. In the preamble (*Preamble*) of the 2007 ASEAN Charter which has been agreed upon, ASEAN countries are mandated to comply with the respect and protection of human rights and fundamental freedoms. Thus, the establishment of an ASEAN human rights body is something that must be done in realizing the goals and principles of ASEAN. The ASEAN Charter brings ASEAN member countries in an effort to protect human rights by establishing a regional human rights body. Article 14 of the 2007 ASEAN Charter states that in accordance with ASEAN's objectives to promote and enhance the protection of human rights and fundamental freedoms (*fundamental freedoms freedoms*).

As a form of ASEAN's recognition of Human Rights in efforts to protect and promote Human Rights in ASEAN, the ASEAN Charter through Article 14 of the ASEAN Charter then mandates ASEAN to immediately establish an ASEAN Human Rights Agency. Article 14 of the ASEAN Charter states that:

*"(1) In conformity with the purposes and principles of the ASEAN Charter relating to the promotion and protection of human rights and fundamental freedoms, ASEAN shall establish an ASEAN Human Rights Body. (2) This ASEAN Human Rights Body shall operate in accordance with the terms of reference to be determined by the ASEAN Foreign Ministers Meeting."*

After undergoing various long processes, the ASEAN Heads of State/Government officially declared *ASEAN Intergovernmental Commission on Human Rights* (AICHR) which was formed in 2009 as an implementation of the mandate of Article 14 of the ASEAN Charter on ASEAN Human Rights Bodies at the 15th ASEAN Summit which was held in Cha-Am Hua Hin, Thailand. The ASEAN Human Rights Commission/AICHR is expected to be the new spearhead of the promotion and protection of human rights in ASEAN.

Various reports related to human rights confirm that the practice of intimidation, violence, and brutality that occurred and was carried out by the Myanmar military is still ongoing today. With the existence of AICHR, ASEAN people who experience human rights violations can fight for their rights at the regional level. This is expected to create a situation where the perpetrators of human rights violations cannot escape legal action at the regional level with the existence of the ASEAN human rights body. The role of AICHR

can be used as an instrument for upholding human rights in the ASEAN Region, especially with the coup conflict that occurred in Myanmar.

Based on the background that has been stated above, the formulation of the problem to be researched is the role of ASEAN *Intergovernmental Commission on Human Rights* (AICHR) in an effort to protect human rights related to the coup conflict in Myanmar. The purpose of this research is as input for relevant stakeholders in making a policy on internal conflicts, especially in ASEAN countries that are in accordance with the human rights perspective so that they can protect the ASEAN community from human rights violations committed by ASEAN countries.

## II. Research Method

In this research and writing, a normative juridical approach is used, descriptive in nature, using a qualitative approach. The research uses primary and secondary legal materials. The primary legal materials intended consist of: International Conventions on the Protection of Human Rights, the ASEAN Charter, *Terms of References* AICHR. Secondary legal materials are materials that provide an explanation of primary legal materials such as: books, articles, scientific works and research results that are relevant to the object of this research and writing.

Data analysis was carried out using qualitative analysis methods with descriptive analysis (exposure). The descriptive qualitative analysis used in this study gives consideration that this research is not only intended to reveal or describe the data collected as it is, but the existing primary legal materials and secondary legal materials will be checked and rechecked to find the midpoint and accuracy of opinion. so as to produce a temporary conclusion or the results of existing research.

## III. Results and Discussion

### 3.1 Historical Formation ASEAN *Intergovernmental Commission on Human Rights* (AICHR)

ASEAN (*Association of South East Asian Nations*), which means the Association of Southeast Asian Nations, is a regional organization formed by the five Southeast Asian countries, namely Indonesia, Malaysia, the Philippines, Singapore and Thailand with the signing of the ASEAN Declaration or the Bangkok Declaration by the five Ministers of Foreign Affairs of these countries on 8 August 1967 in Bangkok. Economic growth is still an important goal in a country's economy (Magdalena and Suhatman, 2020). The Bangkok Declaration stated that ASEAN was established with the aim of laying solid foundations for regional cooperation efforts in an effort to accelerate economic growth, social progress and cultural development. Equality in membership is one of the principles in this cooperation without compromising the sovereignty of each member state. ASEAN member countries still fully have internal and external sovereignty, while deliberation, common interests, and mutual assistance in the spirit of ASEAN are the main foundations of this cooperation.

After 40 years of the formation of ASEAN, since August 8, 1967, ASEAN now has the ASEAN *Charter* (ASEAN *Charter*) which is used as its constitutive basis.officially *Charter* signed at the 13th ASEAN Summit in Singapore on 20 November 2007. For its effectiveness, the ASEAN *Charter* in Chapter XIII Article 47 paragraph (2) mandates all ASEAN member countries to sign and ratify it in accordance with their respective internal mechanisms. (*This charter shall be subject to ratification by all ASEAN Member*

*States in accordance with their respective internal procedures*). On 15 December 2008, the ASEAN Charter was ratified by 10 ASEAN countries and Indonesia was the last country to ratify the ASEAN Charter, namely through Law Number 38 of 2008 dated 6 November 2008. With the ratification of the ASEAN Charter by all ASEAN members, the ASEAN Charter is valid and binding (*consent to be bound*) for all ASEAN countries and furthermore this association of Southeast Asian countries has become an intergovernmental entity and organization that has legal personality (*legal personality*) separately.

Matters related to human rights in ASEAN countries began with the consensus that was generated in the Vienna Convention with the signing of the Vienna Declaration and Program of Action Was taken by all ASEAN countries in 1993. In the same year, ASEAN countries issued a Joint Communiqué (*Joint Communiqué*) which expresses their collective views on human rights and their commitment to respect them as set out in the Vienna Declaration. At the Joint Communiqué, ASEAN also agreed to coordinate in order to achieve a common approach (*common approach*) regarding human rights and to actively participate in the implementation of promotion and protection (*and protection*) of human rights, as well as the need to think about the establishment of an appropriate regional human rights mechanism. Furthermore, in the Vientiane Action Program (VAP) in 2004 – 2010 which contained a strategy to build an ASEAN community, which was based on 3 pillars, namely the Political and Security, Economic, and Socio-Cultural Pillars, human rights cooperation emerged as part of political development in the community. Politics and Security. Then, at the 12th ASEAN Summit in Cebu, Philippines in 2007, ASEAN adopted the Declaration on the Promotion and Protection of the Rights of Migrant Workers (*ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers*). A year later in 2008, the Committee for the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers or *ASEAN Committee on the of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW)* was formed, as mandated by the Declaration, with the task of establishing a legal instrument for the promotion and protection of the rights of migrant workers. ASEAN Charter which was ratified by 10 countries namely Brunei Darussalam, Cambodia, Indonesia, Laos (Lao PDR), Malaysia, Myanmar, Philippines, Singapore, Thailand and VietNam on 15 December 2008 became the constitutional basis for the formation of the Intergovernmental Human Rights Commission. ASEAN (AICHR). The charter, article 14 instructs ASEAN, in this case the ASEAN Minister of Foreign Affairs, to establish an ASEAN human rights body. of Reference (*Terms of Reference*) The AICHR was adopted at the 14th ASEAN Summit in Phuket, Thailand on 20 July 2009. Finally, in October, the AICHR was inaugurated at the 15th ASEAN Summit on 23 October 2009 in Hua Hin, Thailand.

Furthermore, the latest document on ASEAN's commitment to protecting and upholding human rights in ASEAN, namely the ASEAN Human Rights Declaration through the Phnom Penh statement on 18 November 2012 on the occasion of the 21st ASEAN Summit in Cambodia. The ASEAN Human Rights Declaration (AHRD) was prepared by AICHR based on the mandate given in accordance with the *Terms of Reference* AICHR point 4.2 which was agreed by the Ministers of Foreign Affairs in 2009. The ASEAN Human Rights Declaration is a manifestation of ASEAN's commitment to promote and protect human rights in the region as stated in the ASEAN Charter and because there is no ASEAN document that specifically reflects the commitment of ASEAN member countries in promoting and protection of human rights for its people. So this document is an indispensable guideline in the implementation of regional cooperation in

the field of human rights. With the ratification of the ASEAN Human Rights Declaration (AHRD), ASEAN can be more comfortable and free to talk about human rights enforcement within ASEAN, and thereby encourage ASEAN member countries to respect and promote Universal human rights values.

### **3.2 Vision and Mission ASEAN Intergovernmental Commission on Human Rights (AICHR)**

The establishment of AICHR is a positive achievement in the development of human rights issues in Southeast Asia. Although at first glance it can be seen from the side of the name that this institution is not yet independent enough, this achievement is a significant progress, given the uniqueness of the political situation in this region. *Terms of Reference* (ToR AICHR) agreed at the 42nd ASEAN Foreign Ministers' meeting in Thailand, can be the first step in developing human rights issues in the Southeast Asian region. The establishment of the AICHR is one of ASEAN's efforts for the promotion and protection of human rights in ASEAN and reaffirms ASEAN's commitment to the promotion and protection of human rights and fundamental freedoms as well as the goals and principles set out in the ASEAN Charter, including the principles democracy, the rule of law, and good governance.

ASEAN members recognize the importance of the ASEAN intergovernmental commission on Human Rights (AICHR) as the main responsible institution for the promotion and protection of Human Rights in ASEAN, which contributes to the formation of a people-oriented ASEAN community and as a vehicle for social development and justice progressive development, fulfillment of human dignity and the achievement of a better quality of life for the people of ASEAN.

The AICHR is an integral part of the ASEAN organizational structure, which acts as a consultative and advisory body. AICHR is also an overarching human rights in ASEAN with general responsibility for the promotion and protection of human rights in the ASEAN area. As regulated in *ToR* which states the objectives of the AICHR are:

“(1) To promote and protect the human rights and fundamental freedoms of the people of ASEAN; (2) Upholding the right of the people of ASEAN to live in peace, dignity and prosperity; (3) Contribute to the realization of ASEAN goals; (4) Promoting human rights in a regional context by taking into account national and regional specificities; (5) Enhance regional cooperation to support national and international efforts; (6) Uphold international human rights standards as outlined in the Universal Declaration of Human Rights, the Vienna Declaration of Action and Program and international human rights instruments to which ASEAN member states are parties.”

AICHR has held several meetings, both informal and formal meetings, which are held 2 (two) times a year. At its 2nd formal meeting, AICHR prepared a 5-Year Work Plan and AICHR Priority Program (AICHR Priority Program) / Activities of AICHR 2010-2011. ASEAN Foreign Ministers at the 43rd meeting in Hanoi, Vietnam in July 2010, approved the AICHR Priority Programs/AICHR Activities 2010-2011 and asked AICHR to complete an indicative budget for the AICHR 5-Year Work Plan. With the aspect of protecting human rights as the foundation of AICHR's work, victims of human rights violations are given space to fight for the resolution of their cases at the regional level. AICHR as the ASEAN Human Rights Commission is required to be able to respond to the challenges of security threats that occur, namely human rights violations, by clarifying the settlement method, the practical objectives needed, and a description of what conditions must be realized by all ASEAN member countries. With the aspect of protecting human rights as the foundation of AICHR's work, victims of human rights violations are given

space to fight for the resolution of their cases at the regional level. AICHR as the ASEAN Human Rights Commission is required to be able to respond to the challenges of security threats that occur, namely human rights violations, by clarifying the settlement method, the practical objectives needed, and a description of what conditions must be realized by all ASEAN member countries.

### 3.3 Chronology Conflict Coup d'etat Military in Myanmar

The political crisis that occurred in Myanmar, and especially the violence carried out by the security forces against the pro-democracy masses, has sparked international condemnation. World leaders strongly condemn the deadly actions taken by Myanmar's security forces against peaceful anti-coup protesters. UN spokesman Stephane Dujarric said the use of lethal force against peaceful protesters and arbitrary arrests was unacceptable. A number of Western countries then imposed sanctions, because the military junta's actions against the pro-democracy masses were considered to have exceeded human limits and were contrary to universal human rights principles. The European Union, in fact, will impose sanctions on 11 top Myanmar military officials who were involved in the violence against the anti-coup mob. The chaos has occurred since Myanmar's military, the Tatmadaw, staged a coup or seized power from the country's official government on February 1, 2021. The following is a complete chronology of events that sparked the military coup and massive demonstrations:

**First**, On November 8, 2020, Myanmar's government held elections which were won by the National League for Democracy (NLD) party led by Aung San Suu Kyi. The NLD won 82 percent of the seats contested in the general election. Meanwhile, the *Tatmadaw Union Solidarity and Development Party* (USDP) won just 6 percent of the seats. The Tatmadaw, who had ruled Myanmar for decades previously, started unsubstantiated claims of electoral fraud and staged a coup.

**Second**, according to ALTSEAN-BURMA, an organization that campaigns for human rights and democracy in the ASEAN region with a special focus on Burma, the Tatmadaw deployed tanks and armored vehicles in major cities in Burma on January 29, 2021. Then on February 1, 2021, the Tatmadaw declared a state of emergency, staged a coup in Naypyidaw, and illegally detained Aung San Suu Kyi, President Win Myint, and other NLD party leaders. Commander-in-Chief Min Aung Hlaing, declared himself leader of Burma. The country's internet was reported to have been cut off since 03.00 local time that day. Subsequently on 2 February 2021, the Tatmadaw placed more than 400 elected MPs under house arrest.

**Third**, on the same day as the detention of hundreds of parliamentarians, hundreds of thousands of Myanmar people took to the streets to protest the coup. The Civil Disobedience Movement (CDM) was formed by health workers and civil society. However, Min Aung Hlaing formed the State Administration Council (SAC) to strengthen the junta's power struggle. In order to strengthen its influence in government and suppress protesters, on February 4, 2021 a communications company controlled by the Tatmadaw, *Myanmar Posts and Telecommunications* blocked access to facebook, whatsapp and twitter for three days. Norwegian-owned communications company Telenor also complied with the junta's demands and blocked Facebook.

**Fourth**, since then, the demonstrators have not stopped demonstrating on all corners of Myanmar's streets. Police officers reacted to disperse the demonstrators, including using force. On February 9, 2021, police reportedly shot a resident named Mya Thwe Thwe Khaing in the head during a demonstration in Naypyidaw. The 20-year-old woman died of her injuries on February 19, 2021. As a result of the unrest, more than 300 elected MPs

joined the Committee Representing Pyidaungsu Hluttaw (CRPH) to oppose the junta. However, the Tatmadaw immediately drafted the Cybersecurity Act, which violates digital privacy and free speech, in order to quell existing dissent. At the same time, the Tatmadaw began secret trials for Aung San Suu Kyi and Win Myint, without a defense attorney present.

*Fifth*, According to reports, on February 28, 2021, the police officers' anarchic actions against demonstrators became increasingly out of control and more and more armed vehicles were alerted on the streets. As a result, 18 protesters were killed in one day at the hands of the Tatmadaw. This has angered various human rights institutions. In a joint statement released on Monday 1 March 2021, *Burma Human Rights Network* (BHRN), *Burmese Rohingya Organization UK* (BROUK), *the International Federation for Human Rights* (FIDH), *Progressive Voice* (PV), *US Campaign for Burma* (USCB), and *Women Peace Network* (WPN), said the military's actions had violated human rights.

The political crisis that occurred in Myanmar is of course also a concern for ASEAN, at least this was reflected in the informal meeting of ASEAN foreign ministers in early March. At that time, Indonesian Foreign Minister Retno Marsudi said that all ASEAN members were obliged to carry out the principles and values stated in the ASEAN Charter as a whole, such as non-interference. However, at the same time, respecting and implementing other principles and values in the ASEAN Charter, including democracy, respect for human rights, *good governance*, rule of law, and *constitutional government* is just as important.

### 3.4 Limited Intervention Country ASEAN In Handle Conflict Coup d'etat In Myanmar

In responding to the political crisis in Myanmar, it seems that ASEAN cannot escape the principles and values contained in the ASEAN Charter. One of the principles that is often put forward when a political crisis occurs in one of the ASEAN member countries, is the principle of non-interference (non-intervention). This means that the political crisis that occurs in one of the ASEAN countries becomes the internal affairs of the country concerned, and therefore intervention from other ASEAN member countries cannot be justified. Intervention here is more defined as interfering in the internal affairs of another country, without being asked by a country facing a crisis, because there are certain interests behind it.

*Doctrine of non-interference* is one of the strongest foundations for sustaining ASEAN regionalism. Based on this doctrine, ASEAN can maintain internal relations so as to close the door for military conflicts between ASEAN countries. However, from the point of view of human rights, the doctrine that has been in effect since 1967 is allegedly no longer relevant to the development of human rights which prioritizes the principles of equality and non-discrimination as well as the principle of state responsibility and law enforcement.

The word intervention is often used in general to denote almost all acts of interference by one state in the affairs of another. *“Non-intervention is a foreign principle which holds that political rulers should avoid alliances with other nations, but still retain diplomacy, and avoid all wars note related to direct self-defense. This is based on the grounds that a state should not interfere in the internal politics of another state, based upon the principles of state sovereignty and self-determination. A similar phrase is strategic independence”.*

To reform Myanmar's military is not easy, if it is related to the recent attitude of the military junta which has not shown any desire for reconciliation. On the other hand, the military junta is getting tougher and will sue Aung San Suu Kyi and her group in court, because they are considered to have cheated in the November 2020 election. difficult to engage in dialogue with pro-democracy civil society. Considering the situation and developments like this, it seems that it is not easy for ASEAN to intervene in the framework of overcoming the crisis in Myanmar. The situation above also shows that the principle of non-intervention by ASEAN member countries has not changed the situation in Myanmar.

The military coup and Myanmar's political life leave no room for respect for human rights and democracy, which seems to show that this is an internal matter in Myanmar and does not require interference from other countries. At the same time, the nature of ASEAN's intervention is also limited, ASEAN currently believes that the Myanmar crisis has not had a significant impact on regional stability. However, if attention is paid to ASEAN's wishes, especially through the pillars of its political and security community, then the development of Myanmar's democratic life and the protection of human rights must continue to accept ASEAN's voice and even encourage them to attend. In Myanmar. When ASEAN intervention is ineffective, another solution to the Myanmar crisis might involve the wider international community, including in UN forums.

### **3.5 Role ASEAN Intergovernmental Commission on Human Rights (AICHR) in Effort Protect Right basic Man Related Conflict Coup oni Myanmar**

As an ASEAN intergovernmental organization, AICHR plays the most important role in promoting and ensuring the protection of the human rights of the people of ASEAN member countries. AICHR is an important pillar of ASEAN's progress in the human rights system. Since the establishment of AICHR, the implementation of AICHR's role has experienced many ups and downs. There is still much debate about the effectiveness of the AICHR in ASEAN. Many people think that AICHR is not enough to solve human rights problems in Southeast Asia, because so far what the ASEAN community has wanted is a forum for those whose human rights have been deprived. This is due to the existence of the principle of non-intervention that is held by ASEAN. There have been so many violations and so many reports submitted to AICHR, but out of respect for national sovereignty and the principle of non-intervention, AICHR has no right to follow up on these reports. AICHR's role in following up on the Myanmar coup conflict was limited to retreats (consultation and discussion) with Myanmar. The rest, AICHR only held workshops to discuss human rights violations at the regional level and the implementation of any human rights violations that occurred, especially in each ASEAN country.

Regarding the human rights violations experienced by the anti-coup demonstrators in Myanmar, it should be understood that the AICHR does not authorize the situation in the country. This is because Myanmar is still closed to other countries, including AICHR, for the human rights violations that have occurred, making it difficult for AICHR to deal with them. This is also influenced by the large differences in the development of human rights and democracy among ASEAN member countries.

According to C. De Rover, human rights violations are "any internationally wrongful act committed by a country, and can result in international accountability to that country".

Furthermore, Hassan Wiradjuda explained "that how is it possible for the promotion and protection of human rights in ASEAN to develop if countries still fortify themselves behind the principle of non-intervention. This principle also influences the formulation of the ASEAN *Intergovernmental Commission on Human Rights* (AICHR) which seems



unbalanced between the promotion and protection functions. The political system is still very diverse and AICHER's concern is that it will become intrusive and interfere with state sovereignty, making AICHER's mandate inferior to international legal standards, even national legal standards. As an illustration, Komnas HAM in Indonesia has the sub-authority and functions of investigation and complaints. However, this is not the case with AICHR.

*ToR* can actually be used wisely and strategically to solve sensitive regional problems. For example, Article 4.8 states that AICHR should engage in dialogue and consultation with other ASEAN institutions, including civil society organizations and other stakeholders. This provides an opportunity for proactive representatives to continue dialogue with civil society groups, victims and community organizations. Article 4.10 stipulates that the task of the AICHR is to obtain Information on the promotion and protection of ASEAN member states of Human Rights which provides room for maneuver compiled by ten representatives from each country. Article 4.12 mandates AICHR to prepare thematic studies on issues human rights in ASEAN in charge of seeking information and collecting data from member states on relevant issues. Civil society can use this article together with Article 4.8 to hold consultations to determine thematic issues in ASEAN.

Responding to the crisis of human rights violations that occurred in Myanmar, the humanitarian intervention that could be carried out by AICHR should not violate the political freedom of a country. Intervention actions can be carried out only with the aim of restoring human rights in a country. Every country and its population retains political freedom.

AICHR as a human rights commission in ASEAN is responsible for the promotion and protection of human rights in ASEAN, however, so far the role of AICHR is more dominant in the promotion function, not protection. This could be due to the relatively young age of AICHR compared to other regional human rights mechanisms. Thus, as the only human rights mechanism in ASEAN, AICHR is expected to be able to develop itself so that its existence can be more similar to other regional mechanisms such as human rights mechanisms in Europe, Africa and America.

The principle of non-intervention is the basis for ASEAN member countries not to interfere in the sovereign affairs of other ASEAN member countries and close the possibility of interfering in human rights affairs. The function and role of AICHR as an integral ASEAN organization can be an important actor in protecting and overseeing the enforcement of human rights that occur in ASEAN member countries. There is an alternative for AICHR to still be able to intervene in human rights enforcement issues in the ASEAN region, especially the coup conflict in Myanmar, using or guided by the principle of Responsibility to Protect or *Responsibility to Protect* (R2P) which is one of the international principles promoted by the United Nations, which even allows direct intervention from the state/represented by the AICHR organization if other countries are deemed to have failed and neglected to protect their own citizens from violence that resulted in human rights violations.

R2P is an international principle that was initiated to prevent crimes against humanity such as genocide, war crimes, ethnic cleansing and other crimes against humanity from occurring in a country. If, for various reasons, a country is unable or unwilling to protect its people, then it is the responsibility of the international community to intervene to prevent crimes against humanity.

### 3.6 Mechanism Solution Dispute Right basic Man what can be taken at ASEAN

Dispute resolution is a procedure or procedure for resolving disputes that have occurred between the disputing parties. Dispute resolution consists of dispute resolution in court (national problems), dispute resolution outside the court, namely, arbitration, negotiation, mediation and consolidation. The dispute resolution mechanism, of course, requires several elements that are part of the dispute resolution mechanism, namely, the existence of a regulation in this case regarding human rights rules in ASEAN, mechanisms for resolving disputes and dispute resolution bodies in this case courts such as those in Europe, America and Africa.

The arrangement of the dispute resolution mechanism in ASEAN is contained in the ASEAN Charter Protocol Concerning the Dispute Resolution Mechanism which was stipulated in Hanoi, Vietnam on April 8, 2010 of course referring to the ASEAN Charter Chapter 1 Purpose of Principle Article 2 Principle (d) promoting peaceful dispute resolution and Chapter VIII Settlement Disputes Article 22 (I) Member States shall endeavor to resolve peacefully all disputes in a timely manner through dialogue, consultation and negotiation. (II) ASEAN is obliged to maintain and establish mechanisms in all fields of ASEAN cooperation. Of course, in the case of a human rights dispute, it is one of the objects of dispute that needs to be resolved in the event of a human rights dispute. Where in *Law in Books*, namely the ASEAN Human Rights Declaration (ADHR), AICHR, ACWC, ACMW, referring to the Universal Declaration of Human Rights and the ASEAN Charter by using *Law in Action* is based on the ASEAN Charter Protocol on Dispute Resolution Mechanisms. In the ASEAN Charter Protocol on the Settlement of Disputes, the dispute resolution procedures are, consultation (Article 5 of the ASEAN Charter Protocol on the Settlement of Disputes), goodwill, mediation, conciliation (Article 6 of the ASEAN Charter Protocol on the Settlement of Disputes) and through arbitration bodies (Article 8 of the Charter Protocol) ASEAN Regarding Dispute Resolution).

## IV. Conclusion

The role of AICHR in the effort to protect human rights in the ASEAN region is as a communication forum for ASEAN countries in protecting and tackling human rights cases. Not only that, the AICHR is also a tool for ASEAN member countries to carry out their interests, which in this case is the enforcement of human rights by implementing human rights in a preventive manner and holding conventions on human rights. AICHR as a human rights institution is used by member countries to discuss issues related to human rights issues in their countries. Next, the application of the non-intervention principle also shares the consequences of the weak pressure given by AICHR as the ASEAN Human Rights Commission to member countries in upholding human rights in their countries. AICHR's role in protecting human rights in the midst of the Myanmar coup conflict is also considered ineffective, this is because *ToR* is still very limited. The need to revise *ToR* to enlarge the scope of enforcement and protection of human rights in ASEAN, one of which is by incorporating the doctrine of *Responsibility to Protect* (R2P) to allow AICHR steps to intervene in countries that commit human rights violations.

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